Castle Doctrine/Stand Your Ground/Self Defense Statutes

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Brandishing or Display of Firearm Statutes

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Castle Doctrine/Stand Your Ground/Self Defense Statutes

Self –Defense laws are not black and white. There is a huge difference from one state to the next on the wording and how the law is applied. I have seen places where they state some states have Stand your ground in practice while others say they don’t. We have seen others state differently on a states Castle Doctrine Laws. We want to give you a start in your research on these types of laws so we have assembled these pages. Case law in these instances would also be very important. This is a work in progress and we would appreciate any feedback you could give us. admins@handgunlaw.us

Last Updated: 8/1/2020

Each states name is a link to that state page at Handgunlaw.us. Each states page has a section Titled “Deadly Force Laws” with links to that states deadly force laws if you want more information.

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Alabama - § 13A-3-23 Use of Force In Defense of a Person.


Arizona - § 13-405 Justification; Use of Deadly Physical Force
§ 13-411 Justification; Use of Force in Crime Prevention; Applicability

Arkansas - Title 5, Subtitle 1, Chpt. 2, Subchpt. 6, § 5-2-607 Use of Deadly Physical Force In Defense of a Person : (Castle Doctrine)

Title 5, Subtitle 1, Chpt. 2, Subchpt. 6, § 5-2-620 Use of Force to Defend Persons & Property Within Home. (Castle Doctrine)

California - Penal Code Part 1, Title 8, Chpt. 1, 198.5 Homicide

Colorado - 18-1-704.5 Use of Deadly Physical Force Against an Intruder

Connecticut - Chpt. 951 – Penal Code - Sec. 53a-19 Use of Physical Force in Defense of Person.
Chpt. 951 – Penal Code - Sec. 53a-20 Use of Physical Force in Defense of Premise

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Delaware - Title 11 – Chpt. 4, § 464 Justification - Use of Force in Self-Protection

Florida - § 776.012 Use or Threatened Use of Force in Defense Of Person
§ 776.013 Home Protection; Use or Threatened Use of Deadly Force; Presumption of Fear of Death or Great Bodily Harm

Georgia - § 16-3-23.1 No Duty to Retreat Prior to Use of Force in Self-Defense

Hawaii - § 703-304 Use of Force in Self-Protection

Idaho - 19-202A Defense of Self, Others and Certain Places

Illinois - 720 ILCS 5/7-2 Sec. 7-2 Use of Force in Defense of Dwelling

Indiana - IC 35-41-3-2 Use of Force to Protect Person or Property

Iowa - § 704.1 Reasonable Force

Kansas - § 21-5230 Same; No Duty To Retreat


Louisiana - 14, § 19 Use of Force or Violence in Defense 14, § 20 Justifiable Homicide

Maine - Title 17-A Part 1 - § 108 Physical Force in Defense of a Person

Maryland - MD Self Defense Laws are Mostly Based on Case Law. Crawford v. State 1963 set that there was no duty to retreat in the home.

Massachusetts - Gen Laws, Part IV, Title II, Chapt. 278, Sec. 8A: Killing or Injuring a Person Unlawfully in a Dwelling; Defense

Michigan - § 780.972 Use of Deadly Force by Individual not Engaged in Commission of Crime; Conditions.

Minnesota - § 609.06 Authorized Use of Force § 609.065 Justifiable Taking of Life.

Mississippi - § 97-3-15 Homicide; Justifiable Homicide; Use of Defensive Force; Duty to Retreat

Missouri - § 563.031 Use of Force in Defense of Persons.

Montana - § 45-3-110 No Duty to Summon Help or Flee

Nebraska - § 28-1409 Use of Force in Self-Protection.

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Nevada - NRS § 200.120 “Justifiable Homicide” Defined; No Duty to Retreat Under Certain Circumstances

New Hampshire - § 627:4 Physical Force in Defense of a Person

New Jersey - Sec: 2C:3-4 Use of Force in Self-Protection.

New Mexico - § 30-2-7 Justifiable Homicide by Citizen NM Supreme Court in State v. Couch gave an opinion that a man’s dwelling is his castle and need not retreat.

New York - Penal Code Part 1 – Title C - § 35.15 Justification; Use of Physical Force in Defense of a Person

North Carolina - § 14-51.3 Use of Force in Defense of Person; Relief From Criminal or Civil Liability

North Dakota - § 12.1-05-07 Limits on the Use of Force - Excessive Force - Deadly Force - No Need to Retreat in Dwelling, Place of Work, Motor Vehicle or Travel Trailer.

Ohio - § 2307.601 No Duty to Retreat in Residence or Vehicle Note: Ohio also has another section titled the same as .601 2901.09.

Oklahoma - § 1289.25 Physical or Deadly Force Against Intruder

Oregon - ORS 161.219 - Limitations on Use of Deadly Physical Force in Defense of a Person See State v. Charles (1982) Oregon Supreme Court (No duty to retreat.)

Pennsylvania - Title 18 - Chpt. 5 - § 505 Use of Force in Self-Protection.

Rhode Island - § 11-8-8 Injury or Death – Defense

South Carolina - § 16-11-440 (C) Presumption of Reasonable Fear of Imminent Peril When Using Deadly Force Against Another Unlawfully.......  


Tennessee - § 39-11-611 Self-defense

Texas - Penal Code Title 2 – Chpt. 9 - Sec. 9.31 Self-Defense  
Penal Code Title 2 - Chpt. 9 - Sec. § 9.32 Deadly Force in Defense Of Person  
Chpt 9 - Justification Excluding Criminal Responsibility (Recommend looking at all of Chpt 9.)

Utah - § 76-2-402 Force in Defense of Person -- Forcible Felony Defined

Vermont - No Castle Doctrine Statute. 13 V.S.A. § 2305 - Justifiable Homicide  
For more information also see Vermont Jury Instructions

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Virginia - VA Uses Case Law to Set its Laws on Self Defense. See Notes for Information.

Washington - No Castle Doctrine Statute. **RCW 9A.16.050** Homicide-By Other Person-When Justifiable Case Law Stating No Duty to Retreat. **State v. Redmond** & **State v. Studd**

**West Virginia** - § 55-7-22 Civil Relief for Persons Resisting Certain Criminal Activities.

**Wisconsin** - § 895.62 Use of Force in Response to Unlawful and Forcible Entry Into a Dwelling, Motor Vehicle, or Place of Business; Civil Liability Immunity. §939.48 Self-defense and defense of others

**Wyoming** - § 6-2-602 Use of Force In Self Defense; No Duty to Retreat

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American Samoa - No Castle Doctrine. For more Information read **Title 46 Chpt. 33 46.3301 thru 3311**.

**Guam** - **Title 9, Chpt. 7, § 7.86** Self-Defense Limited. Applies to Dwelling, Work Place and Vehicle.

**Northern Marianas** - § 10210 Self Defense With Deadly Force

Puerto Rico - No Castle Doctrine. For more Info Read all of **Title 33, Subtitle 4, Part II Chapter 290, Subchapter III**- Causes for Exclusion from Criminal Liability

**U.S. Virgin Islands** - **Title 14, Chpt1, Subchpt. III § 44. Justifiable Use of Force**
Handgunlaw.us recommends you read all of § 44

**Connecticut** - The actor shall not be obliged to retreat from his dwelling or place of work.

**Delaware** - The actor shall not be obliged to retreat from his dwelling or place of work.

**Illinois** - Handgunlaw.us recommends you read all of **Sec 5/7-2**

Vermont - Does not have Castle Doctrine Law. **VT Jury Instructions for Self Defense** will give you some idea but must be in fear of death or grave bodily injury. The Jury will decide.

Virginia - The **Virginia Citizens Defense League** has good info on the Case Law for Virginia. You can view the info the put out on VA Case Law **Here**.

**Note:** Stand Your Ground Laws and Castle Doctrine Laws come into play after you have defended yourself and have shot a perpetrator. No one thinks before they shoot, “What are the Stand Your Ground Laws?” “Can I shoot?” Knowing them is OK but the most important thing we have to do every day is get home safely to our families tonight and every night. There is nothing more important than that. Once the bullets start flying

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anything can happen. Our best bet in any situation is to retreat to a safe place if we can do it safely. Stay Safe and get home to your family every night.

**Note:** For a free Booklet Titled, “What Every Gun Owner Needs to Know About Self-Defense Law” can be obtained by going to the [Armed Citizens’ Legal Defense Network, Inc.](http://www.handgunlaw.us) website and downloading the Booklet in a PDF file or order a booklet free of charge.

**Updates to This Page:**

- 7/22/2020 - Florida and Connecticut Entries Updated. Formatting Updated and Broken Link Repaired.
- 7/24/20 – Texas Entry Updated.
- 8/1/20 – Documents Combined. Arizona, Louisiana, Oregon, Texas and Vermont Entries Updated.

## Brandishing or Display of Firearm Statutes

After Getting many questions on this issue we are looking at adding this info to each states page as it is listed below. This would be added to the Misc Information Section of each states page. Some states have laws specifically defining Brandishing while many don’t. Below is a listing of Statutes that define Brandishing or statutes that could cover displaying a firearm. When it comes to this subject Case Law would have a huge impact on how these laws are applied. This is a work in progress and any assistance you could give us in any additions to this list would be appreciated. admins@handgunlaw.us.  

**Last Updated:** 7/24/2020

### 18 U.S. Code § 924. – Penalties

(c)(4) For purposes of this subsection, the term “brandish” means, with respect to a firearm, to display all or part of the firearm, or otherwise make the presence of the firearm known to another person, in order to intimidate that person, regardless of whether the firearm is directly visible to that person.

**Note:** Handgunlaw.us believes the above Federal Code gives a very good Definition for Brandishing. Each States Name is a Link to that states page at [https://handgunlaw.us](https://handgunlaw.us).

### Alabama

State Statute/s on Brandishing and/or Statute/s That Could Cover the Display of a Firearm:

- § 13A-11-7 - Disorderly Conduct

### Alaska

State Statute/s on Brandishing and/or Statute/s That Could Cover the Display of a Firearm:

- § 11.41.220 - Assault in the Third Degree.
- § 11.61.110 - Disorderly Conduct

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Arizona

State Statute/s on Brandishing and/or Statute/s That Could Cover the Display of a Firearm:

§ 13-421 - Justification; Defensive Display of a Firearm; Definition
§ 13-2904 - Disorderly Conduct; Classification

Arkansas

State Statute/s on Brandishing and/or Statute/s That Could Cover the Display of a Firearm:

§ 5-71-207 - Disorderly Conduct

California

State Statute/s on Brandishing and/or Statute/s That Could Cover the Display of a Firearm:

Penal Code Part 1. Title 11. § 417 – (a)(2) Crimes Against the Public Peace
Penal Code Part 1. Title 11. § 417.3
Case Law - PEOPLE v. LARA

Colorado

State Statute/s on Brandishing and/or Statute/s That Could Cover the Display of a Firearm:

§ 18-3-206 – Menacing § 18-9-106 - Disorderly Conduct

Connecticut

State Statute/s on Brandishing and/or Statute/s That Could Cover the Display of a Firearm:

Title 53, Chpt. 943 Sec. 53a-182 - Disorderly Conduct

Delaware

State Statute/s on Brandishing and/or Statute/s That Could Cover the Display of a Firearm:

Title 11 – Chpt. 5 – Subchpt. VII - § 1301 - Disorderly Conduct

District of Columbia

State Statute/s on Brandishing and/or Statute/s That Could Cover the Display of a Firearm:

§ 22-1321 - Disorderly Conduct.

Florida

State Statute/s on Brandishing and/or Statute/s That Could Cover the Display of a Firearm:

Title XLVI – Chpt. 790 - § 790.10 - Improper Exhibition of Dangerous Weapons or Firearms

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**Georgia**

State Statute/s on Brandishing and/or Statute/s That Could Cover the Display of a Firearm:

§ 16-11-102 - Pointing or Aiming Gun or Pistol at Another
§ 16-11-39 - Disorderly Conduct
§ 16-5-20 Simple assault

**Hawaii**

State Statute/s on Brandishing and/or Statute/s That Could Cover the Display of a Firearm:

Title 37, § 711-1101 - Disorderly Conduct

**Idaho**

State Statute/s on Brandishing and/or Statute/s That Could Cover the Display of a Firearm:

§ 18-3303 Exhibition or Use of Deadly Weapon
§ 18-3304 Aiming Firearms at Others

**Illinois**

State Statute/s on Brandishing and/or Statute/s That Could Cover the Display of a Firearm:

720 ILCS 5/12-6 – Intimidation
720 ILCS 5/12-1 - Assault

**Indiana**

State Statute/s on Brandishing and/or Statute/s That Could Cover the Display of a Firearm:

IC 35-42-2-2 - Criminal Recklessness; Element of Hazing; Liability Barred for Good Faith Report or Judicial Participation.
IC 35-47-4-3 - Pointing Firearm at Another Person

**Iowa**

State Statute/s on Brandishing and/or Statute/s That Could Cover the Display of a Firearm:

Title XVI, § 723A.1 - Definitions
Title XVI § 708.1 - Assault Defined

**Kansas**

State Statute/s on Brandishing and/or Statute/s That Could Cover the Display of a Firearm:

§ 21-5221. Use of force; definitions.
§ 21-5412 - Assault; Aggravated Assault; Assault of a Law Enforcement Officer;…

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Kentucky
State Statute/s on Brandishing and/or Statute/s That Could Cover the Display of a Firearm:
§ 525.060 - Disorderly Conduct in The Second Degree
§ 508.050 - Menacing.

Louisiana
State Statute/s on Brandishing and/or Statute/s That Could Cover the Display of a Firearm:
RS 40:1382 - Negligent Carrying of a Concealed Handgun

Maine
State Statute/s on Brandishing and/or Statute/s That Could Cover the Display of a Firearm:
Title 25 –Part 5 – Chpt. 252 - § 2001-A. Threatening Display of or Carrying Concealed Weapon

Maryland
State Statute/s on Brandishing and/or Statute/s That Could Cover the Display of a Firearm:
Criminal Law Title 3 Subtitle 2 § 3-202. - Assault in the First Degree
Westlaw § 3-202

Massachusetts
State Statute/s on Brandishing and/or Statute/s That Could Cover the Display of a Firearm:
General Laws - Part IV - Title I - Chapter 265 - Section 15B(b) - Assault With Dangerous Weapon

Michigan
State Statute/s on Brandishing and/or Statute/s That Could Cover the Display of a Firearm:
§ 750.222 (c) Definition of Brandish
§ 750.234e Brandishing Firearm in Public; Applicability; Violation as Misdemeanor; Penalty

Minnesota
State Statute/s on Brandishing and/or Statute/s That Could Cover the Display of a Firearm:
§ 609.66 - Dangerous Weapons

Mississippi
State Statute/s on Brandishing and/or Statute/s That Could Cover the Display of a Firearm:
§ 97-37-19 - Deadly Weapons; Exhibiting in Threatening Manner

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Missouri

State Statute/s on Brandishing and/or Statute/s That Could Cover the Display of a Firearm:

Title XXXVIII - § 571.030 - Unlawful Use of Weapons – Exceptions - Penalties

Montana

State Statute/s on Brandishing and/or Statute/s That Could Cover the Display of a Firearm:

§ 45-3-111 - Openly Carrying Weapon – Display - Exemption
§ 45-5-213 - Assault with Weapon

Nebraska

State Statute/s on Brandishing and/or Statute/s That Could Cover the Display of a Firearm:

§ 28-310 - Assault in the Third Degree; Penalty

Nevada

State Statute/s on Brandishing and/or Statute/s That Could Cover the Display of a Firearm:

NRS 202.290 - Aiming Firearm at Human Being; Discharging Weapon Where Person Might be Endangered; Penalty
NRS 202.320 - Drawing Deadly Weapon in Threatening Manner

New Hampshire

State Statute/s on Brandishing and/or Statute/s That Could Cover the Display of a Firearm:

Title LXII - § 627:4 - Physical Force in Defense of a Person II-a.
Title LXII - § 631:3 - Reckless Conduct
Title LXII - § 631:4 - Criminal Threatening

New Jersey

State Statute/s on Brandishing and/or Statute/s That Could Cover the Display of a Firearm:

2C:12-1 a(3) - Assault.
2C:33-2 - Disorderly Conduct

New Mexico

State Statute/s on Brandishing and/or Statute/s That Could Cover the Display of a Firearm:

§ 30-3-1 - Assault. § 30-7-4 - Negligent Use of a Deadly Weapon
§ 31-18-16 - Brandishing of Firearm; Alteration of Basic Sentence; Suspension and Deferral Limited
New York

State Statute/s on Brandishing and/or Statute/s That Could Cover the Display of a Firearm:

Penal Code – Part 3 – Title H - § 120.14 - Menacing in the Second Degree
Penal Code Part 3 – Title N - § 240.20 - Disorderly Conduct

North Carolina

State Statute/s on Brandishing and/or Statute/s That Could Cover the Display of a Firearm:

“Going Armed to the Terror of the Public” State v. Dawson, 272 N.C. 535, 541-42 (1968);
State v. Staten, 32 N.C. App. 495, 496-97 (1977) (citing Dawson)
State v. Huntly, 25 N.C. 418, 418 (1843); § 14-34 - Assaulting by Pointing Gun

North Dakota

State Statute/s on Brandishing and/or Statute/s That Could Cover the Display of a Firearm:

§ 12.1-31-01 - Disorderly Conduct
§ 12.1-17-05 - Menacing

Ohio

State Statute/s on Brandishing and/or Statute/s That Could Cover the Display of a Firearm:

§ 2903.12 Aggravated Assault
§ 2903.21 - Aggravated Menacing
§ 2941.145 - Firearm Displayed, Brandished, Indicated That Offender Possessed the Firearm, or Used it to Facilitate Offense Specification

Oklahoma

State Statute/s on Brandishing and/or Statute/s That Could Cover the Display of a Firearm:

Title 21, Chapter 53, § 1289.16 - Felony Pointing Firearms
Title 21, Chpt. 53, § 1289.11 - Reckless Conduct

Oregon

State Statute/s on Brandishing and/or Statute/s That Could Cover the Display of a Firearm:

§ 163.190 – Menacing
§ 166.190 - Pointing Firearm At Another
§ 166.220 - Unlawful Use of Weapon

Pennsylvania

State Statute/s on Brandishing and/or Statute/s That Could Cover the Display of a Firearm:

Title 18, § 5503 - Disorderly Conduct

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Rhode Island

State Statute/s on Brandishing and/or Statute/s That Could Cover the Display of a Firearm:

§ 11-45-1 - Disorderly Conduct

South Carolina

State Statute/s on Brandishing and/or Statute/s That Could Cover the Display of a Firearm:

§ 16-23-410 - Pointing Firearm at Another Person

South Dakota

State Statute/s on Brandishing and/or Statute/s That Could Cover the Display of a Firearm:

§ 22-18-35 - Disorderly Conduct

Tennessee

State Statute/s on Brandishing and/or Statute/s That Could Cover the Display of a Firearm:

§ 39-13-102 - Aggravated assault
§ 39-17-305 - Disorderly Conduct

Texas

State Statute/s on Brandishing and/or Statute/s That Could Cover the Display of a Firearm:

Penal Code Title 5, § 22.05 - Deadly Conduct
Penal Code Title 9, § 42.01 - Disorderly Conduct

Utah

State Statute/s on Brandishing and/or Statute/s That Could Cover the Display of a Firearm:

§ 76-10-506 - Threatening With or Using Dangerous Weapon in Fight or Quarrel
§ 76-9-102 - Disorderly conduct

Vermont

State Statute/s on Brandishing and/or Statute/s That Could Cover the Display of a Firearm:

13 V.S.A. § 4011 - Aiming Gun at Another

Virginia

State Statute/s on Brandishing and/or Statute/s That Could Cover the Display of a Firearm:

§ 18.2-282 - Pointing, Holding, or Brandishing Firearm, Air or Gas Operated Weapon or Object Similar in Appearance; Penalty
§ 18.2-56.1 - Reckless Handling of Firearms
Washington
State Statute/s on Brandishing and/or Statute/s That Could Cover the Display of a Firearm:

§ 9.41.270 - Weapons Apparently Capable of Producing Bodily Harm—Unlawful Carrying or Handling—Penalty—Exceptions.
§ 9.41.230 - Aiming or Discharging Firearms, Dangerous Weapons.

West Virginia
State Statute/s on Brandishing and/or Statute/s That Could Cover the Display of a Firearm:

§ 61-7-11 Brandishing Deadly Weapons; Threatening or Causing Breach of the Peace; Criminal Penalties.

Wisconsin
State Statute/s on Brandishing and/or Statute/s That Could Cover the Display of a Firearm:

§ 941.20 - Endangering Safety by Use of Dangerous Weapon
§ 947.01 - Disorderly Conduct.

Wyoming
State Statute/s on Brandishing and/or Statute/s That Could Cover the Display of a Firearm:

§ 6-2-502 (iii) Aggravated assault and battery;
§ 6-2-504 - Reckless Endangering

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American Samoa
State Statute/s on Brandishing and/or Statute/s That Could Cover the Display of a Firearm:

§ 46.4203 - Unlawful Use of Weapons.  § 46.3522 - Assault in the 3rd degree
§ 46.4501 - Disturbing Public Peace.

Guam
State Statute/s on Brandishing and/or Statute/s That Could Cover the Display of a Firearm:

Title 9, § 19.40 - Reckless Conduct; Defined & Punished
Northern Mariana Islands

State Statute/s on Brandishing and/or Statute/s That Could Cover the Display of a Firearm:

Title 6, Div. 1, §1204 - Assault with a Dangerous Weapon

Puerto Rico

State Statute/s on Brandishing and/or Statute/s That Could Cover the Display of a Firearm:

Title 25, Subtitle 1, Part V Chpt. 51A Subchpt. V § 458n - Discharging or Pointing Firearms

U.S. Virgin Islands

State Statute/s on Brandishing and/or Statute/s That Could Cover the Display of a Firearm:

14 V.I.C. § 621 Brandishing, Exhibiting, or Using Deadly Weapons
14 V.I.C. § 3061(d) (5) - Definition of Brandishing

1 - Handgunlaw.us is not sure if this code was repealed or not with Puerto Rico’s new Firearms Law. The new law seems to only cover Owning/Licenses/Transporting/Buying/Selling Firearms which leads us to believe this part of the code will remain.

Understanding Defensive Display of Firearms - An Interview with Massad Ayoob

Last Updated:

7/20/2020 – Document Created.
7/22/2020 – CT Entry Updated. Formatting Updated.
7/24/20 – NC Entry Updated.
8/1/20 - CA Entry Updated. Documents Combined.