

**SB**

**11**

<TARGET><BILL>SB 11</BILL><SUBJECT>SB  
11</SUBJECT><COMM>SJUD28</COMM></TARGET>

# Fiscal Note

State of Alaska  
2013 Legislative Session

Bill Version: SB 11  
Fiscal Note Number: 1  
(S) Publish Date: 3/27/13

Identifier: SB011-LAW-CRIM-03-22-13  
Title: KNIVES, GRAVITY KNIVES, & SWITCHBLADES  
Sponsor: DYSON  
Requester: (S) State Affairs

Department: Department of Law  
Appropriation: Criminal Division  
Allocation: Criminal Justice Litigation  
OMB Component Number: 2202

**Expenditures/Revenues**

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

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

**Fund Source (Operating Only)**

None							
<b>Total</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

**Positions**

Full-time							
Part-time							
Temporary							

<b>Change in Revenues</b>							
---------------------------	--	--	--	--	--	--	--

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If yes, by what date are the regulations to be adopted, amended or repealed?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:**

Not applicable, initial version.

Prepared By:	Loretta Withington, Division Operations Manager	Phone:	(907)465-5427
Division	Administrative Services Division	Date:	03/22/2013 12:00 AM
Approved By:	Michael C. Geraghty, Attorney General	Date:	03/22/13
	Department of Law		

## FISCAL NOTE ANALYSIS #1

STATE OF ALASKA  
2013 LEGISLATIVE SESSION

BILL NO. SB 11

### Analysis

Senate Bill 11 makes it legal for a person 18 years or older to possess a gravity knife or switchblade. The bill also decriminalizes the manufacture or sale of switchblade or gravity knives. A person may not transfer or sell a gravity knife or switchblade to a person under 18 years of age unless they have written parental consent. A person under 16 years of age may possess a gravity knife or switchblade if he or she has parental consent.

This bill would adopt definitions of the terms "gravity knife" and "switchblade" in Title 11.

The bill would also give to the state the authority to regulate knives, so that a municipality could regulate conduct in relation to knives only to the extent that the ordinance is the same or less restrictive than state law. This is similar to the State's present authority to regulate firearms and similar to restrictions on municipalities in regulating firearms.

It is anticipated this legislation will have no fiscal impact on the Department of Law.

# Fiscal Note

State of Alaska  
2013 Legislative Session

Bill Version: SB 11  
Fiscal Note Number: 2  
(S) Publish Date: 3/27/13

Identifier: SB011-DOC-OC-03-22-13  
Title: KNIVES, GRAVITY KNIVES, & SWITCHBLADES  
Sponsor: DYSON  
Requester: Senate State Affairs

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

**Fund Source (Operating Only)**

None							
<b>Total</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

**Positions**

Full-time							
Part-time							
Temporary							

<b>Change in Revenues</b>							
---------------------------	--	--	--	--	--	--	--

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:**

Initial version.

Prepared By: Kevin Worley, Director	Phone: (907)465-4641
Division: Admin. Services, Department of Corrections	Date: 03/22/2013 04:00 PM
Approved By: Leslie Houston, Deputy Commissioner	Date: 03/22/13
Department of Corrections	

FISCAL NOTE ANALYSIS #2

STATE OF ALASKA  
2013 LEGISLATIVE SESSION

BILL NO. SB 11

**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.

# Fiscal Note

State of Alaska  
2013 Legislative Session

Bill Version: SB 11  
Fiscal Note Number: 3  
(S) Publish Date: 3/27/13

Identifier: SB011-DCCED-DCRA-03-23-13  
Title: KNIVES, GRAVITY KNIVES, & SWITCHBLADES  
Sponsor: DYSON  
Requester: Senate State Affairs

Department: Department of Commerce, Community and  
Economic Development  
Appropriation: Community and Regional Affairs  
Allocation: Community and Regional Affairs  
OMB Component Number: 2879

**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
<b>OPERATING EXPENDITURES</b>								
Personal Services								
Travel								
Services								
Commodities								
Capital Outlay								
Grants & Benefits								
Miscellaneous								
<b>Total Operating</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

**Fund Source (Operating Only)**

None								
<b>Total</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

**Positions**

Full-time								
Part-time								
Temporary								

<b>Change in Revenues</b>								
---------------------------	--	--	--	--	--	--	--	--

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:**

Not applicable, initial version.

Prepared By: <u>Scott Ruby, Director</u>	Phone: <u>(907)269-4569</u>
Division: <u>Community and Regional Affairs</u>	Date: <u>03/23/2013 05:30 PM</u>
Approved By: <u>JoEllen Hanrahan, Director</u>	Date: <u>03/23/13</u>
<u>Administrative Services Division</u>	

**FISCAL NOTE ANALYSIS #3**

**STATE OF ALASKA  
2013 LEGISLATIVE SESSION**

**BILL NO. SB 11** \_\_\_\_\_

**Analysis**

This bill would amend existing statutes and add definitions of 'gravity knife' and 'switchblade' to Alaska law. It would reserve the authority to regulate knives to the state.

There is no anticipated fiscal impact to the Division of Community and Regional Affairs from this bill.

# 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.

Staff contact: Chuck Kopp, (907)465-6580

During Session (January - April): Alaska State Capitol • Juneau, Alaska 99801 • (800) 342-2199 • (907) 465-2199 • (907) 465-4587 (fax)

During Interim (May-December): • 12641 Old Glenn Highway, Suite 201, Eagle River, Alaska 99577 • (907) 694-6683 • (907) 694-1015 (fax)

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.

## Department of Public Safety

### Quick Links

- [Permits & Licensing Home](#)
- [Concealed Handgun](#)
- [Security Guard Information](#)
- [Reciprocity](#)
- [Civilian Process Server List](#)
- [Contact Us](#)

### Division Links

- [Statewide Home](#)
- [Sex Offender/Child Kidnapper Registry](#)
- [Background Checks](#)
- [Concealed Handguns](#)
- [Firearms and Ammunition FAQs](#)
- [Permits and Licensing](#)
- [Uniform Crime Reports](#)
- [Uniform Offense Citation Table](#)
- [Court Ordered Fingerprint Information \(PDF\)](#)

### Resources

- [APSIN Redesign Project](#)
- [CJIS Annual Reports](#)
- [Report employee conduct](#)

## 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.

LAW ENFORCEMENT OFFICERS KILLED OR ASSAULTED

Type of Assault	Total assaults or injuries	Type of Offense					Type of Assignment						Officer assaults injured
		Domestic violence	Officer on duty	Officer off duty	Squad, unit, etc.	Other	Officer in vehicle		Detective or regular assignment		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.)	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		1	1					2
5. Civil disorder (riot, mass disobedience, etc.)													
6. Handling, transporting, custody of prisoners													
7. Investigating suspicious persons or circumstances	7	1			1		2						2
8. Ambush - no warning													
9. Mentally deranged	1	1					1						1
10. Traffic pursuits and stops	11	5		3			1	7					8
11. All other	1				2			1			1		2
<b>TOTAL (1-11)</b>	<b>38</b>	<b>9</b>		<b>3</b>	<b>10</b>	<b>2</b>	<b>9</b>	<b>14</b>			<b>1</b>	<b>4</b>	<b>26</b>
13. Number with person injury	2			1	1								
14. Number without personal injury	36	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
<b>CRIMINAL HOMICIDE</b>					
MURDER/NONNEG MANSLAUGHTER	18	2	16	12	
MANSLAUGHTER BY NEGLIGENCE	3		3	3	
TOTAL	21	2	19	15	
<b>FORCIBLE RAPE</b>					
RAPE BY FORCE	59	3	56	10	2
ATTEMPTED FORCIBLE RAPE	5		5	1	
TOTAL	64	3	61	11	2
<b>ROBBERY</b>					
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
<b>ASSAULT</b>					
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
<b>BURGLARY</b>					
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
<b>LARCENY-THEFT</b>					
THEFT (EX MOTOR VEHICLE)	2065	90	1975	128	13
TOTAL	2065	90	1975	128	13
<b>MOTOR VEHICLE THEFT</b>					
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
<b>GRAND TOTAL</b>	<b>6566</b>	<b>229</b>	<b>6339</b>	<b>2272</b>	<b>102</b>

LAW ENFORCEMENT OFFICERS KILLED OR ASSAULTED

Type of Assault	Total Number of Assaults	Type of Weapon					Type of Assignment						Officer available for duty
		THROW	Guns or other sharp objects	Other	Other	No. other assault	Domestic violence		Off-duty		Other		
							Abuse	Assault	Abuse	Assault	Abuse	Assault	
A	B	C	D	E	F	G	H	I	J	K	L	M	
1. Responding to disturbance calls (family quarrels, person with firearm, etc.)	47	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	8				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
<b>TOTAL (1-11)</b>	<b>68</b>	<b>11</b>		<b>25</b>	<b>33</b>	<b>1</b>	<b>22</b>	<b>24</b>			<b>9</b>	<b>10</b>	<b>68</b>
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

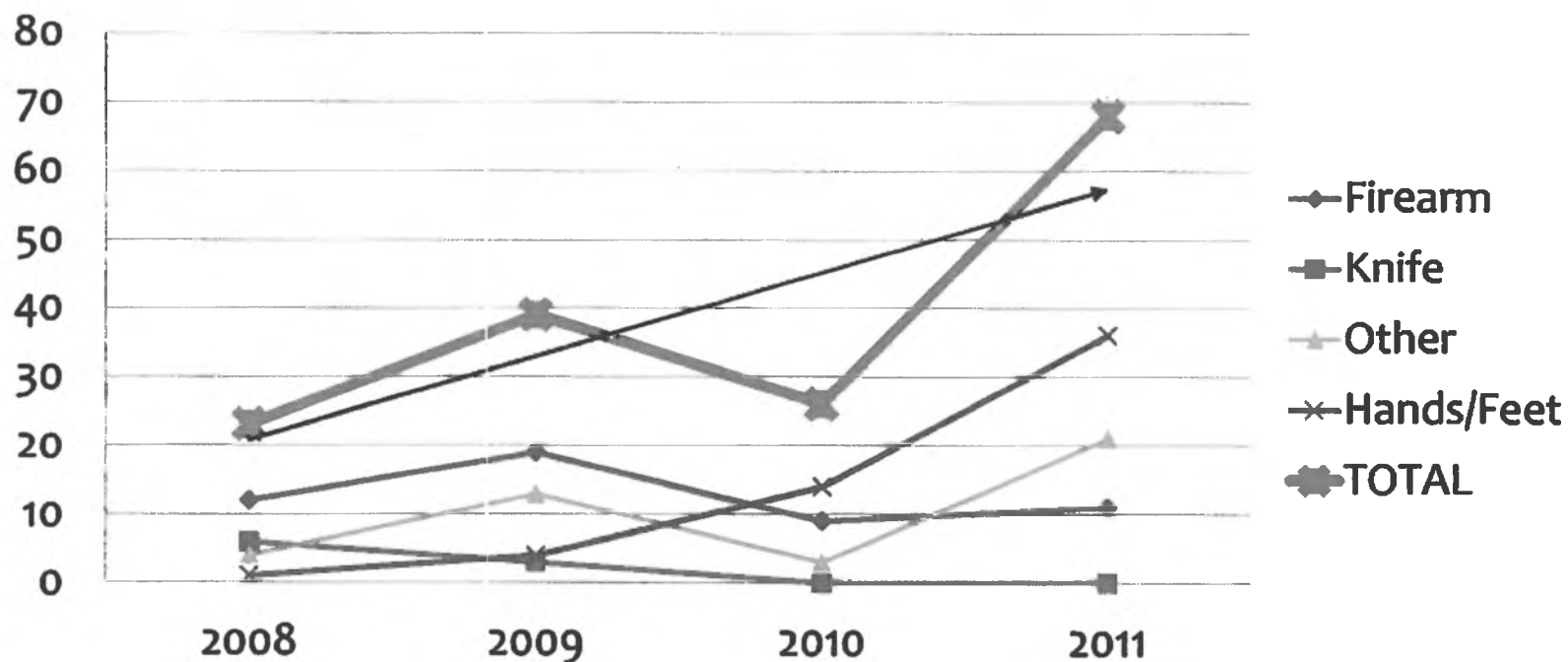
OFFENSES KNOWN TO LAW ENFORCEMENT

(1) Classification of Offense	(2) Offenses Reported	(3) Unfounded Offenses	(4) Actual Offenses	(5) Offenses Cleared	(6) Juveniles Only
<b>CRIMINAL HOMICIDE</b>					
MURDER/NONNEG MANSLAUGHTER	14	1	13	12	
MANSLAUGHTER BY NEGLIGENCE					
TOTAL	14	1	13	12	
<b>FORCIBLE RAPE</b>					
RAPE BY FORCE	35	4	31	14	
ATTEMPTED FORCIBLE RAPE	3		3	1	1
TOTAL	38	4	34	15	1
<b>ROBBERY</b>					
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	
<b>ASSAULT</b>					
FIREARM	257	4	253	172	1
KNIFE OR CUTTING INSTRUMENT	166	1	165	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	1864	51
<b>BURGLARY</b>					
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
<b>LARCENY-THEFT</b>					
THEFT (EX MOTOR VEHICLE)	2143	80	2063	113	13
TOTAL	2143	80	2063	113	13
<b>MOTOR VEHICLE THEFT</b>					
AUTOS	143	24	119	27	8
TRUCKS AND BUSES	89	8	81	12	3
OTHER VEHICLES	169	12	157	14	2
TOTAL	401	44	357	53	11
<b>GRAND TOTAL</b>	<b>6624</b>	<b>236</b>	<b>6388</b>	<b>2165</b>	<b>93</b>

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



# Assaults on Troopers



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

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

Knife Rights, Inc.

[www.KnifeRights.org](http://www.KnifeRights.org) ♦ [twitter.com/KnifeRights](https://twitter.com/KnifeRights)

313 W. Temple Ct., Gilbert, AZ 85299 ♦ 866.889.6268 ♦ 602.476.2702 ♦ Fax 602.324.7548