



March 15, 2021

Governor Kristi Noem
500 East Capitol Avenue
Pierre, SD 57501

Sent via email to: Maggie.Seidel@state.sd.us

Dear Governor Noem:

HB 1212 – Expansion of SD’s Stand Your Ground Law is vague, overbroad and dangerous to all South Dakotans. This bill is not about self-defense or about gun rights. This bill is about giving blanket authority to civilians to use deadly force and then be immune from civil or criminal liability.

South Dakota already has a Stand Your Ground law and sufficient precedent for the use of “self-defense.” The signatories to this letter ask that you listen to South Dakotans who showed up to testify against this bill and honor the Senate Judiciary’s decision, a committee of judges and lawyers, to kill this bill in committee. The ONLY proponent of this bill was from a national organization.

Governor, Section 3, which would add 22-18-4.1 is dangerously overreaching on WHO can use DEADLY FORCE and WHEN. According to this section, any person can use deadly force to “*prevent the imminent commission of forcible felony.*” How does a civilian decide what an “imminent commission of forcible felony” is? Surely, there will be some “good guys with guns” who may protect the property of another but there is too much risk in the mistakes that will be made. And the risk is death, which would be authorized to any civilian if this bill is signed into law.

Law enforcement is trained in understanding our laws and use of force tactics. We must allow law enforcement the responsibility to enforce laws and maintain public order and public safety. It is law enforcement’s job to prevent, detect and investigate crimes and apprehend individuals suspected of violating the law. HB 1212 gives any civilian this authority, and this is dangerous.

Imagine a scenario when person A is driving down the street on a beautiful Saturday and assumes that person B is breaking into a car in downtown Pierre, Aberdeen, Rapid City or Sioux Falls, because car jackings have increased with nice weather. Under HB 1212, person A **can shoot to kill** person B to “prevent the imminent commission of a forcible felony.”

The traditional notions of “self-defense” rest on the understanding of defending one’s own property, dwelling, or family/friends. HB 1212 has no such boundaries. It allows person A to “defend” anyone and any property, anywhere.

Governor, SD already has Stand Your Ground law. We urge you to consider the life of the mistaken victim and not give civilians the authority to enforce our laws

Sincerely,

South Dakota Voices for Justice

LEAD

ACLU of South Dakota

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George Gehant, Brookings, SD

Mavis Gehant, Brookings, SD

Pr Justin Kosec, Sioux Falls, SD

Rev. Chris Matson, Sioux Falls, SD

Laura Swier Kotelman, Hartford, SD

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