

OPPOSE HB 444 – STAND YOUR GROUND LEGISLATION

HB 444 attempts to amend Idaho’s current justifiable homicide statute and instead introduces controversial “Stand Your Ground” gun law into Idaho Code. This bill would give an individual the right to use deadly force to defend themselves without a duty to retreat from a dangerous situation if the individual believes force is necessary to prevent their death or serious bodily injury. It would also create a presumption that the use of deadly force was reasonably justified for self-defense and would require the state to pay an individual’s legal fees if it was determined that they were unjustly prosecuted under state law.

This bill doesn’t solve an existing problem, but it will create new ones.

- In states like Florida, Georgia and Texas, who have enacted this legislation, justifiable homicide rates have doubled and almost tripled in some cases, and the law has been used to excuse violence in neighbor arguments, bar brawls, road-rage, and even one gang shoot-out.
- This bill would open the door for violent, sometimes fatal, mistakes; unnecessary and avoidable escalation of overheated situations; and vigilantism.

You can’t have due process of law if you’re dead.

- The U.S. and Idaho Constitution guarantee a defendant the right to due process and a fair trial before being deprived of liberty or life. This law would eliminate that long-standing and important protection, particularly in fatal situations.

This bill has the potential to endanger the lives of Black, Hispanic and other Idahoans of color across the state.

- Research has consistently shown that Black people in particular are perceived to be more dangerous than White people.
- Racial disparities are already well established in Idaho. According to the Sentencing Project, Idaho ranks 15th in the country for highest incarceration rates of Black prisoners per capita – despite Black community members only representing .08% of Idaho’s total population. Idaho also ranks 2nd in the country for highest incarceration rates of Hispanic prisoners per capita – despite Hispanic community members only representing 12.3% of Idaho’s total population.
- We should be working to overcome racial disparities in Idaho, not exacerbating them so that Idaho can be a better place for all people who call this state home.