

APPROVAL # 2
CHAPTER # 34

May 30, 2019

MEMORANDUM filed with Assembly Bill 5944, entitled:

“AN ACT to amend the penal law, in relation to gravity knives”

APPROVED

This bill, unanimously passed by the Legislature, would legalize the possession of commonly sold and lawfully used folding knives by removing the term “gravity knife” from the Penal Law, while leaving intact law enforcement’s ability to pursue those who otherwise use these knives unlawfully.

This is not the first time the Legislature has sought to remove the criminal sanctions associated with possessing these knives, which are widely available in hardware and sporting goods stores. Indeed, in 2016 and 2017, I was constrained to veto similar bills (see Veto No. 299 of 2016 and Veto No. 171 of 2017). As I explained in each of those instances, despite recognizing the absurdity of a criminal justice system which has regularly charged individuals for simply carrying folding knives designed, marketed and sold as work tools for construction workers, artisans, restaurant workers, and day laborers, the uniform opposition of the State’s law enforcement entities and mayors could not be ignored. Recognizing the concerns on both sides of this issue, the Executive strived to reach a compromise over the past three years, carefully constructing bills that would have legalized these knives in a limited fashion so that individuals using them for work could not be prosecuted. None of those attempts to reach a resolution proved successful.

As I review this bill for a third time, the legal landscape has changed. In March of this year, the United States District Court for the Southern District of New York declared the State’s existing “gravity knife” ban unconstitutional. As argued by many who have advocated for this change in law, the court reasoned that the existing law could result in arbitrary and discriminatory enforcement.

While I remain aware of the cautious community voices, I cannot veto a bill passed by the Legislature to address a decided constitutional infirmity in existing law, as recently affirmed by a federal court. I remain confident that our law enforcement community will continue to keep our communities safe by pursuing anyone who uses, or attempts to use, one of these knives in an unlawful manner.

This bill is approved.

