
T H E M I N N E S O T A
C O U N T Y A T T O R N E Y S
A S S O C I A T I O N

February 25, 2025

Senator Jeff R. Howe
95 University Avenue W.
Minnesota Senate Bldg., Room 2231
St. Paul, MN 55155

Rep. Matt Bliss
2nd Floor Centennial Office Building
St. Paul, MN 55155

Re: SF 624/HF 13

Dear Senator Howe and Representative Bliss:

I am writing to let you know that our Association opposes SF 624 and HF 13 which removes the duty to retreat before a person uses force in self-defense or to defend another. While our Association is concerned about the safety and protection of Minnesotans, there is simply no need to expand our laws in Minnesota dealing with the right of self-defense and the justified use of deadly force. Our current laws adequately protect our law abiding citizens.

Today in Minnesota a person may use deadly force without an obligation to retreat if this is done to prevent the commission of a felony in their home. When a person is not in their home, they can rightfully protect themselves by using deadly force to avert a threat of death or great bodily harm to themselves or another, provided that they first attempt to avoid the danger if reasonably possible. In all situations, Minnesota's law today properly requires that the decision to use deadly force be reasonable and necessary given the gravity of the danger faced. These current laws in our state make common sense, are appropriate and should not be expanded as SF 624 and HF 13 will do.

Under the proposals contained in SF 624 and HF 13, the duty to retreat when exercising the right of self-defense would be eliminated in all locations. These changes would permit a person to meet force with superior force, including deadly force, if the individually reasonably believes such force is necessary to resist or prevent the infliction of substantial bodily harm, great bodily harm or death. This proposal creates a presumption that deadly force can be used against someone who enters a dwelling by force or stealth, and it significantly expands the definition of what a dwelling is, including all buildings or temporary structures on the premises, and occupied vehicles or watercraft.

One of the most significant changes this proposal would bring to our law is that it creates a subjective standard of the reasonableness of a person's actions in using deadly force, rather than the objective standard in current law. In other words, the issue becomes what is in the mind of the person

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using deadly force rather than how a reasonable person would have reacted under the same circumstances.

This law would in essence allow a person to shoot first and ask questions later whenever they believe they are exposed to substantial harm, regardless of how a reasonable person would have responded given the circumstances. It would be extremely difficult for a prosecutor to disprove beyond a reasonable doubt that the person who used deadly force did not have a reasonable fear of substantial harm at the time they did so, even if no reasonable person facing the same danger would have chosen to shoot to kill under the same circumstances.

Within the recent past year there have been a number of reported road rage incidents in which a driver pulled out a gun and fired at the other driver. A 39-year-old woman who honked at a vehicle that cut her off was shot four times in rush-hour traffic on Hennepin Avenue in Minneapolis; a 28-year-old Rochester man entered a guilty plea after he shot a driver who blocked him from a parking spot; and after a traffic altercation in Brooklyn Park, one driver fired a gun at the other driver. Do we really want to encourage a driver who believes he is being threatened with substantial harm in a road rage incident to shoot and kill the other driver, rather than calling 911 or simply driving away? Under SF 624 and HF 13 there will no longer be any duty to retreat if reasonably possible, as would be the case under current law, in such a situation.

Another significant problem with this type of "stand your ground and shoot first" expansion of our law is that it would also apply to dangerous criminals, preventing in some cases, our ability to prosecute them for the violent crimes they commit. For example, a gang member could claim they reasonably feared substantial harm from another gang member, when they opened fire with their gun. With no duty to retreat, anyone can claim they are responding to a threat of serious harm and are, therefore, justified in escalating the confrontation and killing the other person. Keep in mind it is their judgment and not that of a reasonable person which is controlling.

This proposal would also place our state's Law enforcement officers in danger, especially those in unmarked cars or operating in undercover operations while not in uniform. Police often enter homes, or the area surrounding homes, to execute search warrants or make arrests. Creating a presumption that a homeowner has the right to shoot at those entering his property through stealth under such circumstances is not appropriate.

It is for all these reasons that we oppose these bills.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert M. Small", with a stylized flourish at the end.

Robert M. Small
Executive Director