



Legislation Text

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Resolution Calling for Repeal of Michigan's Stand Your Ground Law and for Strengthening of Firearm Regulations

The death of Trayvon Martin and acquittal of George Zimmerman brought national attention to the issues of "Stand your Ground" laws and racial profiling. This event, in which an unarmed young man died at the hands of someone carrying a firearm, and other cases of gun violence such as the shootings at Sandy Hook Elementary School in Connecticut, a Sikh temple in Wisconsin, and in a mall in Oregon also raise the issue of pervasive gun violence in the United States..

The Trayvon Martin case exemplifies many of the systemic inequalities in our society. Most victims of gun violence are, like Trayvon Martin, people of color. Stand Your Ground laws are not applied in a race-neutral manner. Research by the Urban Institute shows that white-on-black shootings are more likely to be found justified, and black-on-white shootings less likely to be found justified, in states with those laws.

This racial disparity in the application of Stand Your Ground laws mirrors a wider disparity within the American criminal and legal system, as discussed in the 2013 Ann Arbor/Ypsilanti Reads selection, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*.

Stand Your Ground Laws, such as Michigan's Public Act 309 of 2006, the Michigan Self Defense Act, permit the use deadly violence even when there is an opportunity to retreat. By nullifying the common law "duty to retreat," they allow the use of deadly force even when it could be avoided.

Michigan's Stand your Ground law also places significant burdens on prosecutors by requiring they prove that defendants did not "honestly and reasonably believes that the use of deadly force is necessary to prevent the imminent death". This is an unreasonably high bar for prosecution, especially in cases such as Trayvon Martin's in which the only other witness who could offer testimony to refute what the defendant might believe is dead.

The Martin case also raises the issue of gun proliferation. Martin would likely be alive now if Zimmerman was not carrying a handgun. Deaths could have been prevented at Sandy Hook had the gunman not been able to use super high capacity magazines. The Law Center to Prevent Gun Violence has identified state and local firearm regulations that could reduce the prevalence of gun violence and accidental injury and death from firearms without infringing on the second amendment, much like seat belt laws and drivers' licenses reduce car fatalities without prohibiting driving. Some of these regulatory frameworks can be implemented at a local level. Unfortunately, Michigan law restricts local governments from instituting common-sense gun regulations that could save lives.

Given these concerns, as well as the outpouring of local voices calling for the repeal of Michigan's Stand Your Ground Law, this resolution urges the Michigan legislature to repeal Michigan's Stand Your Ground law (Public Act 309 of 2006), repeal Public Act 319 of 1990 to allow local municipalities to better regulate guns in their jurisdictions, and to pass common-sense gun regulations to better

protect the public health, safety, and welfare.

Whereas, African Americans and Latinos account for the majority of victims of gun homicides, and gun violence is the leading cause of death for black teens, and one of the leading causes of death for Latino and American Indian teens;

Whereas, Stand Your Ground laws threaten to lead to unnecessary use of deadly force by eliminating the common-law duty to retreat and break off a confrontation where that can be accomplished with reasonable safety;

Whereas, Research by the Urban Institute suggests a troubling pattern of racial disparity in the application of Stand Your Ground laws, in which white-on-black shootings are more likely to be found justified, and black-on-white shootings less likely to be found justified, in states with those laws;

Whereas, Research by Texas A&M shows that after states passed Stand Your Ground measures, they saw no drop in robberies, burglaries, and aggravated assaults, and an increase in murders;

Whereas, In a Tampa Bay Times review of 192 cases of deaths in which the Florida Stand Your Ground Law led to the release of the killer, 70% of the victims were unarmed.

Whereas, In 2006, Michigan passed public act 309, the Michigan Self Defense Act, which mirrors the Stand Your Ground laws of other states;

Whereas, Public Act 309 of 2006 effectively eliminated Michigan's long standing common law necessity requirement for lawful use of deadly force;

Whereas, Ann Arbor City Council believes that Public Act 309 of 2006 can place an unreasonable burden on prosecutors to overcome the presumption that a defendant claiming self defense acted upon a reasonable and honest belief of imminent death, great bodily harm, or sexual assault, especially in cases in which the only witness who could rebut the presumption is dead; and

Whereas, Public Act 319 of 1990, the Firearms and Ammunition Act, impedes local units of government from protecting the public health, safety and welfare by preventing the establishment of reasonable local regulations concerning the sale, transfer, transportation, or possession of firearms and ammunition;

RESOLVED, That Ann Arbor City Council calls on the Michigan State Legislature and Governor to repeal Public Act 309 of 2006 and Public Act 319 of 1990;

RESOLVED, That Ann Arbor City Council calls on the Michigan State Legislature and Governor to adopt common-sense gun regulations such as improved background checks, strengthened gun-free zones, and limits on the sale of high-capacity magazines; and

RESOLVED, That this resolution be transmitted to Governor Rick Snyder, Senate Majority Leader Randy Richardville, State Senator Rebekah Warren, Speaker of the House Jase Bolger, State Representatives Jeff Irwin and Adam Zemke, and to members of the Michigan House and Senate Judiciary Committees.

Sponsored by: Councilmembers Warpehoski, Kailasapathy, Anglin and Briere