
Civil Rights & Judiciary Committee

SB 5782

Brief Description: Concerning spring blade knives.

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

Brief Summary of Bill

- Removes "spring blade knife" from the list of dangerous weapons in the dangerous weapons statute, and provides that a spring blade knife is not a dangerous weapon.
- Amends other statutory provisions to provide that possession of a spring blade knife in certain locations, such as schools and jails, remains generally unlawful.

Hearing Date: 3/22/19

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 possession of slung shots, sand clubs, metal knuckles, or spring blade knives;
- 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.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

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 Bill:

"Spring blade knife" is removed from the list of dangerous weapons in the dangerous weapons statute. The definition of the term "spring blade knife" remains the same, and remains codified in that section; however, it is expressly provided that a spring blade knife is not a dangerous weapon.

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 certain law enforcement personnel and military members, and which permits certain contracts, trials, and testing, of spring blade knives is repealed.

Appropriation: None.

Fiscal Note: Not requested.

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