



NEW YORK STATE SENATOR

Gustavo Rivera

## Senator Rivera and Democratic Senate Colleagues Urge Senator Maziarz to Drop Dangerous New York Stand Your Ground Legislation

GUSTAVO RIVERA March 28, 2012

| ISSUE: **CRIME**

**Bronx, NY** - State Senator Gustavo Rivera (D, WF-Bronx) joined twenty-three of his Democratic colleagues in sending State Senator George Maziarz a letter regarding S.281, a New York Stand Your Ground bill. The Stand Your Ground legislation in Florida has most recently been used in Florida as a rationale for why there has been a lack of action taken in apprehending and prosecuting the man who killed Trayvon Martin.

“Like so many other New Yorkers and Bronxites, I am angry about what happened to Trayvon Martin in Sanford, Florida a month ago,” said Senator Gustavo Rivera. “I am angry at the inaction of the Florida police who did not only arrest Trayvon’s killer or properly investigate Trayvon’s shooting. But I am even more angry that bad legislation like the Stand Your Ground bill has been used as a defense for shooting an unarmed 17-year old.

What happened in Florida only further proves what communities of color throughout the country have long ago acknowledged – that the justice system is not always just because it does not always treat every individual or every investigation equally.

Furthermore, we have to hold our government accountable for bad legislation that gives anyone the sense that they can justify murder. That is why I joined my Democratic

colleagues in signing onto a letter to Senator Maziarz of Niagara Falls asking him not to pursue legislation like the Stand Your Ground law in Florida.”

Please see this link for the letter sent to Senator Maziarz and the signatures of the twenty-three legislators who co-authored the letter: <http://www.scribd.com/doc/86813969/2012-03-26-Letter-to-Sen-Maziarz-on-S281>. The text of the letter is included below:

Senator George D. Maziarz

708 Legislative Office Building

Albany NY 12247

Dear Senator Maziarz:

It has come to our attention that you are the lead sponsor of S. 281, so-called ‘stand your ground’ legislation similar to the Florida law cited as preventing prosecution of the killer of Trayvon Martin. **We urge you to immediately withdraw this dangerous bill.** This legislation has the effect of justifying murder because of a perceived threat, even in cases where that perception appears to be based more on racist stereotyping than on any real danger.

S. 281, cosponsored by Senators Larkin, Ranzenhofer, and Seward, uses exactly the same language as the Florida statute in justifying the use of deadly force by an individual who “reasonably believes that such force is necessary to prevent imminent death or great bodily harm to himself or herself or another.” In addition, S. 281 authorizes the use of deadly force by an individual who “reasonably believes that such other person is committing or attempting to commit a burglary, and the circumstances are such that the use of deadly physical force is necessary to prevent or terminate the commission or attempted commission of such burglary,” and in several other circumstances.

The tragic death of Trayvon Martin demonstrates the dangers of such legislation. This 17-year-old high school student was walking home when a self-appointed neighborhood watchman decided he presented a threat and shot him. The only thing Mr. Martin was carrying was a cell phone and a bag of Skittles. The police have not charged his killer, George Zimmerman, with any crime, on the basis that he is protected by Florida’s ‘stand your ground’ law. He claimed to feel threatened, perhaps because Trayvon Martin was a young African American man walking in a gated, largely white community. Apparently, the vague language of “perceived threat” allows even the worst of stereotypes to serve as a justification for murder.

The Florida law has been in existence for six and a half years, and has been invoked in at least 130 cases – more than 70 percent of which involved a fatality. “Justifiable homicides” tripled after the law was passed. The law has been used to excuse attacks in brawls, road-rage incidents, gang shoot-outs, and disputes between neighbors. While advocates of this legislation often claim it is being misapplied in these cases, it is hardly surprising that police

and prosecutors are reluctant to charge those claiming they were justified in their actions, given the broad, vague language of the statute.

Your bill appears to be based on “model legislation” that the National Rifle Association and the right-wing American Legislative Exchange Council (ALEC) have been shopping around to legislatures in recent years. In total 21 states have now instituted versions of this law, putting their citizens at risk. It would be outrageous for New York to join that list. If we do, there will be a day when we will also face the death of an innocent young person because someone with a gun perceived him as threatening.

We therefore urge you to withdraw this dangerous legislation. It is not “tough on crime” to pass a bill that will let people get away with murder in New York, as it appears they are in Florida.