115th Congress
2d Session
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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 SENATE OF THE UNITED STATES

Mr. WICKER introduced the following bill; which was read twice and referred to the Committee on

A BILL

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

1 Be it enacted by the Senate and House of Representa-
2 tives of the United States of America in Congress assembled,
3 SECTION 1. SHORT TITLE.
4 This Act may be cited as the “Knife Owners’ Protec-
5 tion Act of 2018”.
6 SEC. 2. INTERSTATE TRANSPORTATION OF KNIVES.
7 (a) AUTHORIZATION.—
(1) 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 shall be entitled to transport a knife from any place where such person may lawfully possess, carry or transport such a knife to any other place where such person may lawfully possess, carry or transport such a knife if—

(A) in the case of transportation by motor vehicle—

(i) the knife is not directly accessible from the passenger compartment of the motor vehicle; or

(ii) in the case of a motor vehicle without a compartment separate from the passenger compartment, the knife is contained in a locked container, glove compartment, or console; or

(B) in the case of transportation by other means (including any conveyance over land, on or through water, or through the air), the knife is contained in a locked container.
(2) TEMPORARY LODGING.—If a person is transporting a knife in accordance with paragraph (1), during a period the person is within any form of temporary lodging, the knife may be accessible.

(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 in accordance 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 1 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. If 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 rea-
sonable 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. If a person asserts this section as a claim or de-
defense, the court shall award the prevailing party (including
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, reasonable attorneys'
fees.

(f) DEFINITION.—As used in this section, the term
“transport”—

(1) 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; and

(2) does not include any transportation of a
knife with—

(A) the intent to commit any offense pun-
ishable by imprisonment for a term exceeding 1
year involving the use or threatened use of force
against another; or

(B) knowledge, or reasonable cause to be-
lieve, that such an offense is to be committed
in the course of, or arising from, such journey.

(g) RULE OF CONSTRUCTION.—Nothing in this sec-
tion shall be construed to limit any right to possess, carry,
or transport a knife under applicable State law.

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

(a) REPEALS.—
(1) The Act entitled "An Act to prohibit the in-
troduction, or manufacture for introduction, into
interstate commerce of switchblade knives, and for
other purposes" (15 U.S.C. 1241 et seq.) (commonly
known as the Federal Switchblade Act), is repealed.

(2) Subsections (g) and (i) of section 1716, title
18, United States Code, are repealed.
(b) **CONFORMING AMENDMENTS.**—Chapter 83 of title 18, United States Code, is amended—

(1) in section 1716, by redesignating subsections (h), (j), and (k) as subsection (g), (h), and (i), respectively; and

(2) in section 1716E(i), by striking “section 1716(k)” and inserting “section 1716(i)”.

(c) **EFFECTIVE DATE.**—The repeals made by subsection (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.