H. R. 84

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

IN THE HOUSE OF REPRESENTATIVES

JANUARY 3, 2017

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

A BILL

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Knife Owners’ Protection Act of 2017”.

SEC. 2. INTERSTATE TRANSPORTATION OF KNIVES.

(a) In General.—Notwithstanding any provision of any law or any rule or regulation of the United States, or of a State or any political subdivision of a State, any person who is not otherwise prohibited by Federal law from possessing, transporting, shipping, or receiving a knife or knives shall be entitled to transport a knife or knives from any place where such person may lawfully possess, carry or transport such a knife or knives to any other place where such person may lawfully possess, carry or transport such a knife or knives if—

(1) in the case of transportation by motor vehicle, the knife or knives are not directly accessible from the passenger compartment of such transporting vehicle, or, in the case of a motor vehicle without a compartment separate from the passenger compartment, the knife or knives shall be contained in a locked container, glove compartment, or console; or

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

(b) Emergency Knives.—Any knife or tool designed for enabling escape in an emergency incorporating a blunt tipped safety blade, a guarded blade, or both, for
cutting safety belts may be carried in the passenger compartment and need not be secured in a locked container, glove compartment, or console. This subsection shall not apply to the transport of any such knife or tool in the passenger cabin of aircraft whose passengers are subject to airport screening procedures of the Transportation Security Administration.

(c) No Arrest or Detention.—A person who is transporting a knife or knives in compliance with this section may not be arrested or otherwise detained for violation of any law or any rule or regulation of a State or any political subdivision of a State related to the possession, transportation, or carrying of knives, unless there is probable cause to believe that the person is not in compliance with at least one of the requirements of subsection (a).

(d) Claim or Defense.—A person may assert this section as a claim or defense in any action or proceeding, civil or criminal. When a person asserts this section as a claim or defense in a criminal proceeding, the State or political subdivision shall bear the burden of proving, beyond a reasonable doubt, that the person was not in compliance with subsection (a).

(e) Right of Action.—Any person who, under color of any statute, ordinance, regulation, custom, or usage,
of any State or political subdivision of a State, subjects,
or causes to be subjected, any person to the deprivation
of the rights, privileges, or immunities set forth in this
section, shall be liable to the person so deprived in an ac-
tion at law, suit in equity, or other proper proceeding for
redress. When a person asserts this section as a claim or
defense, the court shall award the prevailing party (includ-
ing any party who receives a favorable resolution through
a decision by a court, settlement of a claim, withdrawal
of criminal charges, or change of a statute or regulation),
other than a State or any political subdivision of a State
or its employees or representatives, a reasonable attorneys’
fee.

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

(g) Rule of Construction.—Nothing in this sec-
tion shall be construed in any way to limit any right to
possess, carry, or transport a knife or knives under appli-
cable State law.

SEC. 3. REPEAL OF FEDERAL PROVISIONS RELATED TO
SWITCHBLADE KNIVES.

(a) Repeals.—
(1) Chapter 29 of title 15, United States Code,
is repealed.
(2) Subsections (g) and (i) of section 1716, title
18, United States Code, are repealed.

(b) Conforming Amendments.—
(1) The table of chapters at the beginning of
title 15, United States Code, is amended by striking
the item relating to chapter 29, and inserting in lieu
thereof, “[Chapter 29. Repealed]”.
(2) Section 1716 of title 18, United States
Code, is amended by redesignating—
(A) subsection (h) as subsection (g);
(B) subsection (j) as subsection (h); and
(C) subsection (k) as subsection (i).
(c) Effective Date.—The repeals made by sub-
section (a)—
(1) shall take effect on the date of enactment of this Act; and

(2) do not apply with respect to any indictment, convictions, sentencing, appeals, civil or criminal fines or penalties obtained, forfeitures obtained, terms of imprisonment or any other enforcement actions or proceedings occurring or commenced, on or before the date of enactment of this Act.