



# FLORIDA ACTS TO FORTIFY Your Home

*Thanks in no small part to the tireless efforts of our own former President Marion P. Hammer, law-abiding Floridians may now stand their ground and defend themselves against attack by violent criminals without fear of criminal prosecution or civil lawsuit.*



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# RIGHT TO SELF-DEFENSE Is Your Castle

**C**enturies ago, Aristotle said, "Law is order, and good law is good order." Without doubt, Florida's recently enacted "Castle Doctrine" law is good law, casting a common-sense light onto the national debate over the right of self-defense. It reverses the pendulum that for too long has swung in the direction of protecting the rights of criminals over the rights of their victims.

Passed by an overwhelming majority in the state legislature and signed by Gov. Jeb Bush in April, the new law removes the "duty to retreat" when citizens are outside of their homes and where they have every right to be. It says simply that if a criminal breaks into your home or occupied vehicle or where you are camping overnight, for example, you may presume that he is there to do bodily harm and you may use any force, including deadly force, to protect yourself from a violent attack. And under the new law, Floridians who defend themselves from criminal attack are shielded from criminal prosecution and from civil litigation.

Just as Florida became a leader in America's Right-To-Carry movement in the late 1980s, producing what would become a "shall issue" model for 28 other states, the new law promises to lead the way for those states without such protections on the books today.

Consider the following scenario: A woman is walking down the street and is attacked by a rapist who tries to drag her into an alley. Under prior Florida law, the woman had a legal "duty to retreat." The victim of the attack was required to try to run away, but not anymore. Today, that woman has no obligation to retreat. If she chooses, she may stand her ground and fight. She may meet

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Photo by Eric Tournay

*On signing the bill into law, Gov. Jeb Bush said he supported the measure because when law-abiding citizens face life-threatening situations "to have to retreat and put yourself in a very precarious position defies common sense." At the signing were Marion P. Hammer and the law's sponsors, Florida State Sen. Durrell Peaden (r.) and Rep. Dennis Baxley (l.).*

## The Florida "Castle Doctrine" bill does basically three things:

**One:** It establishes, in law, the presumption that a criminal who forcibly enters or intrudes into your home or occupied vehicle is there to cause death or great bodily harm; therefore a person may use any manner of force, including deadly force, against that person.

**Two:** It removes the "duty to retreat" if you are attacked in any place you have a right to be. You no longer have to turn your back on a criminal and try to run when attacked. Instead, you may stand your ground and fight back, meeting force with force, including deadly force, if you reasonably believe it is necessary to prevent death or great bodily harm to yourself or others.

**Three:** It provides that persons using force authorized by law shall not be prosecuted for using such force. It also prohibits criminals and their families from suing victims for injuring or killing the criminals who have attacked them. In short, it gives rights back to law-abiding people and forces judges and prosecutors who are prone to coddling criminals to instead focus on protecting victims.



*"The ability to protect yourself, your children or your spouse is important, no matter where you are."*

—Marion P. Hammer, Executive Director, Unified Sportsmen Of Florida

force with force, including deadly force, if she reasonably believes it is necessary to prevent death or great bodily harm.

In riveting testimony for the bill, Marion P. Hammer, as executive director of Unified Sportsmen of Florida, said: "No one knows what is in the twisted mind of a violent criminal. You can't expect a victim to wait before taking action to protect herself and say: 'Excuse me, Mr. Criminal, did you drag me into this alley to rape and kill me or do you just want to beat me up and steal my purse?'"

Calling 9-1-1 won't save that woman's life, Marion said. The victim has a split second to take action to defend her life. That decision must be hers, not the hindsight judgment of a prosecutor who wasn't even on the scene. Law-abiding citizens shouldn't have to worry about being prosecuted for doing what the Constitution and common sense give us all the right to do. Law-abiding citizens only want to be able to protect themselves.

The public record of Florida's lawful firearms owners is very clear. More than 1 million Florida gun owners were issued licenses to carry concealed firearms for self-defense over the past 18 years, yet roughly one ten-thousandth of one percent misused their guns and had their licenses revoked. What other group has a better record of responsible citizenship?

Survey research shows that at least half of Florida's homes have firearms in them and that there are approximately 6 million individual law-abiding gun owners. The overwhelming majority says the primary reason they own guns is for personal protection. That's what this law is all about; restoring your right under the "Castle Doctrine" and the Constitution to protect yourself, your family and others. Florida law is now on the side of law-abiding victims rather than criminals. And that is the way it is supposed to be.

Sunshine State voters have shown a determination to elect legislators who respect their right to protect themselves, and the fact that 89 percent of those surveyed by a Pensacola TV station supported the bill reflects just how determined they are. Just as noteworthy, Floridians have Marion Hammer on their side. Even as she was being honored with induction into the Florida Women's Hall of Fame—in fact, the very week of her Hall of Fame ceremony—she was working diligently to marshal votes for the "Castle Doctrine" legislation. She did so during the fight for concealed carry, and now she's done it again.


"To suggest you can't defend yourself against a rapist who's trying to drag you into an alley or a carjacker who's trying to drag you out of your car is nonsense. The ability to protect yourself, your children or your spouse is important, no matter where you are," Marion said. NRA-ILA joins with Marion in thanking Gov. Bush and the bill sponsors, Sen. Durrell Peadar and Rep. Dennis Baxley, for supporting this vital measure.

Passed unanimously by the Senate and by a 94-20 margin in the House, the new law is not only good news for Floridians; it is a wake-up call to gun owners across the nation. NRA views the Castle Doctrine victory as a critical turning point in what has become our proactive approach to gun-rights activism. Wayne LaPierre recently called the Florida measure the "first step of a multi-state strategy" that will build on the progress NRA has won for firearms freedom at the state and national levels over the past 25 years. "There's a big tailwind we have, moving from state legislature to state legislature," Wayne said. "The South, the Midwest, everything they call 'fly-over land'—if John Kerry held a shotgun in that state, we can pass this law in that state."

Of course, not everyone agrees with us. The *New York Times* did its best to make it appear that law enforcement opposed the Castle Doctrine bill. It cited the opposition of three police administrators, without disclosing that the Florida Police Benevolent Ass'n (the state's largest law enforcement organization), and the Florida Police Chiefs Ass'n, supported it; the Florida Sheriffs Ass'n wrote a letter saying they would not oppose it and the Florida State Attorneys (prosecutors) signed off on it. Additionally, the state's highest-ranking law enforcement official, Attorney General Charlie Crist, wrote a letter backing the bill, as did Florida Chief Financial Officer Tom Gallagher and Agriculture Commissioner Charles Bronson.

As NRA and its grassroots affiliates move forward with this initiative, no doubt you'll be hearing more about it—and not just from those of us committed to firearms freedom. The usual suspects among the anti-gun media are already suggesting what's become an all-too-familiar slant from them, that the law could give rise to a "Wild West revival, a return to the days of 'shoot first and ask questions later,'" (*Washington Post*, April 26).

And you can expect the anti-gun media to ignore the facts pointed out recently by University of Florida law professor Christopher Slobogin, who noted that Florida is codifying something that 25 states already have on their statute books. "It hasn't turned the states who have a no-retreat rule into the Wild, Wild West," Slobogin told the *Gainesville Sun*, adding that "Florida legislators are just jumping on a very big bandwagon."

You can rest assured that the bandwagon will be traveling to other states, and you can count on NRA to be riding right up front. 

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