

Tennessee has Stand Your Ground self-defense law

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NASHVILLE — Tennessee is one of at least 20 states that have the “Stand Your Ground” self-defense law that has been at the center of a national debate since a neighborhood watchman killed an unarmed black teenager in Florida last month.

The laws, which are sometimes called the “Make My Day” law or the “Shoot First” law, say people have no duty to retreat from confrontations outside their home and can use deadly force to protect themselves.

Supporters of Tennessee’s law and others like it say the statute is necessary so law-abiding citizens can defend themselves when confronted by criminals. Opponents of the law say it gives the legal blessing to commit murder and innocent people, Florida teen Trayvon Martin, are often the ones that wind up dead.

The law here says people can use deadly force anywhere — inside or out — provided they have “a reasonable belief that there is an imminent danger of death or serious bodily injury.”

People can be mistaken about the nature of the threat but it has to be “believed to be real at the time” of the confrontation and based on reasonable grounds.

State law has long said that people have no duty to retreat when threatened in their homes. What the Stand Your Ground laws have done is remove the duty to retreat when confronted outside the home, legal experts say.

“We teach to always remove yourself from a situation if you can,” said Nashville attorney John M.L. Brown, who is a licensed firearm instructor. And while it’s generally advisable to retreat, it may not always be possible or safe, he said. “I’m not sure the government needs to tell me that I need to retreat or I need to stand my ground.”

Within the law, there has been a presumption that people are reasonably in fear enough to justify the use of deadly force anytime an intruder breaks in or threatens someone in the home.

The legislature changed the law in 2007, with broad bipartisan support and the backing of the National Rifle Association, to extend that same treatment to people inside businesses, other buildings, cars and even tents.

"Our current law doesn't change anything with respect to the presumption of fear," Nashville attorney David Raybin said. "Home, car, business —whatever you want to call it — you have a presumption of fear with somebody breaking in and you can shoot him."

The 2007 law also made it clear that law-abiding citizens had no duty to retreat if they were confronted outside in a place they have a right to be. However, the law requires that people have good reason when they use force to defend themselves, one west Tennessee judge said.

"You can only use deadly force if you have a legitimate fear of serious bodily injury or death," Shelby County Criminal Court Judge Chris Craft said.

Critics of the Stand Your Ground laws say the old self-defense statutes already gave citizens the right to defend themselves wherever there was a legitimate threat. They say the laws are too broad and often lead to unnecessary violence.

The Brady Center to Prevent Gun Violence, which lobbies for tougher gun regulations, has been railing against the Stand Your Ground Laws since the first one was passed in Florida in 2005. The organization says 25 states have laws that say there is no duty to retreat outside the home.

"We understood there was the potential to increase the number of innocent people that were murdered, and that's exactly what's happening," Caroline Brewer, a spokeswoman for the center, said. She called it the "Shoot First, Ask Questions Later" law.

The Stand Your Ground laws have come under intense scrutiny after Martin, 17, was shot and killed while walking from the store by a neighborhood watch captain. The teen was unarmed, only carrying a bag of skittles and a can of ice tea.

The neighborhood watch captain, George Zimmerman, has a white father and Hispanic mother.

Chris Slobogin, a Vanderbilt Law School professor, said under the Florida law people still have to have good reason to believe they face death or serious injury if they use deadly force.

He blamed the media for creating the wrong impression about the laws.

"I think the press and the hullabaloo over this latest case have exaggerated the significance of the Stand Your Ground idea," Slobogin said.

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