

115TH CONGRESS
2D SESSION

S. 3264

To protect the right of law-abiding citizens to transport knives interstate, notwithstanding a patchwork of local and State prohibitions, and to repeal Federal provisions related to switchblade knives which burden citizens.

IN THE SENATE OF THE UNITED STATES

JULY 25, 2018

Mr. WICKER introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To protect the right of law-abiding citizens to transport knives interstate, notwithstanding a patchwork of local and State prohibitions, and to repeal Federal provisions related to switchblade knives which burden citizens.

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 2018”.

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

7 (a) AUTHORIZATION.—

1 (1) IN GENERAL.—Notwithstanding any provi-
2 sion of any law or any rule or regulation of the
3 United States, or of a State or any political subdivi-
4 sion of a State, any person who is not otherwise pro-
5 hibited by Federal law from possessing, transport-
6 ing, shipping, or receiving a knife shall be entitled
7 to transport a knife from any place where such per-
8 son may lawfully possess, carry or transport such a
9 knife to any other place where such person may law-
10 fully possess, carry or transport such a knife if—

11 (A) in the case of transportation by motor
12 vehicle—

13 (i) the knife is not directly accessible
14 from the passenger compartment of the
15 motor vehicle; or

16 (ii) in the case of a motor vehicle
17 without a compartment separate from the
18 passenger compartment, the knife is con-
19 tained in a locked container, glove com-
20 partment, or console; or

21 (B) in the case of transportation by other
22 means (including any conveyance over land, on
23 or through water, or through the air), the knife
24 is contained in a locked container.

1 (2) TEMPORARY LODGING.—If a person is
2 transporting a knife in accordance with paragraph
3 (1), during a period the person is within any form
4 of temporary lodging, the knife may be accessible.

5 (b) EMERGENCY KNIVES.—Any knife or tool de-
6 signed for enabling escape in an emergency incorporating
7 a blunt tipped safety blade, a guarded blade, or both, for
8 cutting safety belts may be carried in the passenger com-
9 partment and need not be secured in a locked container,
10 glove compartment, or console. This subsection shall not
11 apply to the transport of any such knife or tool in the
12 passenger cabin of aircraft whose passengers are subject
13 to airport screening procedures of the Transportation Se-
14 curity Administration.

15 (c) NO ARREST OR DETENTION.—A person who is
16 transporting a knife in accordance with this section may
17 not be arrested or otherwise detained for violation of any
18 law or any rule or regulation of a State or any political
19 subdivision of a State related to the possession, transpor-
20 tation, or carrying of knives, unless there is probable cause
21 to believe that the person is not in compliance with at least
22 one of the requirements of subsection (a).

23 (d) CLAIM OR DEFENSE.—A person may assert this
24 section as a claim or defense in any action or proceeding,
25 civil or criminal. If a person asserts this section as a claim

1 or defense in a criminal proceeding, the State or political
2 subdivision shall bear the burden of proving, beyond a rea-
3 sonable doubt, that the person was not in compliance with
4 subsection (a).

5 (e) RIGHT OF ACTION.—Any person who, under color
6 of any statute, ordinance, regulation, custom, or usage,
7 of any State or political subdivision of a State, subjects,
8 or causes to be subjected, any person to the deprivation
9 of the rights, privileges, or immunities set forth in this
10 section, shall be liable to the person so deprived in an ac-
11 tion at law, suit in equity, or other proper proceeding for
12 redress. If a person asserts this section as a claim or de-
13 fense, the court shall award the prevailing party (including
14 any party who receives a favorable resolution through a
15 decision by a court, settlement of a claim, withdrawal of
16 criminal charges, or change of a statute or regulation),
17 other than a State or any political subdivision of a State
18 or its employees or representatives, reasonable attorneys’
19 fees.

20 (f) DEFINITION.—As used in this section, the term
21 “transport”—

22 (1) includes staying in temporary lodging over-
23 night, common carrier misrouting or delays, stops
24 for food, fuel, vehicle maintenance, emergencies,

1 medical treatment, and all other activity related to
2 the person's overall journey; and

3 (2) does not include any transportation of a
4 knife with—

5 (A) the intent to commit any offense pun-
6 ishable by imprisonment for a term exceeding 1
7 year involving the use or threatened use of force
8 against another; or

9 (B) knowledge, or reasonable cause to be-
10 lieve, that such an offense is to be committed
11 in the course of, or arising from, such journey.

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

15 **SEC. 3. REPEAL OF FEDERAL PROVISIONS RELATED TO**
16 **SWITCHBLADE KNIVES.**

17 (a) REPEALS.—

18 (1) The Act entitled “An Act to prohibit the in-
19 troduction, or manufacture for introduction, into
20 interstate commerce of switchblade knives, and for
21 other purposes” (15 U.S.C. 1241 et seq.) (commonly
22 known as the Federal Switchblade Act), is repealed.

23 (2) Subsections (g) and (i) of section 1716, title
24 18, United States Code, are repealed.

1 (b) CONFORMING AMENDMENTS.—Chapter 83 of
2 title 18, United States Code, is amended—

3 (1) in section 1716, by redesignating sub-
4 sections (h), (j), and (k) as subsection (g), (h), and
5 (i), respectively; and

6 (2) in section 1716E(i), by striking “section
7 1716(k)” and inserting “section 1716(i)”.

8 (c) EFFECTIVE DATE.—The repeals made by sub-
9 section (a)—

10 (1) shall take effect on the date of enactment
11 of this Act; and

12 (2) do not apply with respect to any indictment,
13 convictions, sentencing, appeals, civil or criminal
14 fines or penalties obtained, forfeitures obtained,
15 terms of imprisonment or any other enforcement ac-
16 tions or proceedings occurring or commenced on or
17 before the date of enactment of this Act.

○