

HB

33

<TARGET><BILL>HB 33</BILL><SUBJECT>HB
33</SUBJECT><COMM>SJUD28</COMM></TARGET>

SENATE COMMITTEE REPORT

DATE: 3/28/13

FURTHER: Rules

DATE TURNED
IN TO OFFICE: 4/3/13

Judiciary Committee considered HOUSE BILL NO. 33

HB 33-KNIVES, GRAVITY KNIVES, & SWITCHBLADES

"An Act adding definitions of 'gravity knife' and 'switchblade' to the criminal law; and relating to reserving the authority to regulate knives to the state with limited exceptions for municipalities to regulate knives."

and recommends:

- be replaced with SCS HB 33 (JUD) [] Same Title [] Technical Title Change
[] New Title/SCR No. _____
- [] adopt previous SCS _____ (_____) [] Same Title [] Technical Title Change
[] New Title/SCR No. _____
- [] attached amendment(s)
- [] adopt _____ Letter of Intent
- [] further referral to _____ Committee

Dept Abbr.	
ADM	LWF
CED	LAW
COR	LEG
CRT	MVA
EED	DNR
DEC	DPS
DFG	REV
GOV	DOT
DHS	UA

NEW FISCAL NOTE(S)				
Dept.	Fiscal	Indet.	Zero	FN #
ADM			✓	
COR			✓	

PREVIOUS FISCAL NOTE(S)				
Dept.	Fiscal	Indet.	Zero	FN #
ADM			✓	2
CED			✓	3
LAW			✓	4

[] APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	PRINTED LAST NAME	DO PASS	DO NOT PASS	NO REC	AMEND
	Wielechowski	✓			
	McDevitt	✓			
	Dyson	✓			
CHAIR:	Coghill	✓			

Fiscal Note

State of Alaska
2013 Legislative Session

Bill Version: HB 33
Fiscal Note Number: _____
() Publish Date: _____

Identifier: HB033-DOA-OPA-3-29-13
Title: KNIVES, GRAVITY KNIVES, & SWITCHBLADES
Sponsor: NEUMAN
Requester: Senate Judiciary

Department: Department of Administration
Appropriation: Legal and Advocacy Services
Allocation: Office of Public Advocacy
OMB Component Number: 43

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2014 Appropriation Requested	Included in Governor's FY2014 Request	Out-Year Cost Estimates					
			FY 2014	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019
OPERATING EXPENDITURES								
Personal Services								
Travel								
Services								
Commodities								
Capital Outlay								
Grants & Benefits								
Miscellaneous								
Total Operating	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Fund Source (Operating Only)

None								
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Positions

Full-time								
Part-time								
Temporary								

Change in Revenues								
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Estimated SUPPLEMENTAL (FY2013) cost: 0.0

Estimated CAPITAL (FY2014) cost: 0.0

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No
If yes, by what date are the regulations to be adopted, amended or repealed?

Why this fiscal note differs from previous version:

Updated to provide analysis clarification.
--

Prepared By: Richard Allen, Director	Phone: (907)269-3504
Division: Office of Public Advocacy	Date: 03/29/2013 03:56 PM
Approved By: Curtis Thayer, Deputy Commissioner	Date: 03/29/13
Department of Administration	

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2013 LEGISLATIVE SESSION

BILL NO. HB033

Analysis

HB033 amends AS 11.81.900(b) by adding definitions for gravity knives and switchblades. HB033 would clarify the law and the definitions to provide better certainty for the public and the courts. If enacted as filed HB33 would not be expected to have any fiscal impact on the Office of Public Advocacy (OPA) or its mission.

Fiscal Note

State of Alaska
2013 Legislative Session

Bill Version: HB 33
Fiscal Note Number: _____
() Publish Date: _____

Identifier: HB033CS(JUD)-DOC-OC-04-01-13
Title: KNIVES, GRAVITY KNIVES, & SWITCHBLADES
Sponsor: NEUMAN
Requester: Senate Judiciary

Department: Department of Corrections
Appropriation: Administration and Support
Allocation: Office of the Commissioner
OMB Component Number: 694

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2014 Appropriation Requested	Included in Governor's FY2014 Request	Out-Year Cost Estimates					
			FY 2014	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019
OPERATING EXPENDITURES								
Personal Services								
Travel								
Services								
Commodities								
Capital Outlay								
Grants & Benefits								
Miscellaneous								
Total Operating	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Fund Source (Operating Only)

None								
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Positions

Full-time								
Part-time								
Temporary								

Change in Revenues								
---------------------------	--	--	--	--	--	--	--	--

Estimated SUPPLEMENTAL (FY2013) cost: 0.0

Estimated CAPITAL (FY2014) cost: 0.0

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No
If yes, by what date are the regulations to be adopted, amended or repealed?

Why this fiscal note differs from previous version:

This note reflects the CS adopted by Senate Judiciary.

Prepared By:	Kevin Worley, Director	Phone:	(907)465-4641
Division:	Admin. Services, Department of Corrections	Date:	04/01/2013 02:00 PM
Approved By:	Leslie Houston, Deputy Commissioner	Date:	04/01/13
	Department of Corrections		

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2013 LEGISLATIVE SESSION

BILL NO. CSSB 33 (JUD)

Analysis

This bill makes it a class A misdemeanor to sell or transfer a switchblade or gravity knife to a person under 18 years of age unless they have prior written permission from their parents. The bill goes on to make possession of these knives by someone under 16 years of age a class B misdemeanor. It also reserves the authority to regulate knives to the state with some limited exceptions for municipalities.

This legislation is not expected to cause a dramatic increase in convictions which would require incarceration and, therefore, there is no fiscal impact to the Department.

SENATE CONCURRENT RESOLUTION NO.
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-EIGHTH LEGISLATURE - FIRST SESSION

BY THE SENATE JUDICIARY COMMITTEE

Introduced:
Referred:

A RESOLUTION

1 **Suspending Rules 24(c), 35, 41(b), and 42(e), Uniform Rules of the Alaska State**
2 **Legislature, concerning House Bill No. 33, adding definitions of "gravity knife" and**
3 **"switchblade" to the criminal law; and relating to reserving the authority to regulate**
4 **knives to the state with limited exceptions for municipalities to regulate knives.**

5 **BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

6 That under Rule 54, Uniform Rules of the Alaska State Legislature, the provisions of
7 Rules 24(c), 35, 41(b), and 42(e), Uniform Rules of the Alaska State Legislature, regarding
8 changes to the title of a bill, are suspended in consideration of House Bill No. 33, adding
9 definitions of "gravity knife" and "switchblade" to the criminal law; and relating to reserving
10 the authority to regulate knives to the state with limited exceptions for municipalities to
11 regulate knives.

28-LS0733VA
Gardner
3/29/13

SENATE CONCURRENT RESOLUTION NO.
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-EIGHTH LEGISLATURE - FIRST SESSION

BY

Introduced:
Referred:

A RESOLUTION

1 **Suspending Rules 24(c), 35, 41(b), and 42(e), Uniform Rules of the Alaska State**
2 **Legislature, concerning House Bill No. 33, adding definitions of "gravity knife" and**
3 **"switchblade" to the criminal law; and relating to reserving the authority to regulate**
4 **knives to the state with limited exceptions for municipalities to regulate knives.**

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8 changes to the title of a bill, are suspended in consideration of House Bill No. 33, adding
9 definitions of "gravity knife" and "switchblade" to the criminal law; and relating to reserving
10 the authority to regulate knives to the state with limited exceptions for municipalities to
11 regulate knives.



THE STATE
of ALASKA

REPRESENTATIVE
MARK NEUMAN

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CS HB 33 (SJUD) – Section Analysis

Section 1 (New)

Amends the criminal statute AS 11.61.210(a)(5) - Misconduct Involving Weapons in the Fourth Degree, deleting the prohibition in the law to *manufacture* a switchblade or a gravity knife, and adds the prohibition of selling or transferring these knives to a juvenile without the prior written consent of the person's parent or guardian.

Section 2 (New)

Amends the criminal statute AS 11.61.220(a)(3) – Misconduct Involving Weapons in the Fifth Degree, adding the prohibition for an unemancipated minor under 16 years of age to possess a switchblade or gravity knife without the consent of a parent or guardian of the minor

Section 3 (Old Section 1)

Adds definitions for *gravity knife* and *switchblade* to the AS 11.81.900(b) *Definitions* section

Section 4 (Old Section 2)

Amends AS 29.10.200(40) *Limitation of home rule powers* to include the regulation of knives

Section 5 (Old Section 3)

Amends AS 29.35.145(a) *Regulation of firearms* to reserve to the state the power to regulate knives

Section 6 (Old Section 4)

Amends AS 29.35.145(b) to stipulate that municipalities have the authority to enact and enforce ordinances that restrict where knives may be sold; that a business selling knives may not be treated more restrictively than other businesses located within the same zone; and that municipalities may prohibit possession of knives in a posted *restricted access area* of municipal government buildings

Section 7 (New)

Repeals AS 11.61.220(a)(5) - the prohibition to possess or transport a switchblade or gravity knife

SENATE CS FOR HOUSE BILL NO. 33(JUD)
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-EIGHTH LEGISLATURE - FIRST SESSION

BY THE SENATE JUDICIARY COMMITTEE

Offered:
Referred:

Sponsor(s): REPRESENTATIVES NEUMAN, Chenault, Gruenberg, Tammie Wilson, Millett, Thompson, Olson, Tuck, Johnson, Saddler, LeDoux

SENATORS Micciche, Giessel, Dyson, McGuire, Dunleavy

A BILL

FOR AN ACT ENTITLED

1 **"An Act amending certain provisions of criminal law prohibiting the manufacture, sale,**
2 **transfer, or possession of switchblades and gravity knives; adding definitions of 'gravity**
3 **knife' and 'switchblade' to the criminal law; and reserving to the state, with limited**
4 **exceptions for municipalities, the authority to regulate knives."**

5 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

6 *** Section 1.** AS 11.61.210(a) is amended to read:

7 (a) A person commits the crime of misconduct involving weapons in the
8 fourth degree if the person

9 (1) possesses on the person, or in the interior of a vehicle in which the
10 person is present, a firearm when the person's physical or mental condition is impaired
11 as a result of the introduction of an intoxicating liquor or a controlled substance into
12 the person's body in circumstances other than described in AS 11.61.200(a)(7);

13 (2) discharges a firearm from, on, or across a highway;

14 (3) discharges a firearm with reckless disregard for a risk of damage to

L

1 property or a risk of physical injury to a person under circumstances other than those
2 described in AS 11.61.195(a)(3)(A);

3 (4) manufactures, possesses, transports, sells, or transfers metal
4 knuckles;

5 (5) [MANUFACTURES,] sells [,] or transfers a switchblade or a
6 gravity knife **to a person under 18 years of age without the prior written consent**
7 **of the person's parent or guardian;**

8 (6) knowingly sells a firearm or a defensive weapon to a person under
9 18 years of age;

10 (7) other than a preschool, elementary, junior high, or secondary
11 school student, knowingly possesses a deadly weapon or a defensive weapon, without
12 the permission of the chief administrative officer of the school or district or the
13 designee of the chief administrative officer, within the buildings of, on the grounds of,
14 or on the school parking lot of a public or private preschool, elementary, junior high,
15 or secondary school, on a school bus while being transported to or from school or a
16 school-sponsored event, or while participating in a school-sponsored event, except that
17 a person 21 years of age or older may possess

18 (A) a deadly weapon, other than a loaded firearm, in the trunk
19 of a motor vehicle or encased in a closed container in a motor vehicle;

20 (B) a defensive weapon;

21 (C) an unloaded firearm if the person is traversing school
22 premises in a rural area for the purpose of entering public or private land that is
23 open to hunting and the school board with jurisdiction over the school
24 premises has elected to have this exemption apply to the school premises; in
25 this subparagraph, "rural" means a community with a population of 5,500 or
26 less that is not connected by road or rail to Anchorage or Fairbanks or with a
27 population of 1,500 or less that is connected by road or rail to Anchorage or
28 Fairbanks; or

29 (8) being a preschool, elementary, junior high, or secondary school
30 student, knowingly possesses a deadly weapon or a defensive weapon, within the
31 buildings of, on the grounds of, or on the school parking lot of a public or private

1 preschool, elementary, junior high, or secondary school, on a school bus while being
 2 transported to or from school or a school-sponsored event, or while participating in a
 3 school-sponsored event, except that a student may possess a deadly weapon, other
 4 than a firearm as defined under 18 U.S.C. 921, or a defensive weapon if the student
 5 has obtained the prior permission of the chief administrative officer of the school or
 6 district or the designee of the chief administrative officer for the possession.

7 * **Sec. 2.** AS 11.61.220(a) is amended to read:

8 (a) A person commits the crime of misconduct involving weapons in the fifth
 9 degree if the person

10 (1) is 21 years of age or older and knowingly possesses a deadly
 11 weapon, other than an ordinary pocket knife or a defensive weapon,

12 (A) that is concealed on the person, and, when contacted by a
 13 peace officer, the person fails to

14 (i) immediately inform the peace officer of that
 15 possession; or

16 (ii) allow the peace officer to secure the deadly weapon,
 17 or fails to secure the weapon at the direction of the peace officer,
 18 during the duration of the contact;

19 (B) that is concealed on the person within the residence of
 20 another person unless the person has first obtained the express permission of
 21 an adult residing there to bring a concealed deadly weapon within the
 22 residence;

23 (2) knowingly possesses a loaded firearm on the person in any place
 24 where intoxicating liquor is sold for consumption on the premises;

25 (3) being an unemancipated minor under 16 years of age, possesses a
 26 firearm, switchblade, or gravity knife without the consent of a parent or guardian of
 27 the minor;

28 (4) knowingly possesses a firearm

29 (A) within the grounds of or on a parking lot immediately
 30 adjacent to an entity, other than a private residence, licensed as a child care
 31 facility under AS 47.32 or recognized by the federal government for the care of

1 children, except that a person 21 years of age or older may possess an unloaded
 2 firearm in the trunk of a motor vehicle or encased in a closed container of a
 3 motor vehicle;

4 (B) within a

5 (i) courtroom or office of the Alaska Court System; or

6 (ii) courthouse that is occupied only by the Alaska
 7 Court System and other justice-related agencies; or

8 (C) within a domestic violence or sexual assault shelter that
 9 receives funding from the state;

10 (5) possesses or transports a switchblade or a gravity knife; or

11 (6) is less than 21 years of age and knowingly possesses a deadly
 12 weapon, other than an ordinary pocket knife or a defensive weapon, that is concealed
 13 on the person.

14 * **Sec. 3.** AS 11.81.900(b) is amended by adding new paragraphs to read:

15 (65) "gravity knife" means any knife that has a blade that opens or
 16 releases a blade from its handle or sheath by the force of gravity or by the application
 17 of centrifugal force; "gravity knife" does not include a knife that has a spring, detent,
 18 or other mechanism designed to create a bias toward closure that requires a person to
 19 apply exertion to the blade by hand, wrist, or arm to overcome the bias toward closure
 20 and open or release the blade;

21 (66) "switchblade" means any knife that has a blade that folds, closes,
 22 or retracts into the handle or sheath that opens automatically by pressure applied to a
 23 button or other device located on the handle or sheath; "switchblade" does not include
 24 a knife that has a spring, detent, or other mechanism designed to create a bias toward
 25 closure that requires exertion applied to the blade by hand, wrist, or arm to overcome
 26 the bias toward closure and open the blade.

27 * **Sec. 4.** AS 29.10.200(40) is amended to read:

28 (40) AS 29.35.145 (regulation of firearms and knives);

29 * **Sec. 5.** AS 29.35.145(a) is amended to read:

30 (a) The authority to regulate firearms and knives is reserved to the state, and,
 31 except as specifically provided by statute, a municipality may not enact or enforce an

1 ordinance regulating the possession, ownership, sale, transfer, use, carrying,
2 transportation, licensing, taxation, or registration of firearms or knives.

3 * **Sec. 6.** AS 29.35.145(b) is amended to read:

4 (b) Municipalities may enact and enforce ordinances

5 (1) that are identical to state law and that have the same penalty as
6 provided for by state law;

7 (2) restricting the discharge of firearms in any portion of their
8 respective jurisdictions where there is a reasonable likelihood that people, domestic
9 animals, or property will be jeopardized; ordinances enacted or enforced under this
10 paragraph may not abridge the right of the individual guaranteed by art. I, sec. 19,
11 Constitution of the State of Alaska, to bear arms in defense of self or others;

12 (3) restricting the areas in their respective jurisdictions in which
13 firearms or knives may be sold; a business selling firearms or knives may not be
14 treated more restrictively than other businesses located within the same zone; and

15 (4) prohibiting the possession of firearms or knives in the restricted
16 access area of municipal government buildings; the municipal assembly shall post
17 notice of the prohibition against possession of firearms or knives at each entrance to
18 the restricted access area.

19 * **Sec. 7.** AS 11.61.220(a)(5) is repealed.

SENATE CS FOR HOUSE BILL NO. 33()
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-EIGHTH LEGISLATURE - FIRST SESSION

BY

Offered:
Referred:

Sponsor(s): REPRESENTATIVES NEUMAN, Chenault, Gruenberg, Tammie Wilson, Millett, Thompson, Olson, Tuck, Johnson, Saddler, LeDoux

A BILL
FOR AN ACT ENTITLED

1 **"An Act amending certain provisions of criminal law prohibiting the manufacture, sale,**
2 **transfer, or possession of switchblades and gravity knives; adding definitions of 'gravity**
3 **knife' and 'switchblade' to the criminal law; and reserving to the state, with limited**
4 **exceptions for municipalities, the authority to regulate knives."**

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6 *** Section 1.** AS 11.61.210(a) is amended to read:

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10 person is present, a firearm when the person's physical or mental condition is impaired
11 as a result of the introduction of an intoxicating liquor or a controlled substance into
12 the person's body in circumstances other than described in AS 11.61.200(a)(7);

13 (2) discharges a firearm from, on, or across a highway;

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1 property or a risk of physical injury to a person under circumstances other than those
2 described in AS 11.61.195(a)(3)(A);

3 (4) manufactures, possesses, transports, sells, or transfers metal
4 knuckles;

5 (5) [MANUFACTURES,] sells [,] or transfers a switchblade or a
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7 **of the person's parent or guardian:**

8 (6) knowingly sells a firearm or a defensive weapon to a person under
9 18 years of age;

10 (7) other than a preschool, elementary, junior high, or secondary
11 school student, knowingly possesses a deadly weapon or a defensive weapon, without
12 the permission of the chief administrative officer of the school or district or the
13 designee of the chief administrative officer, within the buildings of, on the grounds of,
14 or on the school parking lot of a public or private preschool, elementary, junior high,
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20 (B) a defensive weapon;

21 (C) an unloaded firearm if the person is traversing school
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23 open to hunting and the school board with jurisdiction over the school
24 premises has elected to have this exemption apply to the school premises; in
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26 less that is not connected by road or rail to Anchorage or Fairbanks or with a
27 population of 1,500 or less that is connected by road or rail to Anchorage or
28 Fairbanks; or

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13 peace officer, the person fails to

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15 possession; or

16 (ii) allow the peace officer to secure the deadly weapon,
17 or fails to secure the weapon at the direction of the peace officer,
18 during the duration of the contact;

19 (B) that is concealed on the person within the residence of
20 another person unless the person has first obtained the express permission of
21 an adult residing there to bring a concealed deadly weapon within the
22 residence;

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24 where intoxicating liquor is sold for consumption on the premises;

25 (3) being an unemancipated minor under 16 years of age, possesses a
26 firearm, switchblade, or gravity knife without the consent of a parent or guardian of
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28 (4) knowingly possesses a firearm

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30 adjacent to an entity, other than a private residence, licensed as a child care
31 facility under AS 47.32 or recognized by the federal government for the care of

1 children, except that a person 21 years of age or older may possess an unloaded
2 firearm in the trunk of a motor vehicle or encased in a closed container of a
3 motor vehicle;

4 (B) within a

5 (i) courtroom or office of the Alaska Court System; or

6 (ii) courthouse that is occupied only by the Alaska
7 Court System and other justice-related agencies; or

8 (C) within a domestic violence or sexual assault shelter that
9 receives funding from the state;

10 (5) possesses or transports a switchblade or a gravity knife; or

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12 weapon, other than an ordinary pocket knife or a defensive weapon, that is concealed
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26 the bias toward closure and open the blade.

27 * **Sec. 4.** AS 29.10.200(40) is amended to read:

28 (40) AS 29.35.145 (regulation of firearms **and knives**);

29 * **Sec. 5.** AS 29.35.145(a) is amended to read:

30 (a) The authority to regulate firearms **and knives** is reserved to the state, and,
31 except as specifically provided by statute, a municipality may not enact or enforce an

1 ordinance regulating the possession, ownership, sale, transfer, use, carrying,
2 transportation, licensing, taxation, or registration of firearms or knives.

3 * **Sec. 6.** AS 29.35.145(b) is amended to read:

4 (b) Municipalities may enact and enforce ordinances

5 (1) that are identical to state law and that have the same penalty as
6 provided for by state law;

7 (2) restricting the discharge of firearms in any portion of their
8 respective jurisdictions where there is a reasonable likelihood that people, domestic
9 animals, or property will be jeopardized; ordinances enacted or enforced under this
10 paragraph may not abridge the right of the individual guaranteed by art. I, sec. 19,
11 Constitution of the State of Alaska, to bear arms in defense of self or others;

12 (3) restricting the areas in their respective jurisdictions in which
13 firearms or knives may be sold; a business selling firearms or knives may not be
14 treated more restrictively than other businesses located within the same zone; and

15 (4) prohibiting the possession of firearms or knives in the restricted
16 access area of municipal government buildings; the municipal assembly shall post
17 notice of the prohibition against possession of firearms or knives at each entrance to
18 the restricted access area.

19 * **Sec. 7.** AS 11.61.220(a)(5) is repealed.

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Automatic Knife Laws

 by state

Please call your local police department with any questions you have about all knife laws that are applicable to you.

State	Possession	Carry
Alabama	Legal - State Code: Title 13A Criminal Code	Legal Allowed if not concealed - State Code: Section 13A-11-50
Alaska	Illegal - State Code: Article 2, Section 11.61.200	Illegal - State Code: Article 2, Section 11.61.200
Arizona	Legal - State Code: Arizona Criminal Code 13-3102	Legal - State Code: 13-3102 A-1
Arkansas	Legal - Act 83 of 2007 (H 1235) Feb, 2010	Legal - Act 83 of 2007 (H 1235) Feb, 2010
California	Legal - State Code: California Penal Code 653k	Legal Allowed if blade is under 2 inches. State Code: 653k
Colorado	Legal - Exception made for collectors and/or possession as curios or antiques. - State Code: Criminal Code Section 18-12-101	Illegal Exception for Firefighters, EMT, & First Responders - State Code: Criminal Code Section 18-12-101
Connecticut	Legal - State Code: Sec. 53-206^	Illegal if blade is over 1.5 inches - State Code: Sec. 53-206
Delaware	Illegal - State Code: Crimes & Criminal Procedure - Chapter 11 Section 222	Illegal - State Code: Chapter 11 Section 222
Florida	Legal - State Code: 790.001	Legal - State Code: 790.001
Georgia	Legal - State Code: 16-11-126	Legal - State Code: 16-11-126
Hawaii	Illegal - State Code: §134-51	Illegal - State Code: §134-51
Idaho	Legal - State Code: 18-3302	Legal Allowed - Illegal if intoxicated or exhibit any deadly or dangerous weapon in a rude, angry or threatening manner - State Code: 18-3302
Illinois	Legal - State Code: Criminal Code 720 ILCS 5/24-1	Illegal - State Code: 720 ILCS 5/24-1
Indiana	Illegal - State Code: IC 35-47-5-2 Sec.2.(2)	Illegal - State Code: IC 35-47-5-2 Sec.2.(2)
Iowa	Legal - State Code: Crime Control and Criminal Acts - Definitions. 702.7	Legal if not concealed - State Code: 724.4
Kansas	Illegal - State Code: Article 42. Crimes Against the Public Safety Weapons Control. Section 21-4201	Illegal - State Code: Section 21-4201
Kentucky	Legal - State Code: 500.080 Definitions for Kentucky Penal Code	Legal concealed carry allowed with "concealed deadly weapons permit" State Code: 527.020
Louisiana	Illegal - State Code: Louisiana - R.S. 14:95	Illegal - State Code: Louisiana - R.S. 14:95
Maine	Illegal - State Code: Maine - Chapter. 43 17-A Section 1055	Illegal - State Code: Maine - Chapter. 43 17-A Section 1055
Maryland	Illegal - State Code: § 4-105	Illegal State Code: § 4-101 (a).(5).(ii).2
Massachusetts	Illegal - State Code: GENERAL LAWS PART IV. TITLE I. Chapter 269: Section 10	Illegal - State Code: GENERAL LAWS PART IV. TITLE I. Chapter 269: Section 10
Michigan	Illegal - State Code: 750.226a.	Illegal - State Code: 750.226a.
Minnesota	Illegal, but exception made for collectors and/or possession as curios or antiques. - State Code: Section 609.66 Subdivision 1	Illegal - State Code: Section 609.66 Subdivision 1
Mississippi	Legal - State Code: Crimes Section § 97-37-1	Allowed if not concealed or intoxicated - State Code: Crimes Section § 97-37-1
Missouri	Illegal, but exception made for collectors and/or possession as curios or antiques. - State Code: Chapter 571, Weapons Offenses 571.020.1.(7)	Illegal - State Code: Chapter 571, Weapons Offenses 571.020.1.(7)
Montana	Illegal, but exception made for collectors and/or possession as curios or antiques. - State Code: 45-8-331	Illegal - State Code: 45-8-331
Nebraska	Legal - State Code: Crimes and Punishments. 28-1201	Legal Allowed if not concealed - State Code: Crimes and Punishments. 28-1201
Nevada	Allowed with permit - State Code: NRS 202.355	Illegal - State Code: NRS 202.355
New Hampshire	Legal - State Code: 159:16 HB 1665 (May 2010)	Legal - State Code: 159:16 HB 1665 (May 2010)
New Jersey	Illegal - State Code: Code of Criminal Justice - 2C:39-3e]	Illegal - State Code: Code of Criminal Justice- 2C:39-3e]
New Mexico	Illegal - State Code: Criminal Offenses - 30-1-12	Illegal - State Code: Criminal Offenses - 30-1-12
New York	Legal - for the purpose of hunting or fishing if possessed by a person who has a valid hunting or fishing license - State Code: Penal Law Section 265.01	Legal - for the purpose of hunting or fishing if possessed by a person who has a valid hunting or fishing license - State Code: Penal Law Section 265.01
North Carolina	Legal - State Code: 14-269"	Legal Allowed if not concealed - State Code: 14-269"
North Dakota	Legal - State Code: Criminal Code - Weapons - 62.1-04-02	Legal Allowed if not concealed - State Code: Criminal Code - Weapons - 62.1-04-02
Ohio		Illegal - State Code: § 2923.12

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	Legal (purchases only allowed through online retailers)- <i>State Code: § 2923.12</i>	
Oklahoma	Legal - <i>State Code: §21-1272.</i>	Illegal - <i>State Code: §21-1272.</i>
Oregon	Legal - <i>State Code: 166.240</i>	Legal Allowed if not concealed - <i>State Code: 166.240</i>
Pennsylvania	Illegal , but exception made for collectors and/or possession as curios. - <i>State Code: Pa. C.S.A. 18.908</i>	Illegal - <i>State Code: Pa. C.S.A. 18.908</i>
Rhode Island	Legal - <i>State Code: 11-47-42</i>	Legal - <i>State Code: 11-47-42</i>
South Carolina	Legal - <i>State Code: 16-23-460</i>	Illegal - <i>State Code: 16-23-460</i>
South Dakota	Legal - <i>State Code: 22-14-19</i>	Legal - <i>State Code: 22-14-19</i>
Tennessee	Illegal , exception made for collectors and/or possession as curios or antiques - <i>State Code: 39-17-1302 (c) (1)</i>	Illegal - <i>State Code: 39-17-1302</i>
Texas	Illegal , but exception made for collectors and/or possession as curios or antiques - <i>State Code: Health, Safety & Morals - 46.02</i>	Illegal - <i>State Code: Health, Safety & Morals - 46.02</i>
Utah	Legal - <i>State Code: Offenses Against Public Health and Safety - 76-10-504</i>	Legal Allowed if not concealed; concealed carry allowed with permit or license - <i>State Code: Offenses Against Public Health and Safety - 76-10-504</i>
Vermont	Legal - <i>State Code: Ch. 85 Weapons - T.13-4003</i>	Legal (Illegal if blade is over 3 inches) - <i>State Code: Ch. 85 Weapons - T.13-4003</i>
Virginia	Legal (purchases only allowed through online retailers) - <i>State Code: 18.2-308</i>	Illegal - <i>State Code: 18.2-308</i>
Washington	Illegal - <i>State Code: RCW 9.41.250</i>	Illegal - <i>State Code: RCW 9.41.250</i>
West Virginia	Legal - <i>State Code: §61-7-2</i>	Legal Allowed if not concealed; concealed carry allowed with permit or license - <i>State Code: §61-7-2</i>
Wisconsin	Illegal - <i>State Code: 941.24</i>	Illegal - <i>State Code: 941.24</i>
Wyoming	Legal - <i>State Code: Statutes 6-8-104</i>	Legal Allowed if not concealed - <i>State Code: Statutes 6-8-104</i>

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OFFENSES KNOWN TO LAW ENFORCEMENT

(1) Classification of Offense	(2) Offenses Reported	(3) Unfounded Offenses	(4) Actual Offenses	(5) Offenses Cleared	(6) Juveniles Only
CRIMINAL HOMICIDE					
MURDER/NONNEG MANSLAUGHTER	14	1	13	12	
MANSLAUGHTER BY NEGLIGENCE					
TOTAL	14	1	13	12	
FORCIBLE RAPE					
RAPE BY FORCE	35	4	31	14	
ATTEMPTED FORCIBLE RAPE	3		3	1	1
TOTAL	38	4	34	15	1
ROBBERY					
FIREARM	10		10	1	
KNIFE/CUTTING INSTRUMENT	6	1	5	1	
OTHER DANGEROUS WEAPON					
STRONG-ARM (HANDS, FISTS)	10		10	4	
TOTAL	26	1	25	6	
ASSAULT					
FIREARM	257	4	253	172	1
KNIFE OR CUTTING INSTRUMENT	186	1	185	134	10
OTHER DANGEROUS WEAPON	209	4	205	135	5
HANDS, FIST, FEET, AGGRAVATED	302	1	301	176	2
OTHER ASSAULTS - SIMPLE	1950	65	1885	1267	33
TOTAL	2904	75	2829	1884	51
BURGLARY					
FORCIBLE ENTRY	728	18	710	75	13
UNLAWFUL ENTRY - NO FORCE	350	13	337	25	4
ATTEMPTED FORCIBLE ENTRY	20		20	2	
TOTAL	1098	31	1067	102	17
LARCENY-THEFT					
THEFT (EX MOTOR VEHICLE)	2143	80	2063	113	13
TOTAL	2143	80	2063	113	13
MOTOR VEHICLE THEFT					
AUTOS	143	24	119	27	6
TRUCKS AND BUSES	89	8	81	12	3
OTHER VEHICLES	169	12	157	14	2
TOTAL	401	44	357	53	11
GRAND TOTAL	6624	236	6388	2185	93

*Houston included in State Trooper data as of 5/6/11

OFFENSES KNOWN TO LAW ENFORCEMENT

(1) Classification of Offense	(2) Offenses Reported	(3) Unfounded Offenses	(4) Actual Offenses	(5) Offenses Cleared	(6) Juveniles Only
CRIMINAL HOMICIDE					
MURDER/NONNEG MANSLAUGHTER	18	2	16	12	
MANSLAUGHTER BY NEGLIGENCE	3		3	3	
TOTAL	21	2	19	15	
FORCIBLE RAPE					
RAPE BY FORCE	59	3	56	10	2
ATTEMPTED FORCIBLE RAPE	5		5	1	
TOTAL	64	3	61	11	2
ROBBERY					
FIREARM	16		16	7	
KNIFE/CUTTING INSTRUMENT	2		2	2	
OTHER DANGEROUS WEAPON	3		3	1	
STRONG-ARM (HANDS, FISTS)	19		19	11	1
TOTAL	40		40	21	1
ASSAULT					
FIREARM	248	1	247	181	2
KNIFE OR CUTTING INSTRUMENT	287	1	286	193	7
OTHER DANGEROUS WEAPON	142		142	99	3
HANDS, FIST, FEET, AGGRAVATED	205	2	203	152	3
OTHER ASSAULTS - SIMPLE	2036	59	1977	1314	54
TOTAL	2918	63	2855	1939	69
BURGLARY					
FORCIBLE ENTRY	675	11	664	74	6
UNLAWFUL ENTRY - NO FORCE	377	13	364	33	6
ATTEMPTED FORCIBLE ENTRY	28		28	1	
TOTAL	1080	24	1056	108	12
LARCENY-THEFT					
THEFT (EX MOTOR VEHICLE)	2065	90	1975	128	13
TOTAL	2065	90	1975	128	13
MOTOR VEHICLE THEFT					
AUTOS	275	36	239	34	4
TRUCKS AND BUSES	28	2	26	4	
OTHER VEHICLES	65		65	12	1
TOTAL	368	38	330	50	5
GRAND TOTAL	6556	220	6336	2272	102

LAW ENFORCEMENT OFFICERS KILLED OR ASSAULTED

Type of Activity	Total assaults by weapon	Type of Weapon					Type of Assignment						Officer assaults cleared
		Firearm	Knife or other cutting instrument	Other dangerous weapon	Hands, fists, feet, etc.	Two-officer vehicle	One-officer vehicle		Detective or special assgn.		Other		
							Alone	Asst	Alone	Asst	Alone	Asst	
A	B	C	D	E	F	G	H	I	J	K	L	M	
1. Responding to disturbance calls (family quarrels, person with firearm, etc.)	49	11		15	23	1	14	18			8	8	49
2. Burglaries in progress or pursuing burglary suspects													
3. Robberies in progress or pursuing robbery suspects													
4. Attempting other arrests	3				3			2				1	3
5. Civil disorder (riot, mass disobedience, etc.)													
6. Handling, transporting, custody of prisoners	3				3		1	1				1	3
7. Investigating suspicious persons or circumstances													
8. Ambush – no warning													
9. Mentally deranged													
10. Traffic pursuits and stops	11			5	6		6	5					11
11. All other	2			1	1		1				1		2
12. TOTAL (1-11)	68	11		21	36	1	22	26			9	10	68
13. Number with person injury	17			4	13								
14. Number without personal injury	51	10		17	24								

15. TIME OF ASSAULTS	12 AM	2 AM	4 AM	6 AM	8 AM	10 AM	NOON	2 PM	4 PM	6 PM	8 PM	10 PM	UNK
	9	16	5	1	1	2	4	6	4	2	12	6	

*Houston included in State Trooper data as of 5/6/11

LAW ENFORCEMENT OFFICERS KILLED OR ASSAULTED

Type of Activity	Total assaults by weapon	Type of Weapon					Type of Assignment						Officer assaults cleared
		Firearm	Knife or other cutting instrument	Other dangerous weapon	Hands, fists, feet, etc.	Two-officer vehicle	One-officer vehicle		Detective or special assgn.		Other		
							Alone	Asst	Alone	Ast	Alone	Asst	
A	B	C	D	E	F	G	H	I	J	K	L	M	
1. Responding to disturbance calls (family quarrels, person with firearm, etc.)	11	2			9	2		5				4	11
2. Burglaries in progress or pursuing burglary suspects													
3. Robberies in progress or pursuing robbery suspects													
4. Attempting other arrests	2				2		1	1					2
5. Civil disorder (riot, mass disobedience, etc.)													
6. Handling, transporting, custody of prisoners													
7. Investigating suspicious persons or circumstances	2	1			1		2						2
8. Ambush – no warning													
9. Mentally deranged	1	1					1						1
10. Traffic pursuits and stops	8	5		3			1	7					8
11. All other	2				2			1			1		2
12. TOTAL (1-11)	26	9		3	14	2	5	14			1	4	26
13. Number with person injury	2			1	1								
14. Number without personal injury	24	9		2	13								

15. TIME OF ASSAULTS	12 AM	2 AM	4 AM	6 AM	8 AM	10 AM	NOON	2 PM	4 PM	6 PM	8 PM	10 PM	UNK
	2	3	1				2		2		2	14	

ALASKA STATE LEGISLATURE



SENATOR FRED DYSON SENATE DISTRICT F

To: Senator Bill Wielechowski

Thru: Senator John Coghill
Judiciary Chair

From: Senator Fred Dyson

A handwritten signature in black ink, appearing to read "Fred Dyson", written over the printed name.

Re: Senate Bill 11 - National Park Service policy with Respect to Regulation of Knives

Date: March 29, 2013

Today Mr. Kopp of my office spoke with National Park Service spokesperson Jeffrey Olson, NPS Press Office in Washington D.C., concerning NPS policy of enforcing laws pertaining to the carry and display of weapons (firearms and knives) in the parks.

Mr. Olsen stated that a 2010 change in federal law (Sec. 512 of P.L. 111-24) allows firearms in national parks. As a result of this law, NPS firearms policy was changed to follow state and local laws applicable to the jurisdictions in which the parks are located.

To the question of knife regulations, Mr. Olsen said the NPS has no specific policy, and that to his knowledge the issue of knife carry and possession has not been a focus of regulation for the NPS. Mr. Olsen said that as long as knives are used in compliance with state and local law, there should not be an issue with the carry of a knife otherwise permitted by state law.

Mr. Kopp sent to Mr. Olsen a copy of Senate Bill 11 and explained that it would allow possession of switchblades and gravity knives in Alaska. Mr. Olsen will review the proposed legislation and let my office know if NPS Alaska park weapons policy will be consistent with the intent of SB 11 should it be passed into law.

I have attached to this memo a National Park Service press release stating that NPS is now subject to state and local firearms laws.

Cc: Senate Judiciary Members



National Park Service Press Release

For Immediate Release: February 18, 2010

Contact(s): David Barna, (202) 208-6843

New Firearms Law Takes Effect Monday - National parks now subject to state and local firearms laws

WASHINGTON – A change in federal law effective Monday, February 22, allows firearms in many national parks. People who can legally possess firearms under federal and state law can now possess those firearms in the national parks in that state. The new law (Sec. 512 of P.L. 111-24) was passed by Congress and signed last May by the President.

Prior to February 22, firearms have generally been prohibited in national parks – except in some Alaska parks and those parks that allow hunting.

State and local firearms laws vary. Visitors who would like to bring a firearm with them to a national park need to understand and comply with the applicable laws. More than 30 national parks are located in more than one state, so visitors need to know where they are in those parks and which state's law applies.

"For nearly 100 years, the mission of the National Park Service has been to protect and preserve the parks and to help all visitors enjoy them," National Park Service Director Jon Jarvis said. "We will administer this law as we do all others – fairly and consistently."

Federal law continues to prohibit the possession of firearms in designated "federal facilities" in national parks, for example, visitor centers, offices, or maintenance buildings. These places are posted with "firearms prohibited" signs at public entrances. The new law also does not change prohibitions on the use of firearms in national parks and does not change hunting regulations.

Park websites have been updated to include links to state firearms laws to help visitors understand the law and plan accordingly.

Sec. 512 of P.L. 111-24, an amendment to the Credit Card Accountability, Responsibility, and Disclosure Act of 2009, also directs the U.S. Fish and Wildlife Service to follow state and local firearms laws in national wildlife refuges.

 **Printer Friendly**

Text of Section 512, P.L. 111-24, Credit Card Accountability Responsibility and Disclosure Act of 2009, 123 Stat. 1764-65 § 512

SEC. 512. PROTECTING AMERICANS FROM VIOLENT CRIME.

(a) Congressional Findings- Congress finds the following:

(1) The Second Amendment to the Constitution provides that 'the right of the people to keep and bear Arms, shall not be infringed'.

(2) Section 2.4(a)(1) of title 36, Code of Federal Regulations, provides that 'except as otherwise provided in this section and parts 7 (special regulations) and 13 (Alaska regulations), the following are prohibited: (i) Possessing a weapon, trap or net (ii) Carrying a weapon, trap or net (iii) Using a weapon, trap or net'.

(3) Section 27.42 of title 50, Code of Federal Regulations, provides that, except in special circumstances, citizens of the United States may not 'possess, use, or transport firearms on national wildlife refuges' of the United States Fish and Wildlife Service.

(4) The regulations described in paragraphs (2) and (3) prevent individuals complying with Federal and State laws from exercising the second amendment rights of the individuals while at units of--

(A) the National Park System; and

(B) the National Wildlife Refuge System.

(5) The existence of different laws relating to the transportation and possession of firearms at different units of the National Park System and the National Wildlife Refuge System entrapped law-abiding gun owners while at units of the National Park System and the National Wildlife Refuge System.

(6) Although the Bush administration issued new regulations relating to the Second Amendment rights of law-abiding citizens in units of the National Park System and National Wildlife Refuge System that went into effect on January 9, 2009--

(A) on March 19, 2009, the United States District Court for the District of Columbia granted a preliminary injunction with respect to the implementation and enforcement of the new regulations; and

(B) the new regulations--

(i) are under review by the administration; and

(ii) may be altered.

(7) Congress needs to weigh in on the new regulations to ensure that unelected bureaucrats and judges cannot again override the Second Amendment rights of law-abiding citizens on 83,600,000 acres of National Park System land and 90,790,000 acres of land under the jurisdiction of the United States Fish and Wildlife Service.

(8) The Federal laws should make it clear that the second amendment rights of an individual at a unit of the National Park System or the National Wildlife Refuge System should not be infringed.

(b) Protecting the Right of Individuals To Bear arms in Units of the National Park System and the National Wildlife Refuge System- The Secretary of the Interior shall not promulgate or enforce any regulation that prohibits an individual from possessing a firearm including an assembled or functional firearm in any unit of the National Park System or the National Wildlife Refuge System if--

(1) the individual is not otherwise prohibited by law from possessing the firearm; and

(2) the possession of the firearm is in compliance with the law of the State in which the unit of the National Park System or the National Wildlife Refuge System is located.

ALASKA STATE LEGISLATURE

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Chair:
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Representative Mark Neuman

Rep.Mark.Neuman@akleg.gov

March 28, 2013

Dear Sen. John Coghill

Subject: HB 33 "An Act adding definitions of 'gravity knife' and 'switchblade' to the criminal law."

Attached is a committee package for House Bill 33, please consider scheduling this legislation at your earliest convenient in the House Judiciary Committee. It is my goal to have a national expert from "Knife Rights Inc." available to answer questions and provide testimony on this issue.

I look forward to discussing HB 33 with you and the members of the Alaska Senate Judiciary Committee.

Included are the following:

- Letter of request
- Sponsor statement.
- Current version of the bill.
- Supporting documents

Please feel free to contact me or my aide Rex Shattuck (465-2696) with any questions.

Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "Mark Neuman".

Representative Mark Neuman

ALASKA STATE LEGISLATURE

Member:
House Finance Committee

Chair:
House Budget Sub Committees on:
- Department of Health & Social Services
- Department of Transportation & Public
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Representative Mark Neuman

Rep.Mark.Neuman@akleg.gov

Sponsor Statement HB 33

"An Act adding definitions of 'gravity knife' and 'switchblade' to the criminal law"

In Alaska, spring loaded knives are an important tool used by hunters, anglers, and craftsmen. According to the American Knife and Tool Institute, there are over 35.6 million Americans who carry and use some type of utilitarian knife which opens with one hand. In the United States, assisted-opening and one-hand-opening knives now make up 80 percent of all knives sold.

In recent years some jurisdictions have acted to restrict the type of knives individuals may carry. In a number of instances this has been done by attempting to define common pocketknives as switchblades, gravity knives, or other knives.

Frequently that switchblade definition is assigned to a knife capable of being opened with one hand and having a "bias towards closure". A "bias toward closure" simply means it has a spring, detent, or other mechanism, which maintains the knife in a closed position until the bias is overcome with applied pressure.

A knife of this configuration falls short of the definition of switchblade used in other states and by the federal government: "...any knife having a blade which opens automatically (1) by hand pressure applied to a button or other device in the handle of the knife, or (2) by operation of inertia, gravity, or both."

Presently Alaskan's are able to purchases these knives in Alaska and online. They are used in the work environment and in recreation. This bill simply clarifies that one handed hunting and utility knives do not qualify as a switchblade and as such are legally owned.

I would appreciate your support

Explanation of knives in the picture.

Switchblade – is a pocket knife whose blade is operated by activating a multi- position switch on the handle. By moving the switch in one direction it extends the blade, by moving it in the opposite direction it retracts the blade.

One handed bias closed knife – the knives this legislation address are ones that can be opened by one hand - but typically need two to close. Like most knives (except gravity knives) they have some spring to them. Initially that causes a bias to staying closed. However, once you reach a certain point there is an inertia that assists in their opening. Many have something designed into the blade to help in their opening.

HB55 - Definitions: Gravity Knife & Switchblade

Examples of bias-towards-closure knives:



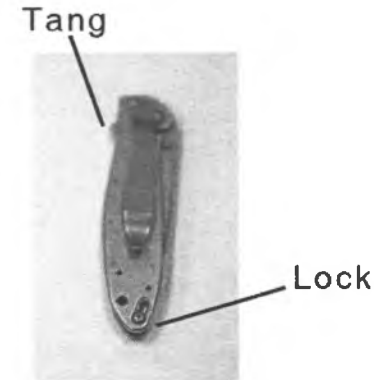
Closed



Prone



Fully-opened



Bias-towards Closed with a tang

Example of a switchblade:



Closed

Switch mechanism



Fully-opened

Knife Definitions

Introduction

In an effort to limit the type of knives that can be legally imported into the United States, the Department of Homeland Security proposed revocation of the admissibility of certain knives with spring assisted opening mechanisms. This proposal would establish a new definition for qualifying switchblade knives.

Under the Switchblade Knife Act of 1958, a switchblade is defined as any knife with a blade which opens automatically by hand pressure applied to a button or other device in the handle of the knife, or by operation of inertia, gravity, or both. The proposed regulation would designate one-hand and assisted opening knives as being switchblades, even though the federal law does not declare these knives as switchblades.

Issue

Spring loaded knives are an important tool for hunters and anglers. According to the American Knife and Tool Institute, there are over 35.6 million Americans, including many who are hunters and anglers, who carry and use some type of utilitarian knife which opens with one hand. In the United States, assisted-opening and one-hand-opening knives are 80 percent of all knives sold. Spring loaded hunting knives should not qualify as switchblade knives.

Language

The Texas State Legislature passed H.B. No. 4456. This bill provided the state definition for qualifying switchblade knives.

1. "Switchblade knife" means any knife that has a blade that folds, closes, or retracts into the handle or sheath that opens automatically by pressure applied to a button or other device located on the handle, or opens or releases a blade from the handle or sheath by the force of gravity or by the application of centrifugal force.
2. The term (Switchblade) does not include a knife that has a spring, detent, or other mechanism designed to create a bias toward closure that requires exertion applied to the blade by hand, wrist, or arm to overcome the bias toward closure and open the knife.

Points of Interest

- Court cases in several states such as California, Illinois, Michigan, and Texas, have all ruled in favor of assisted-opening and one-hand opening knives. These knives are not considered switchblades because they do not possess the activating button or device on the handle of the knife.

ALASKA STATE SENATE



SENATOR FRED DYSON

Date: March 27, 2013

To: Senator John Coghill
Senate Judiciary, Chair

From: Senator Fred Dyson

Re: Committee Hearing Request for SB 11 – Knives, Gravity Knives, and Switchblades

I respectfully request a committee hearing for SB 11 - An Act amending certain provisions of criminal law prohibiting the manufacture, sale, transfer, or possession of switchblades and gravity knives; adding definitions of 'gravity knife' and 'switchblade' to the criminal law; and reserving to the state, with limited exceptions for municipalities, the authority to regulate knives.

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During Interim (June-December): 10928 Eagle River Road, Suite 238 • Eagle River, Alaska 99577 • (907) 694-6683 • (907) 694-1015 (fax)

senator.fred.dyson@legis.state.ak.us • www.akrepublicans.org

ALASKA STATE LEGISLATURE



SENATOR FRED DYSON SENATE DISTRICT F

SPONSOR STATEMENT FOR SB 11

An Act amending certain provisions of criminal law prohibiting the manufacture, sale, transfer, or possession of switchblades and gravity knives; adding definitions of 'gravity knife' and 'switchblade' to the criminal law; and reserving to the state, with limited exceptions for municipalities, the authority to regulate knives

SB11 repeals the prohibition in the law for adults to possess knives identified in Alaska Statute as a 'switchblade' or 'gravity knife'; adds language that these knives may not be sold or transferred to a person under 18 years of age without the prior written consent of the person's parent or guardian; and further states that an unemancipated minor under 16 years of age may not possess a switchblade or gravity knife without the consent of a parent or guardian of the minor.

SB11 provides definitions for gravity knives and switchblades to make clear the distinction between gravity knives which are deployed from the handle by the force of inertia, or gravity; switchblades, which are opened from the handle when a spring or button is pressed; and other pocketknives which can be opened with one hand and have a bias toward closure which must be overcome with applied pressure. Finally, SB11 amends Title 29 *Home Rule Municipalities and Municipal Powers and Duties* to include regulation of knives.

Criminal law should be reserved for conduct that is either blameworthy or threatens public safety, not wielded to undermine our personal liberties and economic freedom. SB 11 seeks to remove from the law obsolete language that does not serve a real public safety interest. The 2011 Uniform Crime Report for Alaska shows that knives were only used in 2% of 386 assaults on law enforcement officers, with none resulting in injury to the officer. In 2010 and 2011 Alaska State Troopers report zero assaults on their personnel that involved any knife. Knives and all cutting instruments of any type were used in less than 21% of all reported aggravated assaults in Alaska over 2010 and 2011. In short, the data does not support criminalizing possession of these knives and current law prohibiting possession of switchblades and gravity knives is incongruous with Alaska law which permits any non-felon 21 years of age or older to carry a concealed firearm without a permit.

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Sen.Fred.Dyson@akleg.gov

ALASKA STATE LEGISLATURE



SENATOR FRED DYSON
SENATE DISTRICT F

SB 11 – Section Analysis

Section 1

Amends the criminal statute AS 11.61.210(a)(5) - Misconduct Involving Weapons in the Fourth Degree, deleting the prohibition in the law to *manufacture* a switchblade or a gravity knife, and adds the prohibition of selling or transferring these knives to a juvenile without the prior written consent of the person's parent or guardian.

Section 2

Amends the criminal statute AS 11.61.220(a)(3) – Misconduct Involving Weapons in the Fifth Degree, adding the prohibition for an unemancipated minor under 16 years of age to possess a switchblade or gravity knife without the consent of a parent or guardian of the minor

Section 3

Adds definitions for *gravity knife* and *switchblade* to the AS 11.81.900(b) *Definitions* section.

Section 4

Amends AS 29.10.200(40) *Limitation of home rule powers* to include the regulation of knives.

Section 5

Amends AS 29.35.145(a) *Regulation of firearms* to reserve to the state the power to regulate knives.

Section 6

Amends AS 29.35.145(b) to stipulate that municipalities have the authority to enact and enforce ordinances that restrict where knives may be sold; that a business selling knives may not be treated more restrictively than other businesses located within the same zone; and that municipalities may prohibit possession of knives in a posted *restricted access area* of municipal government buildings.

Section 7

Repeals AS 11.61.220(a)(5) - the prohibition to possess or transport a switchblade or gravity knife.

SENATE BILL NO. 11

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-EIGHTH LEGISLATURE - FIRST SESSION

BY SENATORS DYSON, French

Introduced: 1/16/13

Referred: State Affairs, Judiciary

A BILL

FOR AN ACT ENTITLED

1 **"An Act amending certain provisions of criminal law prohibiting the manufacture, sale,**
2 **transfer, or possession of switchblades and gravity knives; adding definitions of 'gravity**
3 **knife' and 'switchblade' to the criminal law; and reserving to the state, with limited**
4 **exceptions for municipalities, the authority to regulate knives."**

5 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

6 *** Section 1.** AS 11.61.210(a) is amended to read:

7 (a) A person commits the crime of misconduct involving weapons in the
8 fourth degree if the person

9 (1) possesses on the person, or in the interior of a vehicle in which the
10 person is present, a firearm when the person's physical or mental condition is impaired
11 as a result of the introduction of an intoxicating liquor or a controlled substance into
12 the person's body in circumstances other than described in AS 11.61.200(a)(7);

13 (2) discharges a firearm from, on, or across a highway;

14 (3) discharges a firearm with reckless disregard for a risk of damage to

1 property or a risk of physical injury to a person under circumstances other than those
2 described in AS 11.61.195(a)(3)(A);

3 (4) manufactures, possesses, transports, sells, or transfers metal
4 knuckles;

5 (5) [MANUFACTURES,] sells [,] or transfers a switchblade or a
6 gravity knife **to a person under 18 years of age without the prior written consent**
7 **of the person's parent or guardian:**

8 (6) knowingly sells a firearm or a defensive weapon to a person under
9 18 years of age;

10 (7) other than a preschool, elementary, junior high, or secondary
11 school student, knowingly possesses a deadly weapon or a defensive weapon, without
12 the permission of the chief administrative officer of the school or district or the
13 designee of the chief administrative officer, within the buildings of, on the grounds of,
14 or on the school parking lot of a public or private preschool, elementary, junior high,
15 or secondary school, on a school bus while being transported to or from school or a
16 school-sponsored event, or while participating in a school-sponsored event, except that
17 a person 21 years of age or older may possess

18 (A) a deadly weapon, other than a loaded firearm, in the trunk
19 of a motor vehicle or encased in a closed container in a motor vehicle;

20 (B) a defensive weapon;

21 (C) an unloaded firearm if the person is traversing school
22 premises in a rural area for the purpose of entering public or private land that is
23 open to hunting and the school board with jurisdiction over the school
24 premises has elected to have this exemption apply to the school premises; in
25 this subparagraph, "rural" means a community with a population of 5,500 or
26 less that is not connected by road or rail to Anchorage or Fairbanks or with a
27 population of 1,500 or less that is connected by road or rail to Anchorage or
28 Fairbanks; or

29 (8) being a preschool, elementary, junior high, or secondary school
30 student, knowingly possesses a deadly weapon or a defensive weapon, within the
31 buildings of, on the grounds of, or on the school parking lot of a public or private

1 preschool, elementary, junior high, or secondary school, on a school bus while being
 2 transported to or from school or a school-sponsored event, or while participating in a
 3 school-sponsored event, except that a student may possess a deadly weapon, other
 4 than a firearm as defined under 18 U.S.C. 921, or a defensive weapon if the student
 5 has obtained the prior permission of the chief administrative officer of the school or
 6 district or the designee of the chief administrative officer for the possession.

7 * **Sec. 2.** AS 11.61.220(a) is amended to read:

8 (a) A person commits the crime of misconduct involving weapons in the fifth
 9 degree if the person

10 (1) is 21 years of age or older and knowingly possesses a deadly
 11 weapon, other than an ordinary pocket knife or a defensive weapon,

12 (A) that is concealed on the person, and, when contacted by a
 13 peace officer, the person fails to

14 (i) immediately inform the peace officer of that
 15 possession; or

16 (ii) allow the peace officer to secure the deadly weapon,
 17 or fails to secure the weapon at the direction of the peace officer,
 18 during the duration of the contact;

19 (B) that is concealed on the person within the residence of
 20 another person unless the person has first obtained the express permission of
 21 an adult residing there to bring a concealed deadly weapon within the
 22 residence;

23 (2) knowingly possesses a loaded firearm on the person in any place
 24 where intoxicating liquor is sold for consumption on the premises;

25 (3) being an unemancipated minor under 16 years of age, possesses a
 26 firearm, **switchblade, or gravity knife** without the consent of a parent or guardian of
 27 the minor;

28 (4) knowingly possesses a firearm

29 (A) within the grounds of or on a parking lot immediately
 30 adjacent to an entity, other than a private residence, licensed as a child care
 31 facility under AS 47.32 or recognized by the federal government for the care of

1 children, except that a person 21 years of age or older may possess an unloaded
 2 firearm in the trunk of a motor vehicle or encased in a closed container of a
 3 motor vehicle;

4 (B) within a

5 (i) courtroom or office of the Alaska Court System; or

6 (ii) courthouse that is occupied only by the Alaska
 7 Court System and other justice-related agencies; or

8 (C) within a domestic violence or sexual assault shelter that
 9 receives funding from the state;

10 (5) possesses or transports a switchblade or a gravity knife; or

11 (6) is less than 21 years of age and knowingly possesses a deadly
 12 weapon, other than an ordinary pocket knife or a defensive weapon, that is concealed
 13 on the person.

14 * **Sec. 3.** AS 11.81.900(b) is amended by adding new paragraphs to read:

15 (65) "gravity knife" means any knife that has a blade that opens or
 16 releases a blade from its handle or sheath by the force of gravity or by the application
 17 of centrifugal force; "gravity knife" does not include a knife that has a spring, detent,
 18 or other mechanism designed to create a bias toward closure that requires a person to
 19 apply exertion to the blade by hand, wrist, or arm to overcome the bias toward closure
 20 and open or release the blade;

21 (66) "switchblade" means any knife that has a blade that folds, closes,
 22 or retracts into the handle or sheath that opens automatically by pressure applied to a
 23 button or other device located on the handle or sheath; "switchblade" does not include
 24 a knife that has a spring, detent, or other mechanism designed to create a bias toward
 25 closure that requires exertion applied to the blade by hand, wrist, or arm to overcome
 26 the bias toward closure and open the blade.

27 * **Sec. 4.** AS 29.10.200(40) is amended to read:

28 (40) AS 29.35.145 (regulation of firearms and knives);

29 * **Sec. 5.** AS 29.35.145(a) is amended to read:

30 (a) The authority to regulate firearms and knives is reserved to the state, and,
 31 except as specifically provided by statute, a municipality may not enact or enforce an

1 ordinance regulating the possession, ownership, sale, transfer, use, carrying,
2 transportation, licensing, taxation, or registration of firearms or knives.

3 * **Sec. 6.** AS 29.35.145(b) is amended to read:

4 (b) Municipalities may enact and enforce ordinances

5 (1) that are identical to state law and that have the same penalty as
6 provided for by state law;

7 (2) restricting the discharge of firearms in any portion of their
8 respective jurisdictions where there is a reasonable likelihood that people, domestic
9 animals, or property will be jeopardized; ordinances enacted or enforced under this
10 paragraph may not abridge the right of the individual guaranteed by art. I, sec. 19,
11 Constitution of the State of Alaska, to bear arms in defense of self or others;

12 (3) restricting the areas in their respective jurisdictions in which
13 firearms or knives may be sold; a business selling firearms or knives may not be
14 treated more restrictively than other businesses located within the same zone; and

15 (4) prohibiting the possession of firearms or knives in the restricted
16 access area of municipal government buildings; the municipal assembly shall post
17 notice of the prohibition against possession of firearms or knives at each entrance to
18 the restricted access area.

19 * **Sec. 7.** AS 11.61.220(a)(5) is repealed.

Department of Public Safety

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Resources

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Alaska Concealed Handgun

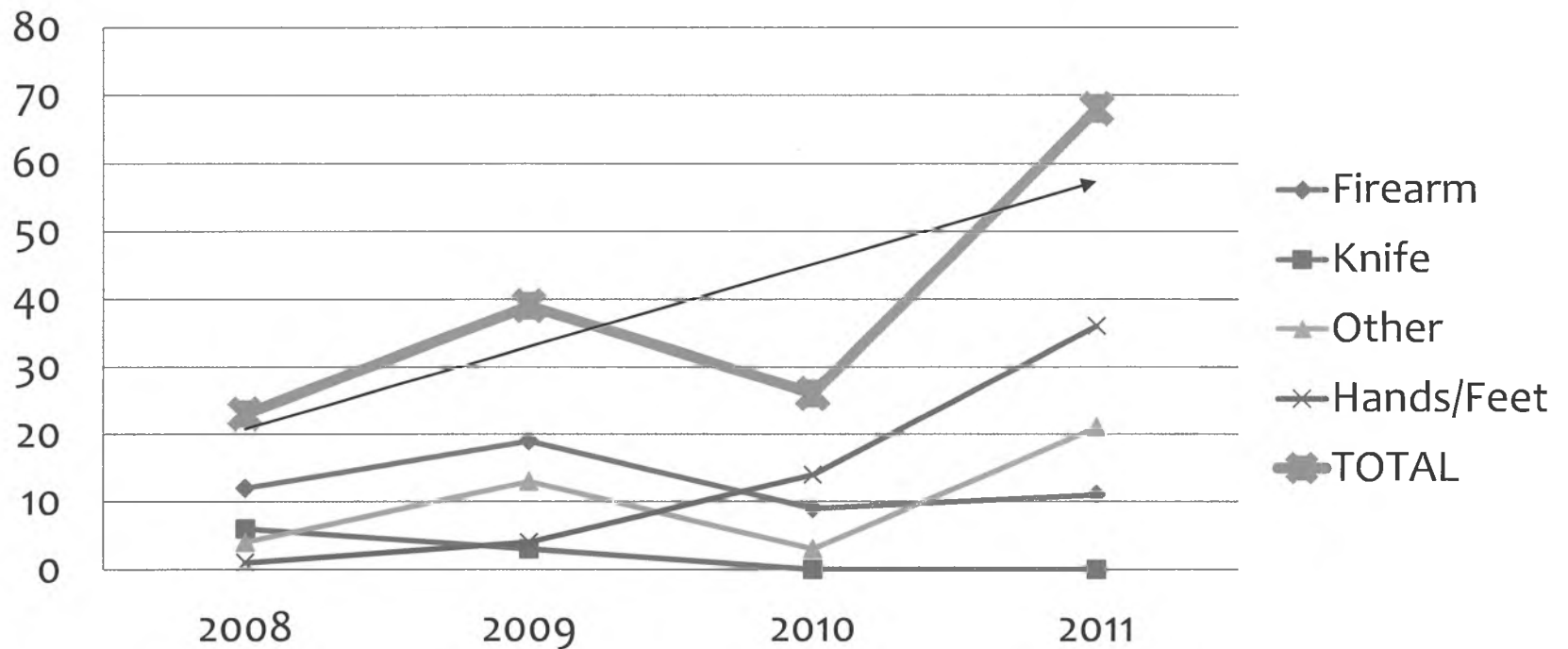
Alaska's laws do not prohibit anyone 21 or older who may legally possess a firearm from carrying it concealed. A special permit is not required.

Possession of a firearm, whether concealed or open, is restricted in some circumstances and locations. Click the "In Alaska" link for expanded information.

Alaska's laws do not apply to other states. Alaska residents may obtain a concealed carry permit if they want to travel to other states with which Alaska has reciprocity agreements. Click the "Outside of Alaska" link for expanded information.



Assaults on Troopers



Uniform Crime Reports, Crime Reported in Alaska, 2008 - 2011, Dept. of Public Safety, <http://dps.alaska.gov/Statewide/UCR.aspx>

LAW ENFORCEMENT OFFICERS KILLED OR ASSAULTED

Type of Activity	Total assaults by weapon	Type of Weapon					Type of Assignment						Officer assaults cleared
		Firearm	Knife or other cutting instrument	Other dangerous weapon	Hands, fists, feet, etc.	Two-officer vehicle	One-officer vehicle		Detective or special assgn.		Other		
							Alone	Asst	Alone	Ast	Alone	Asst	
A	B	C	D	E	F	G	H	I	J	K	L	M	
1. Responding to disturbance calls (family quarrels, person with firearm, etc.)	11	2			9	2		5				4	11
2. Burglaries in progress or pursuing burglary suspects													
3. Robberies in progress or pursuing robbery suspects													
4. Attempting other arrests	2				2		1	1					2
5. Civil disorder (riot, mass disobedience, etc.)													
6. Handling, transporting, custody of prisoners													
7. Investigating suspicious persons or circumstances	2	1			1		2						2
8. Ambush – no warning													
9. Mentally deranged	1	1					1						1
10. Traffic pursuits and stops	8	5		3			1	7					8
11. All other	2				2			1			1		2
12. TOTAL (1-11)	26	9		3	14	2	5	14			1	4	26
13. Number with person injury	2			1	1								
14. Number without personal injury	24	9		2	13								

15. TIME OF ASSAULTS	12 AM	2 AM	4 AM	6 AM	8 AM	10 AM	NOON	2 PM	4 PM	6 PM	8 PM	10 PM	UNK
	2	3	1				2		2		2	14	

OFFENSES KNOWN TO LAW ENFORCEMENT

(1) Classification of Offense	(2) Offenses Reported	(3) Unfounded Offenses	(4) Actual Offenses	(5) Offenses Cleared	(6) Juveniles Only
CRIMINAL HOMICIDE					
MURDER/NONNEG MANSLAUGHTER	18	2	16	12	
MANSLAUGHTER BY NEGLIGENCE	3		3	3	
TOTAL	21	2	19	15	
FORCIBLE RAPE					
RAPE BY FORCE	59	3	56	10	2
ATTEMPTED FORCIBLE RAPE	5		5	1	
TOTAL	64	3	61	11	2
ROBBERY					
FIREARM	16		16	7	
KNIFE/CUTTING INSTRUMENT	2		2	2	
OTHER DANGEROUS WEAPON	3		3	1	
STRONG-ARM (HANDS, FISTS)	19		19	11	1
TOTAL	40		40	21	1
ASSAULT					
FIREARM	248	1	247	181	2
KNIFE OR CUTTING INSTRUMENT	287	1	286	193	7
OTHER DANGEROUS WEAPON	142		142	99	3
HANDS, FIST, FEET, AGGRAVATED	205	2	203	152	3
OTHER ASSAULTS - SIMPLE	2036	59	1977	1314	54
TOTAL	2918	63	2855	1939	69
BURGLARY					
FORCIBLE ENTRY	675	11	664	74	6
UNLAWFUL ENTRY - NO FORCE	377	13	364	33	6
ATTEMPTED FORCIBLE ENTRY	28		28	1	
TOTAL	1080	24	1056	108	12
LARCENY-THEFT					
THEFT (EX MOTOR VEHICLE)	2065	90	1975	128	13
TOTAL	2065	90	1975	128	13
MOTOR VEHICLE THEFT					
AUTOS	275	36	239	34	4
TRUCKS AND BUSES	28	2	26	4	
OTHER VEHICLES	65		65	12	1
TOTAL	368	38	330	50	5
GRAND TOTAL	6556	220	6336	2272	102

LAW ENFORCEMENT OFFICERS KILLED OR ASSAULTED

Type of Activity	Total assaults by weapon	Type of Weapon					Type of Assignment						Officer assaults cleared
		Firearm	Knife or other cutting instrument	Other dangerous weapon	Hands, fists, feet, etc.	Two-officer vehicle	One-officer vehicle		Detective or special assgn.		Other		
							Alone	Asst	Alone	Ast	Alone	Asst	
A	B	C	D	E	F	G	H	I	J	K	L	M	
1. Responding to disturbance calls (family quarrels, person with firearm, etc.	49	11		15	23	1	14	18			8	8	49
2. Burglaries in progress or pursuing burglary suspects													
3. Robberies in progress or pursuing robbery suspects													
4. Attempting other arrests	3				3			2				1	3
5. Civil disorder (riot, mass disobedience, etc.)													
6. Handling, transporting, custody of prisoners	3				3		1	1				1	3
7. Investigating suspicious persons or circumstances													
8. Ambush – no warning													
9. Mentally deranged													
10. Traffic pursuits and stops	11			5	6		6	5					11
11. All other	2			1	1		1				1		2
12. TOTAL (1-11)	68	11		21	36	1	22	26			9	10	68
13. Number with person injury	17			4	13								
14. Number without personal injury	51	10		17	24								
15. TIME OF ASSAULTS	12 AM	2 AM	4 AM	6 AM	8 AM	10 AM	NOON	2 PM	4 PM	6 PM	8 PM	10 PM	UNK
	9	16	5	1	1	2	4	6	4	2	12	6	

*Houston included in State Trooper data as of 5/6/11

OFFENSES KNOWN TO LAW ENFORCEMENT

(1) Classification of Offense	(2) Offenses Reported	(3) Unfounded Offenses	(4) Actual Offenses	(5) Offenses Cleared	(6) Juveniles Only
CRIMINAL HOMICIDE					
MURDER/NONNEG MANSLAUGHTER	14	1	13	12	
MANSLAUGHTER BY NEGLIGENCE					
TOTAL	14	1	13	12	
FORCIBLE RAPE					
RAPE BY FORCE	35	4	31	14	
ATTEMPTED FORCIBLE RAPE	3		3	1	1
TOTAL	38	4	34	15	1
ROBBERY					
FIREARM	10		10	1	
KNIFE/CUTTING INSTRUMENT	6	1	5	1	
OTHER DANGEROUS WEAPON					
STRONG-ARM (HANDS, FISTS)	10		10	4	
TOTAL	26	1	25	6	
ASSAULT					
FIREARM	257	4	253	172	1
KNIFE OR CUTTING INSTRUMENT	186	1	185	134	10
OTHER DANGEROUS WEAPON	209	4	205	135	5
HANDS, FIST, FEET, AGGRAVATED	302	1	301	176	2
OTHER ASSAULTS - SIMPLE	1950	65	1885	1267	33
TOTAL	2904	75	2829	1884	51
BURGLARY					
FORCIBLE ENTRY	728	18	710	75	13
UNLAWFUL ENTRY - NO FORCE	350	13	337	25	4
ATTEMPTED FORCIBLE ENTRY	20		20	2	
TOTAL	1098	31	1067	102	17
LARCENY-THEFT					
THEFT (EX MOTOR VEHICLE)	2143	80	2063	113	13
TOTAL	2143	80	2063	113	13
MOTOR VEHICLE THEFT					
AUTOS	143	24	119	27	6
TRUCKS AND BUSES	89	8	81	12	3
OTHER VEHICLES	169	12	157	14	2
TOTAL	401	44	357	53	11
GRAND TOTAL	6624	236	6388	2185	93

*Houston included in State Trooper data as of 5/6/11

3/25/2013

Dear Chairman Dyson,

I am writing in support of SB11. SB11 essentially does two important things:

- 1) **SB11 repeals the antiquated ban on switchblade knives in Alaska.**
- 2) **SB11 enacts knife law preemption eliminating the patchwork of confusing local knife laws in Alaska**

SWITCHBLADES:

Alaska has a prohibition on the possession of switchblade knives, as a result of political hysteria created by Hollywood excesses of the 1950's portraying fictional gangs' and delinquents' use of switchblades. The bans that were passed were not based on any actual crime data, and in fact, the Eisenhower Administration defended switchblades as practical and useful tools and not a national problem at all.

Half of the states never enacted a ban and 30 states today allow switchblades. None have tried to ban switchblades since then because there is no "switchblade problem." Both New Hampshire and Missouri recently repealed their bans with no ill-effects, but rather, with a positive impact on commerce and sales tax revenue.

Here are the facts on switchblades: A switchblade is no quicker to deploy than any currently legal one-hand opening folding knife. The mechanism is different, but the result is the same. And, no folder of any kind is as quick to deploy as a fixed blade, but folders, and particularly switchblades, are safer than a fixed blade. Switchblades are the safest of folders because most also lock in the closed position, a safety advantage in a fall or accident.

The Alaska ban on switchblade knives should be repealed because there is no data to support this irrational and antiquated law. Moreover, switchblade bans are likely unconstitutional under the Second Amendment (knives as arms were referenced in both **Heller and McDonald** Supreme Court decisions). Please help Alaska join the other 30 states in the U.S. who do not ban switchblade knives.

PREEMPTION:

Because knives are so prevalent in Alaska and possession is so common, knife laws around the state must be consistent. What is legal in Anchorage should be legal in Barrow. Alaskans should be able to know that the law is consistent statewide. Law enforcement should know what is legal to possess and what is not. That is why Knife Law Preemption makes sense, just as did Firearms Law Preemption, which is already the law in Alaska.

As we have seen in recent U.S. Supreme Court rulings, the Second Amendment is an individual right and that right has been incorporated to apply in the states. For this reason alone should enact Knife Law Preemption to assure that citizens are protected from onerous local laws, which infringe on their civil rights.

It is for these reasons as well as others, Knife Rights urges you to vote **YES on SB11**. If I can answer any questions, please do not hesitate to contact me on my cell phone anytime at 520-404-8096. Thank you!



Todd Rathner
Knife Rights, Director of Legislative Affairs

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