SENATE JUDICIARY
EXHIBIT NO. 14
DATE 3/17/09
BILL NO. HB228

PLEASE VOTE NO!!! OPPOSE HB 228 - Citizen Self Defense and Firearms Rights

- ✓ HB 228 is NOT good for victims of domestic or sexual violence in Montana. Proponents of this bill have alluded to the fact that the self defense provisions are beneficial for victims of domestic violence. NOT TRUE! HB 228 proposes an overhaul of our current criminal justice system by asserting that self defense can be used in any criminal action and puts the burden of proof to prove otherwise on the State.

- ✓ Domestic violence perpetrators will use this new presumption of self defense to justify their use of force, threats, or homicide by blaming the victim and arguing that they were provoked - whether by fear or use of force from the victim. Perpetrators will use this proposed law to avoid punishment.

- ✓ In the limited number of cases where a victim of domestic violence is forced to protect themselves by seriously injuring or killing their partner, they can already use existing law that allows for justifiable use of force (45-3-102) and use the affirmative defense of self defense.

- ✓ Using domestic violence victims as the reason for this bill is disingenuous. Any minimal benefits are far outweighed by the serious implications of this bill (and all of its problematic new sections of law) for victims of domestic violence and other victims of crime.

- ✓ This is NOT a political issue – this is a public policy issue. The changes to law included in HB 228 are significant and far-reaching. The implications of HB 228 threaten public safety.

- ✓ FACT: A gun is the weapon most commonly used in domestic homicides. In fact, more than three times as many women are murdered by guns used by their husbands or intimate acquaintances than are killed by strangers' guns, knives or other weapons combined. Contrary to many public perceptions, many women who are murdered are killed not by strangers but by men they know.

- ✓ FACT: Access to firearms increases the risk of intimate partner homicide more than five times more than in instances where there are no weapons. In addition, abusers who possess guns tend to inflict the most severe abuse on their partners.

Prepared by the Montana Coalition Against Domestic and Sexual Violence
www.mcadsv.com

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