

Legislators reject bill to broaden right to use deadly force in self-defense

Supporters say the bill would help citizens protect themselves; critics fear a "Wild West" mentality.

By [MARK BRUNSWICK](#), Star Tribune

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A bill that supporters say would have broadened citizens' rights to defend themselves -- and opponents say would have encouraged a Wild West mentality -- failed in its first test in the Legislature on Thursday.

Despite the vote in a committee room packed to overflowing, the measure's main author, Rep. Tony Cornish, R-Good Thunder, said he was optimistic that the bill could take on a life of its own, either in an amendment to another bill this year or by being resurrected in coming years. Cornish predicted eventual passage with a smoother path than the state's handgun permit bill, which passed in 2003 after years of debate.

Although state law already allows people to kill an intruder in their home, Cornish's self-defense bill would have authorized deadly force against an intruder entering a porch, garage or occupied car. On a street or in a bar, there would be no duty to retreat before using deadly force against someone believed to be threatening "substantial" harm, lessening the standard of "great" bodily harm in current law.

"This is not about taking a life," Cornish testified in front of the House Public Safety and Civil Justice Committee, where the measure failed on a tie vote. "In no shape or form can there be a killing without consequences."

David Gross, a Faribault attorney and longtime gun-rights advocate, said the bill would bring Minnesota in line with other states.

"When your home is invaded you are under attack," he said. "In a moment of peril, shouldn't the law favor the defense?"

Need for bill disputed

Supporters, many wearing badges saying "Self Defense is a Human Right," packed the room, but groups that included the Minnesota Police and Peace Officers Association and the Minnesota County Attorneys Association testified against it.

Doug Johnson, Washington County attorney and past president of the Minnesota County Attorneys Association, warned of the vagaries of the law, which he said could be subject to deadly interpretation, including when it might be appropriate to stand and fight and when a person might be legally required to flee.

"We don't want you to go eyeball to eyeball," Johnson said. "This is not the old West."

Johnson said three people in the last 18 months in Minnesota have been involved in shootings protecting their homes and no one has been charged, including an incident when police mistakenly broke into a house and the homeowner fired at them in self-defense.

"Why is it needed?" asked Johnson, referring to the new bill.

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