

115TH CONGRESS
2D SESSION

S. 1092

AN ACT

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Interstate Transport
3 Act of 2018”.

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

5 (a) DEFINITION.—In this Act, the term “trans-
6 port”—

7 (1) includes staying in temporary lodging over-
8 night, common carrier misrouting or delays, stops
9 for food, fuel, vehicle maintenance, emergencies, or
10 medical treatment, and any other activity related to
11 the journey of a person; and

12 (2) does not include transport of a knife with
13 the intent to commit an offense punishable by im-
14 prisonment for a term exceeding 1 year involving the
15 use or threatened use of force against another per-
16 son, or with knowledge, or reasonable cause to be-
17 lieve, that such an offense is to be committed in the
18 course of, or arising from, the journey.

19 (b) TRANSPORT OF KNIVES.—

20 (1) IN GENERAL.—Notwithstanding any other
21 provision of any law or any rule or regulation of a
22 State or any political subdivision thereof, a person
23 who is not otherwise prohibited by any Federal law
24 from possessing, transporting, shipping, or receiving
25 a knife shall be entitled to transport a knife for any
26 lawful purpose from any place where the person may

1 lawfully possess, carry, or transport the knife to any
2 other place where the person may lawfully possess,
3 carry, or transport the knife if—

4 (A) in the case of transport by motor vehi-
5 cle, the knife—

6 (i) is not directly accessible from the
7 passenger compartment of the motor vehi-
8 cle; or

9 (ii) in the case of a motor vehicle
10 without a compartment separate from the
11 passenger compartment, is contained in a
12 locked container other than the glove com-
13 partment or console; and

14 (B) in the case of transport by means
15 other than a motor vehicle, including any trans-
16 port over land or on or through water, the knife
17 is contained in a locked container.

18 (2) LIMITATION.—This subsection shall not
19 apply to the transport of a knife or tool in the cabin
20 of a passenger aircraft subject to the rules and regu-
21 lations of the Transportation Security Administra-
22 tion.

23 (c) EMERGENCY KNIVES.—

24 (1) IN GENERAL.—A person—

1 (A) may carry in the passenger compart-
2 ment of a mode of transportation a knife or
3 tool—

4 (i) the blades of which consist only of
5 a blunt tipped safety blade, a guarded
6 blade, or both; and

7 (ii) that is specifically designed for en-
8 abling escape in an emergency by cutting
9 safety belts; and

10 (B) shall not be required to secure a knife
11 or tool described in subparagraph (A) in a
12 locked container.

13 (2) LIMITATION.—This subsection shall not
14 apply to the transport of a knife or tool in the cabin
15 of a passenger aircraft subject to the rules and regu-
16 lations of the Transportation Security Administra-
17 tion.

18 (d) NO ARREST.—A person who is transporting a
19 knife in compliance with this section may not be arrested
20 for violation of any law, rule, or regulation of a State or
21 political subdivision of a State related to the possession,
22 transport, or carrying of a knife, unless there is probable
23 cause to believe that the person is not in compliance with
24 subsection (b).

1 (e) COSTS.—If a person who asserts this section as
2 a claim or defense in a civil or criminal action or pro-
3 ceeding is a prevailing party on the claim or defense, the
4 court shall award costs and reasonable attorney’s fees in-
5 curred by the person.

6 (f) EXPUNGEMENT.—If a person who asserts this
7 section as a claim or defense in a criminal proceeding is
8 a prevailing party on the claim or defense, the court shall
9 enter an order that directs that there be expunged from
10 all official records all references to—

11 (1) the arrest of the person for the offense as
12 to which the claim or defense was asserted;

13 (2) the institution of any criminal proceedings
14 against the person relating to such offense; and

15 (3) the results of the proceedings, if any.

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

Passed the Senate December 11, 2018.

Attest:

Secretary.

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