



CT Against Gun Violence

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**Testimony to the Judiciary Committee
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CT Against Gun Violence (CAGV) Opposes SB 1210

CAGV opposes SB 1210 An Act Concerning the Use of Deadly Physical Force to Defend the Residents of a Home.

This act would extend in Connecticut the so-called “Shoot first” laws that were originally enacted in Florida in 2005 and are dangerous alterations to traditional self-defense principles. The law has since spread to more than twenty states. Unfortunately, the impetus driving this legislation is not justice, but guns. According to an article in the University of Miami Law Review, “Proponents of the legislation [are] backed by the weighty support of the National Rifle Association (“NRA”).The NRA’S self interest - sanctioning the use of deadly force in more circumstances and thereby sanctioning the use of firearms in those situations -”¹, helped create and pass the legislation.

Connecticut law already provides a person with the right to use reasonable force, even deadly force, to protect against an intruder. These “Shoot first” laws blur the differences between common sense self-defense doctrines, especially since what constitutes a permissible amount of force is not defined and thereby poses a threat to public safety.

The proposed legislation would additionally impose new concerns on law enforcement and prosecutors: law enforcement would be taxing already strained resources in trying to determine if a claim of self-defense is justified;² and creation of a “presumption of reasonableness” may limit prosecutorial discretion in deciding whether or not to file charges, thereby depriving courts and juries the ability to pass judgment on such crimes.³

¹ Zachary L. Weaver, University of Miami Law Review, *Florida’s “Stand Your Ground” Law: The Actual Effects and the Need for Clarification*, 2009, Vol63:395, at 396.

² Steven Jansen & M. Elaine Nugent-Borakove, National District Attorneys Association, *Expansion to the Castle Doctrine: Implications For Policy and Practice* 7, 2008, <http://www.ndaa.org/pdf/Castle%20Doctrine.pdf>, at 8.

³ *Id* at 10.

A small sampling of just some of the recent Florida incidents since the law was passed there raises some serious questions concerning the law:

- Jacqueline Galas, a prostitute, shot and killed her longtime client Frank Labiento. The arrest warrant stated that Galas “made no attempt to flee, nor did she verbally warn the victim that she was going to shoot him...and she did not call for medical help as Labiento lay dying.” Prosecutors dropped the charge.⁴
- In another incident, Jason Rosenbloom was shot twice by his neighbor, Kenneth Allen, because Allen accused Rosenbloom of putting out more garbage than allowed. Rosenbloom went to Allen’s house and an argument ensued. Allen claimed that Rosenbloom had his foot in the door and was attempting to rush inside so he shot him twice. Rosenbloom was unarmed. ‘Thus, even if the state could prove that Allen did not fear Rosenbloom and could see that he was plainly unarmed and had no malicious intent, it is irrelevant; the presumption in favor of Allen is conclusive...’⁵

Other incidents equally questionable continue to arise. Legislative intent may differ from these interpretations and applications, but the possible consequences of the change cannot always be anticipated.

In short, the proposed legislation trifles with the long-standing roles of judge and jury and forces judgment to be made prematurely by others much earlier in the process. It also runs the risk of increasing violence and perhaps causing individuals to resort to deadly force in domestic and other situations where they might not have before, simply because the obstacle that society imposed before may have been removed or made less confining.

⁴ *Weaver, supra*, at 411.

⁵ *Weaver, supra* at 413.