

Thank you, honorable members of the Senate State Affairs Committee.

My name is Seth Rosquist. I am the Chairman of the Board for the Idaho Second Amendment Alliance and I am speaking on behalf of the organization today.

For several years the Idaho Second Amendment Alliance and our members and supporters have been asking the Idaho legislature to significantly upgrade our self-defense laws.

Over 7,000 citizens have signed petitions for real Stand-Your-Ground and Castle Doctrine laws in Idaho, because our current protections just aren't strong enough.

While we appreciate the efforts of some to try and put a solid Stand-Your-Ground law together in Senate Bill 1313, the bill falls far short of what citizens have petitioned their legislators to do.

Primarily, Senate Bill 1313 fails to provide adequate self-defense provisions in the following ways:

First, S.B. 1313 does not close the all-important Stand-Your-Ground loophole. Many legislators, prosecutors, and trial lawyers have claimed that Idaho's current laws are sufficient enough, and that our case law and jury instruction already give us the ability to stand our ground. They also claim that we don't have a duty to retreat. However, a simple review of case law over the last century will show that previous case law that was supposed to establish our stand-your-ground law, has been ignored and changed on several occasions.

In the most recent case from 2014 (State versus Iverson), the defendant stood his ground on his own driveway and used physical force to defend himself. The prosecutor completely ignored his right to stand his ground, and the judge and prosecutor both claimed that while the defendant had no duty to retreat, a "reasonable" person would have run away and therefore stand-your-ground was thrown out.

If S.B. 1313 becomes law, the statute will say you have the right to Stand-Your-Ground and no "duty to retreat," however, the backdoor of evidence that a reasonable person would have run away will still remain. This loophole will remain open and must be closed.

Second, S.B. 1313 contains no criminal immunity. Criminal immunity is important for several reasons. It helps prevent anti-gun prosecutors from putting law-abiding gun owners on trial for defending their lives without any evidence to put them on trial in the first place. We have several cases in Idaho where innocent people are likely in prison because no criminal immunity exists.

Additionally, criminal immunity provides an avenue of restitution for citizens who are wrongfully taken to court and found "not guilty." S.B. 1313 contains no portion of criminal immunity that over 90% of Idaho citizens recently polled are asking for in a bill that expands self-defense laws.

Finally, S.B. 1313 contains a very limited presumption of innocence. You see, this isn't just about gun rights – this is about your right to defend yourself with deadly force. We don't want to have all the details and difficult analysis that are in the last paragraph of HB 1313 - we want a

plain and simple presumption that the person acted reasonably. In other words, if the person is uninvited on your property or attacking you in place you have a right to be, you are the victim and the law presumes that you acted reasonably in defending yourself.

Our rights are under constant attack and Idaho is slowly becoming the next Oregon or Washington. The time may soon come that our ability to strengthen our laws will be greatly hampered as more anti-Constitution progressives move to our state.

In closing, despite what some may think, our current laws just aren't enough, and we have case law to prove that our self-defense laws have gaping holes in them. S.B. 1313 will not strengthen our laws in any significant way and that is not what Idaho's citizens have asked you to do.

Gun Owners of America, a well known no compromise national gun lobby, recently did an analysis of S.B. 1313 and another Stand-Your-Ground bill, H.B. 444:

Their legal team concluded, and I quote, "There are differences in the substance of the two bills. But the chief difference is that Senate Bill 1313 has no teeth. There is nothing to prohibit you from being arrested, detained, or prosecuted, even in the most obvious circumstances in which you are within your rights. Even something as simple as attorneys' fees are missing from the weaker draft." Close quote.

The Idaho Second Amendment Alliance would ask that S.B. 1313 be amended to include provisions as outlined above or put forward an alternative bill that does.

Thank you for your time.