

April 5, 2024

The Honorable Katie Hobbs  
Governor of Arizona  
1700 W. Washington Street  
Phoenix, AZ 85007

***Re: Veto of HB2843***

Dear Governor Hobbs,

On behalf of the Giffords Law Center to Prevent Gun Violence (“Giffords Law Center”), I write to respectfully request your veto of HB 2843. Led by former Congresswoman Gabby Giffords, the Giffords Law Center has been providing legal and technical assistance in support of gun violence prevention to federal, state, and local legislators nationwide for 30 years. We wish to express clearly that HB 2843 would dangerously expand Arizona’s “shoot first” law which already legalizes the use of deadly force to prevent trespassing on personal property. HB 2843 therefore raises dire public safety concerns for all Arizonans.

**Laws like HB 2843 alter traditional laws on self-defense to permit the unnecessary use of force, including deadly force, in a broader range of situations in public.**

Traditional self-defense laws have long recognized the right to use proportionate physical force to defend oneself and others against imminent violence, with the understanding that lethal force is unjustified if one can safely retreat from a confrontation. This duty to retreat before using violence applied everywhere except in one’s own home, where the Castle Doctrine granted a more absolute right of self-defense.

Unfortunately, over recent decades, a number of states have eroded the laws of self-defense, particularly the duty to retreat in public, through passage of so-called Stand Your Ground (“SYG”) laws. These laws further extend the Castle Doctrine to public spaces, incentivizing armed individuals to escalate confrontations rather than seek peaceful resolutions. The gun lobby has promoted SYG laws and other laws that enable individuals to escape accountability for violence by mislabeling their behavior “self-defense.” Collectively, these extreme provisions are often referred to as “shoot first” laws.

**Independent research has repeatedly shown that “shoot first” laws lead to significantly higher homicide rates and have no deterrent effect on other crimes – in other words, they pose a significant threat to public safety.**

SYG laws have contributed to an 8-11% national increase in monthly firearm homicide rates, with early adopters such as Alabama and Florida experiencing even more dramatic increases of 33 and 30%, respectively.<sup>1</sup>

Based on a meta-analysis published in April 2020, the Rand Corporation recommended that “states with stand-your-ground laws should consider repealing them as a strategy for reducing firearm homicides.”<sup>2</sup> And in February 2020, a member of the US Commission on Civil Rights concluded that “under both the increased deterrence and decrease in homicide policy rationales, Stand Your Ground in practice appears to fail miserably on the national level.”<sup>3</sup>

**SYG laws are also disproportionately wielded against vulnerable and minority communities and in practice, promote racist violence.**

Across the U.S., killings are more likely to be deemed justified in court when the perpetrator is white or the victim is not. Between 2005 and 2011, “justifiable” homicides of Black people doubled in states with SYG laws, while remaining unchanged in the rest of the country.<sup>4</sup> The American Bar Association has publicly opposed SYG legislation based on analysis showing a 350% higher chance of a white shooter being deemed justified if the victim is Black.<sup>5</sup> And across the country, in SYG states, fatal shootings have been ruled justified in 45% of cases with a white shooter and Black victim versus 11% with a Black shooter and white victim.<sup>6</sup>

Hate groups also exploit SYG laws. For instance, leaked chat logs revealed neo-Nazi and white supremacist groups at the 2017 Unite the Right rally in Charlottesville, Virginia, in August 2017, discussed the applicable rules for “shooting and killing people” under the state’s SYG law.<sup>7</sup>

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<sup>1</sup> Michelle Degli Esposti et al., “Analysis of ‘Stand Your Ground’ Self-Defense Laws and Statewide Rates of Homicides and Firearm Homicides,” *JAMA Network Open* 5, no. 2 (February 2022): e220077, <https://jamanetwork.com/journals/jamanetworkopen/fullarticle/2789154>. See also Kaanita Iyer, “‘Stand Your Ground’ Laws Linked to Increased Homicide Rates, Study Finds,” *CNN*, February 23, 2022, <https://www.cnn.com/2022/02/23/us/stand-your-ground-homicide-increase/index.html>.

<sup>2</sup> Rand Corporation, “The Science of Gun Policy: A Critical Synthesis of Research Evidence on the Effects of Gun Policies in the United States, Second Edition” (2020), [https://www.rand.org/pubs/research\\_reports/RR2088-1.html](https://www.rand.org/pubs/research_reports/RR2088-1.html).

<sup>3</sup> See US Commission on Civil Rights, “Examining the Race Effects of Stand Your Ground Laws and Related Issues,” Statement of Commissioner Michael Yaki, February 2020, 6.

<sup>4</sup> Mayors Against Illegal Guns, National Urban League, and VoteVets, *Shoot First: “Stand Your Ground” Laws and Their Effect on Violent Crime and the Criminal Justice System*, September 2013, 7–8, [https://s3.amazonaws.com/s3.mayorsagainstillegalguns.org/images/ShootFirst\\_v4.pdf](https://s3.amazonaws.com/s3.mayorsagainstillegalguns.org/images/ShootFirst_v4.pdf).

<sup>5</sup> See American Bar Association, “National Task Force on Stand Your Ground Laws: Report and Recommendations,” (September 2015): 13.

<sup>6</sup> Giffords and SPLC Action, “Stand Your Ground” Kills, 10.

<sup>7</sup> Chris Schiano, “DATA RELEASE: Discord Logs Expose Regional Networks Planning for #UniteTheRight,” Unicorn Riot, August 29, 2017, <https://unicomriot.ninja/2017/data-release-discord-logs-expose-regional-networks-planning-unitetheright/>. See also, e.g., Brett Barouquere, “Klan leader Richard Preston sentenced to four years in prison for firing gun at ‘Unite the Right,’”

Southern Poverty Law Center, August 22, 2018, <https://www.splcenter.org/hatewatch/2018/08/21/klan-leader-richard-preston-sentenced-four-years-prison-firing-gun-%E2%80%98unite-right%E>

**Ultimately, HB 2843 is a thinly veiled excuse for violence.**

As written, HB2843 ostensibly presents a minimal legal change. However, its drafters have made clear in public hearings that this bill would be used to justify violence against migrants in border regions. This purpose is antithetical to the values of fairness, justice, and equality that Arizonans hold dear.

This legislation would not protect gun owners or crime victims, or increase public safety – it would instead further embolden a culture of armed vigilantism and violence with impunity. It would cheapen the value of human life in this state and encourage more people to turn arguments into shootings, and altercations into funerals.

For the above reasons, the Giffords Law Center urges you to veto HB2843. Thank you.

Sincerely,



Jessie Ojeda  
Guns & Democracy Attorney Fellow

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**ABOUT GIFFORDS LAW CENTER**

For 30 years, the legal experts at Giffords Law Center to Prevent Gun Violence have been fighting for a safer America by researching, drafting, and defending the laws, policies, and programs proven to save lives from gun violence.

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2%80%99; Mike Carter, "Woman who shot protester at UW tells jury, it was 'him or my darling' husband," Seattle Times, August 8, 2019, <https://www.seattletimes.com/seattlenews/crime/woman-who-shot-protester-at-uw-tells-jury-it-was-him-or-my-darling-husband>.