

113TH CONGRESS  
2D SESSION

# S. 1955

To protect the right of law-abiding citizens to transport knives interstate,  
notwithstanding a patchwork of local and State prohibitions.

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## IN THE SENATE OF THE UNITED STATES

JANUARY 16, 2014

Mr. ENZI (for himself and Mr. LEE) introduced the following bill; which was  
read twice and referred to the Committee on Commerce, Science, and  
Transportation

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## A BILL

To protect the right of law-abiding citizens to transport  
knives interstate, notwithstanding a patchwork of local  
and State prohibitions.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Knife Owners’ Protec-  
5 tion Act of 2014”.

6 **SEC. 2. INTERSTATE TRANSPORT OF KNIVES.**

7 (a) DEFINITION.—In this section, the term “trans-  
8 port”—

1           (1) includes staying in temporary lodging over-  
2           night, common carrier misrouting or delays, stops  
3           for food, fuel, vehicle maintenance, emergencies,  
4           medical treatment, and any other activity related to  
5           the journey of an individual; and

6           (2) does not include transport of a knife with  
7           the intent to commit an offense punishable by im-  
8           prisonment for a term exceeding 1 year involving the  
9           use or threatened use of force against another per-  
10          son, or with knowledge, or reasonable cause to be-  
11          lieve, that such an offense is to be committed in the  
12          course of, or arising from, the journey.

13          (b) TRANSPORT OF KNIVES.—

14           (1) IN GENERAL.—Notwithstanding any other  
15          provision of law, rule, or regulation of the United  
16          States, or of a State or political subdivision of a  
17          State, an individual who is not otherwise prohibited  
18          by Federal law from possessing, transporting, ship-  
19          ping, or receiving a knife may transport a knife from  
20          any State or place where the individual may lawfully  
21          possess, carry, or transport the knife to any other  
22          State or place where the individual may lawfully pos-  
23          sess, carry, or transport the knife if—

24           (A) in the case of transport by motor vehi-  
25          cle, the knife is not directly accessible from the

1 passenger compartment of the motor vehicle, or,  
2 in the case of a motor vehicle without a com-  
3 partment separate from the passenger compart-  
4 ment, the knife is contained in a locked con-  
5 tainer, glove compartment, or console; or

6 (B) in the case of transport by means  
7 other than a motor vehicle, including any trans-  
8 port over land, on or through water, or through  
9 the air, the knife is contained in a locked con-  
10 tainer.

11 (2) TEMPORARY LODGING.—An individual  
12 transporting a knife in accordance with paragraph  
13 (1) may have a knife accessible while staying in any  
14 form of temporary lodging.

15 (c) EMERGENCY KNIVES.—

16 (1) IN GENERAL.—An individual—

17 (A) may carry in the passenger compart-  
18 ment of a motor vehicle a knife or tool designed  
19 for enabling escape in an emergency that incor-  
20 porates a blunt tipped safety blade or a guard-  
21 ed blade or both for cutting safety belts; and

22 (B) shall not be required to secure a knife  
23 or tool described in subparagraph (A) in a  
24 locked container, glove compartment, or con-  
25 sole.

1           (2) LIMITATION.—This subsection shall not  
2       apply to the transport of a knife or tool in the pas-  
3       senger cabin of an aircraft whose passengers are  
4       subject to airport screening procedures of the Trans-  
5       portation Security Administration.

6       (d) NO ARREST OR DETENTION.—An individual who  
7       is transporting a knife in compliance with this section may  
8       not be arrested or otherwise detained for violation of any  
9       law, rule, or regulation of a State or political subdivision  
10      of a State related to the possession, transport, or carrying  
11      of a knife, unless there is probable cause to believe that  
12      the individual is not in compliance with subsection (b).

13      (e) CLAIM OR DEFENSE.—An individual may assert  
14      this section as a claim or defense in any civil or criminal  
15      action or proceeding. When an individual asserts this sec-  
16      tion as a claim or defense in a criminal proceeding, the  
17      State or political subdivision has the burden of proving,  
18      beyond a reasonable doubt, that the individual was not in  
19      compliance with subsection (b).

20      (f) RIGHT OF ACTION.—

21           (1) IN GENERAL.—Any individual who, under  
22      color of any statute, ordinance, regulation, custom,  
23      or usage, of any State or political subdivision of a  
24      State, subjects, or causes to be subjected, any indi-  
25      vidual to the deprivation of the rights, privileges, or

immunities provided for in this section, shall be liable to the individual so deprived in an action at law or equity, or other proper proceeding for redress.

(2) ATTORNEY'S FEES.—

(A) IN GENERAL.—If an individual asserts this section as a claim or defense, the court shall award to the prevailing party, as described in subparagraph (B), reasonable attorney's fees.

(B) PREVAILING PARTY.—A prevailing party described in this subparagraph—

(i) includes a party who receives a favorable resolution through a decision by a court, settlement of a claim, withdrawal of criminal charges, or change of a statute or regulation; and

(ii) does not include a State or political subdivision of a State, or an employee or representative of a State or political subdivision of a State.

(g) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to limit any right to possess, carry, or transport a knife under applicable State law.

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