

HOUSE BILL REPORT

SB 5782

As Reported by House Committee On:
Civil Rights & Judiciary

Title: An act relating to spring blade knives.

Brief Description: Concerning spring blade knives.

Sponsors: Senators Zeiger, Fortunato, Takko, Padden, Palumbo and Wilson, L..

Brief History:

Committee Activity:

Civil Rights & Judiciary: 3/22/19, 4/3/19 [DPA].

Brief Summary of Bill
(As Amended by Committee)

- Makes the dangerous weapons statute applicable to spring blade knives having blades more than 3-1/2 inches in length (rather than to all spring blade knives).

HOUSE COMMITTEE ON CIVIL RIGHTS & JUDICIARY

Majority Report: Do pass as amended. Signed by 11 members: Representatives Jinkins, Chair; Thai, Vice Chair; Irwin, Ranking Minority Member; Dufault, Assistant Ranking Minority Member; Graham, Kirby, Klippert, Orwall, Shea, Walen and Ybarra.

Minority Report: Do not pass. Signed by 2 members: Representatives Kilduff and Valdez.

Staff: Cece Clynch (786-7195).

Background:

State Law.

Dangerous Weapons. A "spring blade knife" is a dangerous weapon under the dangerous weapons statute, which generally prohibits, and makes a gross misdemeanor:

- the manufacture, sale, disposal of, or possession of slung shots, sand clubs, metal knuckles, or spring blade knives;

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- the furtive carrying, with intent to conceal, any dagger, dirk, pistol, or other dangerous weapon; and
- the use of any device for suppressing the noise of a firearm.

"Spring blade knife" is defined to mean any knife, including a prototype, model, or other sample, with a blade that is automatically released by a spring mechanism or other mechanical device, or any knife having a blade which opens, or falls, or is ejected into position by the force of gravity, or by an outward, downward, or centrifugal thrust or movement. A knife that contains a spring, detent, or other mechanism designed to create a bias toward closure of the blade and that requires physical exertion applied to the blade by hand, wrist, or arm to overcome the bias toward closure to assist in opening the knife is not a spring blade knife.

A separate statute provides an express exemption for the possession or use of spring blade knives by general authority law enforcement officers, firefighters or rescue members, Washington State Patrol officers, or military members while they are: on official duty; transporting the knife to or from the place where it is stored when the officer or member is not on official duty; or storing a spring blade knife. This exemption statute also permits the manufacture, sale, transportation, transfer, distribution, or possession of spring blade knives pursuant to contracts with these law enforcement and military actors' agencies. Manufacturer contracts with other manufacturers and commercial distributors are exempt as well, as are trials, testing, and other uses related to evaluation and assessment of spring blade knives by permitted users, companies, and agencies.

Weapons Prohibited in Certain Locations. It is a gross misdemeanor for a person who knowingly possesses, or has under his or her control, a weapon to enter certain locations. Weapons are prohibited in restricted areas of court facilities, jails, public mental health facilities, commercial airports, and in places classified as off-limits to persons under 21 years of age by the state Liquor and Cannabis Board. Law enforcement personnel, and military and security personnel while engaged in official business, are exempt from these restrictions, and a number of other exceptions apply.

For purposes of this statute, "weapon" is defined as a firearm, explosive, or an instrument or weapon listed in other statutes, including the statute governing dangerous weapons.

Weapons Prohibited on School Premises. Subject to some exceptions, it is a gross misdemeanor for a person to possess weapons on public or private elementary or secondary school premises, school-provided transportation, or areas of facilities that are being used exclusively by public or private schools. Prohibited weapons include: nun-chu-ka sticks; throwing stars; air guns; stun guns; devices intended to injure a person with an electric shock, charge, or impulse; and weapons listed under the dangerous weapons statute.

Exceptions are provided for law enforcement, security or military personnel, persons involved in firearms or martial arts events or training, persons with concealed pistol licenses who are picking up or dropping off students, and nonstudents 18 years or older in lawful possession of a dangerous weapon that is secured in a vehicle.

Federal Law.

Federal law uses the term "switchblade knife." Under federal law, "switchblade knife" means any knife having a blade which opens automatically:

- by hand pressure applied to a button or other device in the handle of the knife; or
- by operation of inertia, gravity, or both.

Federal law does not generally prohibit possession of switchblade knives, except within Indian country or within special maritime and territorial jurisdiction of the United States. Rather, it provides that whoever knowingly introduces, or manufactures for introduction, into interstate commerce, or transports or distributes in interstate commerce, any switchblade knife, shall be fined not more than \$2,000 or imprisoned for not more than five years, or both. There are specified exemptions for:

- common carriers;
- actions taken pursuant to a contract with the Armed Forces;
- military members acting in the performance of their duties;
- individuals with only one arm; and
- a knife that contains a spring, detent, or other mechanism designed to create a bias toward closure of the blade and that requires exertion applied to the blade by hand, wrist, or arm to overcome the bias toward closure to assist in opening the knife.

Summary of Amended Bill:

The dangerous weapons statute is amended to make unlawful, and a gross misdemeanor, the manufacture, sale, disposal of, or possession of, a spring blade knife having a blade more than 3-1/2 inches in length (rather than all spring blade knives as per current law). The definition of the term "spring blade knife" remains the same.

Other sections of the chapter pertaining to firearms and dangerous weapons are amended to provide that:

- it remains unlawful for a person to carry a spring blade knife onto, or possess a spring blade knife on, school premises, school-provided transportation, or areas of facilities that are being used exclusively by schools; and
- "spring blade knife" is explicitly included in the definition of "weapon" for purposes of the statute making it unlawful for a person to enter certain places, such as jails and courtrooms, when he or she knowingly possesses or knowingly has a weapon under his or her control.

The section which provides exceptions and exemptions for manufacturing, and for certain law enforcement personnel and military members, and which permits certain contracts, trials, and testing, of spring blade knives, is retained.

Amended Bill Compared to Original Bill:

The amended bill makes unlawful and a gross misdemeanor the manufacture, sale, disposal of, or possession of, a spring blade knife having a blade more than 3-1/2 inches in length, whereas the original bill would have removed spring blade knives altogether from the prohibitions found in the dangerous weapons statute. The amended bill makes a

corresponding change in the definition of "spring blade knife" to remove new language found in the original bill that would have provided that a spring blade knife is not a dangerous weapon. The original bill repealed, as unnecessary, the statute which provides exceptions and exemptions with respect to the manufacture of spring blade knives, and for military and law enforcement; the amended bill retains this statute.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date of Amended Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) In 2012 a law was enacted that permitted the manufacture of these knives in Washington, and since that time these knives have been successfully manufactured in the state. There have not been any problems as a result of this change. Washington still has a law, however, that prevents the possession of spring blade knives. The advent of such bans was in the 1950s and 1960s. They were aimed at gangs. Today, only 10 states still ban spring blade knives. This type of knife can be helpful for some persons with disabilities. The bill will mean more jobs for Washingtonians. The American Civil Liberties Union is supportive. The bill passed out of the Senate Law and Justice Committee unanimously, and off of the Senate floor by a nearly unanimous vote. Repealing the ban on possession will permit Washingtonians to carry spring blade knives. These knives are legal in both Oregon and Idaho. An in-state manufacturer employs 40 people, and those products are sold worldwide. Allowing Washingtonians to carry these knives will open up a new market and a new source of revenue. Currently, these knives can be manufactured here, but they cannot be sold here. These knives can be opened by a person wearing gloves. History shows that these bans were based on movies and plays from the 1950s. They were not based on any crimes. This is criminal justice reform. A disproportionate number of the persons stopped for this offense are minorities. States that have recently repealed their laws in this arena include Colorado, Nevada, and Illinois. People with the least ability to defend themselves end up with convictions.

(Opposed) It is difficult to understand why there is a move to legalize these knives. They are used by criminals. The exemption for law enforcement to the current ban should not be deleted because these knives will still be prohibited in schools and jails, and law enforcement personnel frequently go to these places.

Persons Testifying: (In support) Senator Zeiger, prime sponsor; Mike Vellekamp, V Nives; Spencer Frazer, SOG Knives and Tools; and Todd Rathner, Knife Rights.

(Opposed) Michael Brunson.

Persons Signed In To Testify But Not Testifying: None.