



**Testimony for the House Judiciary Committee
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HB 1309 Criminal Law - Crimes Against Property - Right to Defend Property

OPPOSE

The ACLU of Maryland opposes HB 1309 because it is unnecessary and overbroad.

HB 1309 is unnecessary because under Maryland law, individuals may already protect themselves in their home. An individual, “faced with the danger of an attack upon his/her dwelling need not retreat from his/her home to escape the danger, but instead may stand their ground and, if necessary to repel the attack, may kill the attacker.” *Burch v. State*, 346 Md. 253, 283-84 (1997).

Beyond unnecessary, HB 1309 could lead to tragic results. In 2013, 19-year-old Renisha McBride knocked on a door at 4am looking for help after a car crash. She died from a single shotgun blast to the face.¹ In 2012, Billy Kuch was just a drunk teenager who knocked on the wrong door. The homeowner shot him in the chest because the homeowner “felt threatened.”² HB 1309 encourages people to go beyond our current laws of self-defense and to shoot first and think later, to the detriment of innocent people who may be lost, confused, drunk or in need of assistance.

Finally, the bill up-ends Maryland’s doctrine of self-defense and adds a “stand your ground” provision. In other words, the bill enables – in fact encourages – someone to engage in a fight rather than escaping danger if it is in someone’s power. One need look no further than Trayvon Martin to remember how “stand your ground” laws can go horribly wrong and enable people to hurt others for no justified reason. Furthermore, as we look at our law enforcement’s training in de-escalation and how they can avoid the use of force, it makes no sense to go the opposite direction with citizens.

For the foregoing reasons, the ACLU of Maryland opposes HB 1309.

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¹ <http://www.dailymail.co.uk/news/article-2502396/Rendisha-McBride-Michigan-teen-died-shotgun-blast-face-autopsy-reveals.html>.

² http://www.washingtonpost.com/national/stand-your-ground-laws-coincide-with-jump-in-justifiable-homicide-cases/2012/04/07/gIQAS2v51S_print.html.