

116TH CONGRESS
1ST SESSION

H. R. 88

To protect the right of law-abiding citizens to transport knives interstate, notwithstanding a patchwork of local and State prohibitions, and to repeal Federal provisions related to switchblade knives which burden citizens.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 3, 2019

Mr. BIGGS (for himself, Mr. MEADOWS, Mr. LATTA, Mr. DUNCAN, and Mrs. LESKO) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To protect the right of law-abiding citizens to transport knives interstate, notwithstanding a patchwork of local and State prohibitions, and to repeal Federal provisions related to switchblade knives which burden citizens.

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 2019”.

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

2 (a) IN GENERAL.—Notwithstanding any provision of
3 any law or any rule or regulation of the United States,
4 or of a State or any political subdivision of a State, any
5 person who is not otherwise prohibited by Federal law
6 from possessing, transporting, shipping, or receiving a
7 knife or knives shall be entitled to transport a knife or
8 knives from any place where such person may lawfully pos-
9 sess, carry or transport such a knife or knives to any other
10 place where such person may lawfully possess, carry or
11 transport such a knife or knives if—

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

20 (2) in the case of transportation by other
21 means (including any conveyance over land, on or
22 through water, or through the air), the knife or
23 knives are contained in a locked container.

24 (b) EMERGENCY KNIVES.—Any knife or tool de-
25 signed for enabling escape in an emergency incorporating
26 a blunt tipped safety blade, a guarded blade, or both, for

1 cutting safety belts may be carried in the passenger com-
2 partment and need not be secured in a locked container,
3 glove compartment, or console. This subsection shall not
4 apply to the transport of any such knife or tool in the
5 passenger cabin of aircraft whose passengers are subject
6 to airport screening procedures of the Transportation Se-
7 curity Administration.

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

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

24 (e) RIGHT OF ACTION.—Any person who, under color
25 of any statute, ordinance, regulation, custom, or usage,

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

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

1 course of, or arising from, such journey. Within any form
2 of temporary lodging, a knife or knives may be accessible.

3 (g) **RULE OF CONSTRUCTION.**—Nothing in this sec-
4 tion shall be construed in any way to limit any right to
5 possess, carry, or transport a knife or knives under appli-
6 cable State law.

7 **SEC. 3. REPEAL OF FEDERAL PROVISIONS RELATED TO**
8 **SWITCHBLADE KNIVES.**

9 (a) **REPEALS.**—

10 (1) Chapter 29 of title 15, United States Code,
11 is repealed.

12 (2) Subsections (g) and (i) of section 1716, title
13 18, United States Code, are repealed.

14 (b) **CONFORMING AMENDMENTS.**—

15 (1) The table of chapters at the beginning of
16 title 15, United States Code, is amended by striking
17 the item relating to chapter 29, and inserting in lieu
18 thereof, “[Chapter 29. Repealed]”.

19 (2) Section 1716 of title 18, United States
20 Code, is amended by redesignating—

21 (A) subsection (h) as subsection (g);

22 (B) subsection (j) as subsection (h); and

23 (C) subsection (k) as subsection (i).

24 (c) **EFFECTIVE DATE.**—The repeals made by sub-
25 section (a)—

1 (1) shall take effect on the date of enactment
2 of this Act; and

3 (2) do not apply with respect to any indictment,
4 convictions, sentencing, appeals, civil or criminal
5 fines or penalties obtained, forfeitures obtained,
6 terms of imprisonment or any other enforcement ac-
7 tions or proceedings occurring or commenced, on or
8 before the date of enactment of this Act.

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