

113TH CONGRESS
1ST SESSION

H. R. 3478

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

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 13, 2013

Mr. SALMON (for himself, Mr. FRANKS of Arizona, Mr. GOSAR, Mr. MASSIE, Mr. DESJARLAIS, Mr. SCHWEIKERT, Mr. BENTIVOLIO, and Mr. STOCKMAN) introduced the following bill; which was referred to the Committee on the Judiciary

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 2013”.

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

7 (a) IN GENERAL.—Notwithstanding any provision of
8 any law or any rule or regulation of the United States,
9 or of a State or any political subdivision of a State, any

1 person who is not otherwise prohibited by Federal law
2 from possessing, transporting, shipping, or receiving a
3 knife or knives shall be entitled to transport a knife or
4 knives from any place where such person may lawfully pos-
5 sess, carry or transport such a knife or knives to any other
6 place where such person may lawfully possess, carry or
7 transport such a knife or knives if—

8 (1) in the case of transportation by motor vehi-
9 cle, the knife or knives are not directly accessible
10 from the passenger compartment of such trans-
11 porting vehicle, or, in the case of a motor vehicle
12 without a compartment separate from the passenger
13 compartment, the knife or knives shall be contained
14 in a locked container, glove compartment, or console;
15 or

16 (2) in the case of transportation by other
17 means (including any conveyance over land, on or
18 through water, or through the air), the knife or
19 knives are contained in a locked container.

20 (b) EMERGENCY KNIVES.—Any knife or tool de-
21 signed for enabling escape in an emergency incorporating
22 a blunt tipped safety blade, a guarded blade, or both, for
23 cutting safety belts may be carried in the passenger com-
24 partment and need not be secured in a locked container,
25 glove compartment, or console. This subsection shall not

1 apply to the transport of any such knife or tool in the
2 passenger cabin of aircraft whose passengers are subject
3 to airport screening procedures of the Transportation Se-
4 curity Administration.

5 (c) NO ARREST OR DETENTION.—A person who is
6 transporting a knife or knives in compliance with this sec-
7 tion may not be arrested or otherwise detained for viola-
8 tion of any law or any rule or regulation of a State or
9 any political subdivision of a State related to the posses-
10 sion, transportation, or carrying of knives, unless there is
11 probable cause to believe that the person is not in compli-
12 ance with at least one of the requirements of subsection
13 (a).

14 (d) CLAIM OR DEFENSE.—A person may assert this
15 section as a claim or defense in any action or proceeding,
16 civil or criminal. When a person asserts this section as
17 a claim or defense in a criminal proceeding, the State or
18 political subdivision shall bear the burden of proving, be-
19 yond a reasonable doubt, that the person was not in com-
20 pliance with subsection (a).

21 (e) RIGHT OF ACTION.—Any person who, under color
22 of any statute, ordinance, regulation, custom, or usage,
23 of any State or political subdivision of a State, subjects,
24 or causes to be subjected, any person to the deprivation
25 of the rights, privileges, or immunities set forth in this

1 section, shall be liable to the person so deprived in an ac-
2 tion at law, suit in equity, or other proper proceeding for
3 redress. When a person asserts this section as a claim or
4 defense, the court shall award the prevailing party (includ-
5 ing any party who receives a favorable resolution through
6 a decision by a court, settlement of a claim, withdrawal
7 of criminal charges, or change of a statute or regulation),
8 other than a State or any political subdivision of a State
9 or its employees or representatives, a reasonable attorneys'
10 fee.

11 (f) DEFINITION.—As used in this section, the term
12 “transport” includes staying in temporary lodging over-
13 night, common carrier misrouting or delays, stops for
14 food, fuel, vehicle maintenance, emergencies, medical
15 treatment, and all other activity related to the person’s
16 overall journey. The term shall not include any transpor-
17 tation of a knife or knives with the intent to commit any
18 offense punishable by imprisonment for a term exceeding
19 one year involving the use or threatened use of force
20 against another, or with knowledge, or reasonable cause
21 to believe, that such an offense is to be committed in the
22 course of, or arising from, such journey. Within any form
23 of temporary lodging, a knife or knives may be accessible.

24 (g) RULE OF CONSTRUCTION.—Nothing in this sec-
25 tion shall be construed in any way to limit any right to

- 1 possess, carry, or transport a knife or knives under appli-
- 2 cable State law.

