

Calendar No. 201

114TH CONGRESS }
1st Session }

SENATE

{ REPORT
114-121

KNIFE OWNERS' PROTECTION ACT OF 2015

R E P O R T

OF THE

COMMITTEE ON COMMERCE, SCIENCE, AND
TRANSPORTATION

ON

S. 1315



AUGUST 28, 2015.—Ordered to be printed

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SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

ONE HUNDRED FOURTEENTH CONGRESS

FIRST SESSION

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Mr. THUNE, from the Committee on Commerce, Science, and
Transportation, submitted the following

R E P O R T

[To accompany S. 1315]

The Committee on Commerce, Science, and Transportation, to which was referred the bill (S. 1315) to protect the right of law-abiding citizens to transport knives interstate, notwithstanding a patchwork of local and State prohibitions, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of S. 1315, is to allow for certain interstate transportation of knives by law-abiding citizens.

BACKGROUND AND NEEDS

Currently, Federal, State, and local laws govern the sale, possession, manufacture, or carrying of knives. Oftentimes these laws vary widely by jurisdiction and can be inconsistent. This patchwork of regulations makes it difficult for a law-abiding knife owner to travel freely between States.

For example, the American Knife & Tool Institute reports that a member who was traveling by air on a hunting trip had an unscheduled flight diversion to New York City. While at the airport on this unplanned layover, he was arrested for possession of an illegal knife in his checked luggage even though the knife was secured and legal in his scheduled origin and destination.¹

¹American Knife & Tool Institute, "AKTI's Improved Bipartisan U.S. Act to Protect Traveling Knife Owners Introduced," press release, February 25, 2015, at <http://www.akti.org/news/aktis-improved-bipartisan-u-s-act-to-protect-traveling-knife-owners-introduced/>.

To address this type of circumstance, S. 1315 was introduced to allow knife owners to travel between two locations where the possession of the knife is legal. The Knife Owners' Protection Act of 2015 (KOPA) is modeled after the Firearms Owners' Protection Act,² which Congress enacted in 1986 to address similar traveling difficulties law-abiding firearm owners were facing. When a knife owner is traveling by motor vehicle, KOPA would require that the knife not be directly accessible from the passenger compartment or, if the motor vehicle has no separate compartment, that the knife be kept in a closed container, glove compartment, or console. During air travel, aviation security regulations via the Transportation Security Administration (TSA) will continue to provide guidance for the secure transport of any knife, and the bill is not intended to impact current Amtrak rules governing the transportation of a knife. In all other modes of travel, the knife must be kept in a closed container.

SUMMARY OF PROVISIONS

The Knife Owners' Protection Act of 2015 would allow law-abiding citizens to legally transport knives interstate under certain circumstances. If enacted, KOPA would:

- provide a lawful means for the transport of a knife between two jurisdictions where the possession of the knife is legal by the individual transporting the knife;
- set reasonable accessibility standards during transport with a knife; and
- ensure that law-abiding citizens following KOPA standards cannot be arrested or detained for violation of any law, rule, or regulation of a State or political subdivision of a State related to the possession, transport, or carrying of a knife unless there is probable cause they are in violation of KOPA.

LEGISLATIVE HISTORY

KOPA was introduced by Senator Enzi on May 13, 2015. Senators Wyden, Thune, Manchin, Lee, and Heinrich are cosponsors. On May 20, 2015, the Committee met in open Executive Session and, by a voice vote, ordered S. 1315 to be reported favorably.

ESTIMATED COSTS

In accordance with paragraph 11(a) of rule XXVI of the Standing Rules of the Senate and section 403 of the Congressional Budget Act of 1974, the Committee provides the following cost estimate, prepared by the Congressional Budget Office:

S. 1315—Knife Owners' Protection Act of 2015

S. 1315 would allow people to possess knives in states where they are illegal if the person is travelling to and from states where the knife is legal, if the knife is secured, or if the knife is a safety blade designed for cutting seatbelts. Based on information provided by the Department of Justice and the Federal Trade Commission, CBO estimates that implementing S. 1315 would have no effect on

² 18 U.S.C. 926A

the federal budget. Because enacting S. 1315 would not affect direct spending or revenues, pay-as-you-go procedures do not apply.

S. 1315 would impose an intergovernmental mandate as defined in the Unfunded Mandates Reform Act (UMRA) by preempting some state and local laws related to possessing and transporting knives. Laws regulating knives vary from state to state. The costs for state and local governments to comply with that mandate would include the cost to change protocols and train law enforcement officers. CBO estimates the total costs for state and local governments would be small and would not exceed the threshold established in UMRA (\$77 million in 2015, adjusted annually for inflation).

S. 1315 contains no private-sector mandates as defined in UMRA.

The CBO staff contacts for this estimate are Mark Grabowicz and Ben Christopher (for federal costs) and Melissa Merrell (for the intergovernmental mandate). The estimate was approved by Theresa Gullo, Assistant Director for Budget Analysis.

REGULATORY IMPACT

Because S. 1315 does not create any new programs, the legislation will have no additional regulatory impact, and will result in no additional reporting requirements. The legislation will have no further effect on the number or types of individuals and businesses regulated, the economic impact of such regulation, the personal privacy of affected individuals, or the paperwork required from such individuals and businesses.

CONGRESSIONALLY DIRECTED SPENDING

In compliance with paragraph 4(b) of rule XLIV of the Standing Rules of the Senate, the Committee provides that no provisions contained in the bill, as reported, meet the definition of congressionally directed spending items under the rule.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title.

This section would provide the short title of the bill, the Knife Owners' Protection Act of 2015.

Section 2. Interstate transport of knives.

This section would allow an individual who is lawfully allowed to possess, transport, ship, or receive a knife at a starting location to transport that knife to any other location where that individual is allowed to possess, transport, ship, or receive the knife.

During the transportation of a knife by motor vehicle, the knife would not be allowed to be accessible from inside the passenger compartment. If that is not possible, the knife must be contained in a closed container, glove compartment, or console. During the transportation of a knife in all other modes of transport, the knife would be required to be in a closed container.

An exception would be provided for the transportation of a knife to enable the escape in an emergency (for instance, to cut a seat belt). But the exception would not apply for an individual who is subject to airport screening procedures of the TSA.

The Act would prohibit the arrest or detention of an individual who is transporting a knife in compliance with this Act unless there is probable cause to believe that the individual was not in compliance with the Act. It also would allow an individual to assert this Act as a claim or defense in any civil or criminal proceeding. Violations of this Act would have to be proved beyond a reasonable doubt.

Nothing in this Act would limit the right of an individual to possess, carry, or transport a knife under applicable State law.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the Committee states that the bill as reported would make no change to existing law.

