

## **CONCERNING HB22-1105: USE OF DEADLY FORCE IN A PLACE OF BUSINESS**

My name is Stephanie Greenberg. I'm submitting this written testimony in opposition to HB22-1105 as a co-chair of Colorado Faith Communities United to End Gun Violence, a multi-faith coalition of 47 congregations working to reduce the deaths and injuries caused by the improper use of firearms. After review and discussion of this bill, CFCU's Advocacy Committee unanimously voted its strong opposition.

I would like to thank the members of the House State, Civic, Military, & Veterans Affairs Committee for this opportunity to express CFCU's position.

### **Summary of HB22-1105**

If this bill became law, an owner, manager, or employee of a business would be immune from criminal prosecution or civil liabilities if he or she used deadly force in a business environment against an intruder under certain conditions.

It would:

1. allow an owner, manager, or employee to use deadly force whenever they have a "reasonable belief" that the intruder has committed a crime in the place of business;
2. allow an owner, manager, or employee to use deadly force if they have a "reasonable belief" that the intruder "might use any physical force, no matter how slight" against the owner, manager, or employee;
3. allow an owner, manager, or employee to use force against the other person if they reasonably believe the other person is attempting to commit theft, criminal mischief, or criminal tampering with property, but may use deadly force only in defense of himself or herself.

### **Why is CFCU opposing HB22-1105?**

- The criterion for use of deadly force is much too low (against an intruder who might use force "no matter how slight").
- The vagueness of the "reasonable belief" standard allows the business owner, manager, or employee to escape liability for the use of deadly force in situations where the decision was not actually based on any objective or realistic fear of harm.
- One's home is often said to be one's "castle," justifying the use of deadly force to defend it, but a place of business is entitled to no such special treatment.
- While all persons already have the right to defend themselves, there should be more accountability for the use of deadly force, not less.
- Businesses have many non-violent options to protect that business from theft or destruction, e.g., installing and maintaining security cameras and alarms, employing security personnel, and/or training personnel in how to defuse situations.
- Traditional self-defense law already protects all persons with a legitimate reason to defend themselves with force.
- This is a Stand Your Ground (SYG) bill.
  - Stand your Ground laws are associated with increases in firearm homicides. A recent study comparing the five years before states began enacting these laws

(2000–2004) to the 13-year period following their enactment (2005–2017), found justifiable firearm homicide rates increased by 55 percent in states that enacted Stand Your Ground, while these rates increased by 20 percent in states that did not have such laws. Marc Levy et al., “Stand Your Ground: Policy and Trends in Firearm-Related Justifiable Homicide and Homicide in the US,” *Journal of the American College of Surgeons* 230, no. 1 (2020): 161-167.e4, <https://doi.org/10.1016/j.jamcollsurg.2019.11.003>

- Stand Your Ground laws have also been associated with an increase in nonfatal firearm injuries resulting in emergency room visits and hospitalizations. Chandler McClellan and Erdal Tekin, “Stand Your Ground Laws, Homicides, and Injuries,” *Journal of Human Resources* 52, no. 3 (2017).
- Stand Your Ground laws have a disproportionate impact on people of color. For example, Stand Your Ground cases involving minority victims are half as likely to lead to conviction, compared to cases involving white victims. Nicole Ackermann et al., “Race, Law, and Health: Examination of ‘Stand Your Ground’ and Defendant Convictions in Florida,” *Social Science & Medicine* 142 (2015): 194-201, <https://doi.org/10.1016/j.socscimed.20>

In conclusion, this proposal has gone down in defeat for 15 previous years, demonstrating that most Coloradoans do not favor the expansion of Stand Your Ground.

On behalf of the 47 faith communities in Colorado that are members of Colorado Faith Communities United to End Gun Violence, I ask you to oppose HB22-1105. Thank you.

House State, Civic, Military, & Veterans Affairs  
 02/28/2022 01:30 PM  
 HB22-1105 Deadly Force Against Intruder At A Business  
 Typed Text of Testimony Submitted

Name, Position, Representing	Typed Text of Testimony
Briston Brown For Self	<p>With the upsurge in violent crimes nationwide due to BLM riots and laxed criminal retention/reformation laws like bail and catch and release, criminals are more emboldened to enact on unlawful theft, armed theft, and property damage against lawful businesses. The police are at limitations to respond quickly and not able to stop these criminals at that immediate moment of these crimes. This greatly impacts small businesses as these crimes of theft, violence, and property destruction/loss that can cost them their business and own personal livelihoods. We need to empower our small businesses to protect themselves and livelihood from these bold criminals that wish to act on unlawful and potentially deadly actions towards them. Feeling bad for them after the fact of the crime and doing nothing to regain their losses while restricting them from being able to act in protection is not a way to help support our Colorado Small Businesses. Give more rights back to our Colorado Small Businesses and support this bill!</p>
Toby Davidow Against Boulder Moms Demand Action	<p>I am writing in opposition of HB-22-1105 Use of Deadly Force and urging you, as well, to reconsider this deadly legislation. Having moved here to Boulder last year from Florida, I know only too well what the outcome has been - and will continue to be - with such legislation to be extended for businesses - and potential innocent victims. It is 10 years since the tragic and senseless murder of Travon Martin. One cannot imagine a life of a parent(s) after one's child has died in such a way.</p> <p>Your decision is critical on this important issue.</p> <p>Thank you,                      Toby Davidow</p>
Carolyn Shepherd Against Self	<p>I urge the Committee to vote against HB22-1105. I am a retired physician and in the 38 years I practiced medicine in Colorado I cared for many patients who sustained debilitating but non-fatal gunshot wounds, mostly from domestic partners but also from strangers. Stand Your Ground immunity has been responsible for acquitting many of these perpetrators. We saw the Trayvon Martin and George Zimmerman conflict play out the worst form of injustice spawned by a Stand Your Ground law in Florida. This same injustice nearly happened in the murder of Ahmaud Arbery in Georgia. I do not want Colorado to be poisoned by a law that currently makes me boycott Florida, Georgia and Mississippi. I do not want more Coloradans to be victimized by Stand Your Ground mindset which results in devastating injuries or murder. Please vote against HB22-1105.</p>

<p>Rionda Osman Against Self</p>	<p>Written testimony submitted to the State, Civic, Veterans, and Military Affairs Committee In opposition to HB22-1105 Deadly Force Against Intruder at a Business Submitted by Rionda Osman, Boulder CO 25 February 2022</p> <p>HB22-1105 Deadly Force Against Intruder at a Business would extend current immunity from prosecution for the use of deadly force. Under current law one is permitted to use deadly force to defend oneself and others from unlawful force and imminent harm. This bill specifically identifies business owners, managers, and employees.</p> <p>Two recent studies on the effect of “Stand Your Ground” laws on violent crime and firearm homicide, cited below, indicate that these laws do not reduce violent crime and probably increase the incidence of firearm homicide.</p> <p>Coloradoans’ rights to self-defense are protected in the current statutes. Asking a person to exercise judgement before using deadly force is not an infringement of those rights. Encouraging retreat when possible is only encouraging de-escalation of potentially dangerous situations.</p> <p>I urge the committee to vote no on HB22-1105 Deadly Force Against Intruder at a Business.</p> <hr/> <p>The Effects of Stand Your Ground Laws, updated 22 April 2020, Gun Policy in America, The Rand Corporation, <a href="https://www.rand.org/research/gun-policy/analysis/stand-your-ground.html">https://www.rand.org/research/gun-policy/analysis/stand-your-ground.html</a></p> <p>Michelle Degli Esposti, Douglas J. Wiebe, Antonio Gasparrini, David K. Humphreys, Analysis of “Stand Your Ground” Self-defense Laws and Statewide Rates of Homicides and Firearm Homicides, Downloaded From: <a href="https://jamanetwork.com/">https://jamanetwork.com/</a> on 02/22/2022 Published: February 21, 2022. doi:10.1001/jamanetworkopen.2022.0077</p>
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Representative,

I am Testifying in support of HB22-1105. Support this proposed legislation, we have witnessed countless times and the numbers show that businesses and owners have been unfortunate targets to violent crime and robbery. These unfortunate circumstances put law abiding good citizens in danger. Why wouldn't we protect people whose second home is at their place of business? This law wouldn't protect criminals it would protect good people from violent criminals whom wish to commit crime and potentially hurt or kill those good people. We have to empower the law abiding good people who make this state great, without them we let the lawless and violent rule the streets. We can make a better change and safer Colorado by helping those who want a safer community protect themselves in their place of business and home. Support HB22-1105.

Regards,

Benjamin O'Loughlin