

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329


MEMORANDUM

December 17, 2010

SUBJECT: Draft definitions of "switchblade" and "gravity knife"
(Work Order No. 27-LS0298\A)

TO: Representative Mark Neuman
Attn: Rex Shattuck

FROM: Dan Wayne
Legislative Counsel



I've prepared the enclosed draft bill, based on language from Texas, as asked. The draft defines "gravity knife" separately in order to distinguish gravity knives from switchblades and because "gravity knife" is in the same sentence as "switchblade" in the only two places (AS 11.61.210 and 11.61.220) where "switchblade" appears in the Alaska Statutes. I also modified the language you provided, slightly, for reasons of drafting style.

In two Alaska cases, the Alaska Supreme Court has considered how to define "gravity knife" and "switchblade" in the absence of a statutory definition. The court upheld a weapons crime conviction in one case, finding that the term "gravity knife" is not improperly vague but has a readily ascertainable and consistent definition. According to the Court, in that case, a gravity knife is one in which the blade opens, falls into place, or is ejected into position by the force of gravity or by centrifugal force. *State v. Weaver*, 736 P.2d 781 (Alaska Ct. App. 1987). A few years later, the Court affirmed a lower court's dismissal of a weapons charge, reasoning that butterfly knives and balisong knives do not fit within the common definition of "gravity knife." *State v. Strange*, 785 P.2d 563 (Alaska Ct. App. 1990). I've enclosed a copy of *State v. Strange* to this memo because the court's discussion of various knives and their definitions might be of use.

If I may be of further assistance, please advise.

DCW:ljw
10-461.ljw

Enclosures