

NCSL Civil and Criminal Justice

Self Defense, No Duty to Retreat, and Stand Your Ground

Source:

<https://www.ncsl.org/civil-and-criminal-justice/self-defense-and-stand-your-ground>

Use of Deadly Force in Personal Protection Matters

Other Forms of Protection

1. De-escalation
2. Creating distance and moving to safety
3. Calling 911 or alerting nearby people
4. Pepper spray
5. Personal alarm or whistle
6. Flashlight
7. Taser or stun gun
8. Physical self-defense techniques
9. Defensive display of a firearm when legally justified
10. Deadly force only when immediately necessary to prevent death or serious physical injury

Pepper spray, Tasers, and stun guns are regulated differently among states and local jurisdictions. Training, safe storage, and knowledge of local law are important.

Core Requirements for the Use of Deadly Force

Every state retains core requirements such as:

- The threat must be occurring or immediately imminent.
- The victim must genuinely and reasonably perceive a danger of death or serious bodily injury.
- Deadly force must be necessary to stop that danger.
- The force cannot continue as punishment after the danger has ended.
- The defender generally cannot have unlawfully initiated or intentionally provoked the confrontation.

States With No Duty to Retreat Rules

At least 31 states have broad no duty to retreat rules:

Alabama, Alaska, Arizona, Arkansas, Florida, Georgia, Idaho, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Mississippi, Missouri, Montana, Nevada, New Hampshire, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Washington, West Virginia, and Wyoming.

In these states, a lawfully present victim generally does not have to attempt to escape before using otherwise justified force.

Arizona and Florida

Among the stronger legal environments are Arizona and Florida, which combine no duty to retreat provisions with additional presumptions or procedural protections in certain circumstances. Even there, “stand your ground” means that there is no required retreat. It does not mean unlimited force or permission to attack someone after the threat ends.

Practical Differences Among States

The practical distinction among states generally involve whether retreat was required when it could be accomplished safely, whether reasonableness is presumed, who bears the burden of proof, and whether criminal or civil immunity is available.