



NEW YORK STATE SENATOR

George M. Borrello

Senator Borrello Introduces Legislation to Strengthen the Right of Self-Defense

GEORGE M. BORRELLO January 27, 2022

| ISSUE: **STAND YOUR GROUND, CRIME, SELF-DEFENSE**

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ALBANY – Senator George Borrello has introduced legislation (S.8026) to eliminate the “duty to retreat” clause from New York self-defense statutes to give law-abiding citizens the right to defend themselves, and their loved ones, regardless of where they are when in imminent danger.

“Every one of us has a fundamental right to self-defense. But in practice, the right to self-defense is limited to our homes in New York. The ‘duty to retreat’ clause, requires New Yorkers to retreat from a violent aggressor when in public before they can defend themselves and their loved ones. The only place a New Yorker is not required to retreat from a violent criminal is when they are inside their homes.

“Does that make any sense? Who would allow themselves to be shot or stabbed before they can take action to defend their lives? You can’t outrun a bullet. Law-abiding citizens should have the right to defend themselves and their loved ones no matter where they are when they face a violent attack,” Sen. Borrello said.

Under this measure, citizens who are justified in using deadly force to defend themselves would be immune from criminal and civil liability. The legislation would remove the duty to retreat in places where the defender is lawfully permitted to be. It would also direct courts to instruct juries that the duty to retreat is no longer a consideration when determining if a person used the threat of force or actual force to deter an aggressor and prevent injury or death to themselves or others.

Self-defense laws in at least 25 states allow that there is no duty to retreat from an attacker in any place in which one is lawfully present. Self-defense laws in 23 states provide civil immunity under certain self- defense circumstances. Statutes in at least six states assert that civil remedies are unaffected by criminal provisions of self-defense law.

“Violent crime is surging across the state, not only in New York City. Buffalo saw a jump in shootings and violent crime between 2020 and 2021, as did Rochester and Syracuse. It’s not a coincidence that these spikes in crime coincided with the pro-criminal bail ‘reform’ drafted by radical special interests, then pushed through by the Democrats in the legislature and signed by our former governor.

“We shouldn’t have to resign ourselves to being prey for those predators emboldened by soft-on-crime policies.

“I’ve always been, and will continue to be, a strong supporter of our Second Amendment right to keep and bear firearms not just for hunting and recreational use but for self-defense. The Founders didn’t draft the Second Amendment to protect shooting for sport and hunting. To imply as much is intellectual dishonesty. Rather, they did so to protect our fundamental right to self-defense.

“We have a right to use firearms to defend ourselves. That right doesn’t end the minute we leave our homes. My goal is to bring New York’s self-defense statute in line with common sense.”

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