

114TH CONGRESS
1ST SESSION

S. 567

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

IN THE SENATE OF THE UNITED STATES

FEBRUARY 25, 2015

Mr. ENZI (for himself and Mr. WYDEN) 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.

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 2015”.

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.—Notwithstanding any
14 other provision of law, rule, or regulation of the United
15 States, or of a State or political subdivision of a State,
16 an individual who is not otherwise prohibited by Federal
17 law from possessing, transporting, shipping, or receiving
18 a knife may transport a knife from any State or place
19 where the individual may lawfully possess, carry, or trans-
20 port the knife to any other State or place where the indi-
21 vidual may lawfully possess, carry, or transport the knife
22 if—

23 (1) in the case of transport by motor vehicle—

1 (A) the knife is not directly accessible from
2 the passenger compartment of the motor vehi-
3 cle; or

4 (B) in the case of a motor vehicle without
5 a compartment separate from the passenger
6 compartment, the knife is contained in a
7 closed—

8 (i) container;

9 (ii) glove compartment; or

10 (iii) console; or

11 (2) in the case of transport by means other
12 than a motor vehicle, including any transport over
13 land, on or through water, or through the air, the
14 knife is contained in a closed container.

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 closed—

25 (i) container;

1 (ii) glove compartment; or

2 (iii) console.

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

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

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

22 (f) RIGHT OF ACTION.—

23 (1) IN GENERAL.—Any individual who, under
24 color of any statute, ordinance, regulation, custom,
25 or usage, of any State or political subdivision of a

1 State, subjects, or causes to be subjected, any indi-
 2 vidual to the deprivation of the rights, privileges, or
 3 immunities provided for in this section, shall be lia-
 4 ble to the individual so deprived in an action at law
 5 or equity, or other proper proceeding for redress.

6 (2) ATTORNEY'S FEES.—

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

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

13 (i) includes a party who receives a fa-
 14 vorable resolution through a decision by a
 15 court, settlement of a claim, withdrawal of
 16 criminal charges, or change of a statute or
 17 regulation; and

18 (ii) does not include a State or polit-
 19 ical subdivision of a State, or an employee
 20 or representative of a State or political
 21 subdivision of a State.

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

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