

118TH CONGRESS
2D SESSION

S. 5358

To protect the right of law-abiding citizens to transport knives interstate, notwithstanding a patchwork of State and local prohibitions that burden citizens.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 20, 2024

Mr. LEE (for himself, Mr. RISCH, and Mr. CASSIDY) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To protect the right of law-abiding citizens to transport knives interstate, notwithstanding a patchwork of State and local prohibitions that 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 2024”.

6 **SEC. 2. INTERSTATE TRANSPORTATION OF KNIVES.**

7 (a) DEFINITIONS.—As used in this section—

8 (1) the term “State” means any of the 50
9 States, the District of Columbia, American Samoa,

1 Guam, Puerto Rico, the Northern Mariana Islands,
2 the Virgin Islands of the United States, and any
3 other territory of the United States; and

4 (2) the term “transport”—

5 (A) includes staying in temporary lodging
6 overnight, common carrier misrouting or delays,
7 stops for food, fuel, vehicle maintenance, emer-
8 gencies, medical treatment, and all other activ-
9 ity related to the overall journey of the indi-
10 vidual; and

11 (B) does not include any transportation of
12 1 or more knives with the intent to commit any
13 offense punishable by imprisonment for a term
14 exceeding 1 year involving the use or threatened
15 use of force against another, or with knowledge,
16 or reasonable cause to believe, that such an of-
17 fense is to be committed in the course of, or
18 arising from, such journey.

19 (b) REQUIREMENTS.—Notwithstanding any provision
20 of any law or any rule or regulation of the United States,
21 or of a State or any political subdivision of a State, any
22 individual who is not otherwise prohibited by Federal law
23 from possessing, transporting, shipping, or receiving a
24 knife or knives shall be entitled to transport a knife or
25 knives from any place where the individual may lawfully

1 possess, carry, or transport such a knife or knives to any
2 other place where the individual may lawfully possess,
3 carry, or transport such a knife or knives if—

4 (1) in the case of transportation by motor vehi-
5 cle, the knife is, or the knives are, not directly acces-
6 sible from the passenger compartment of the trans-
7 porting motor vehicle, or, in the case of a motor ve-
8 hicle without a compartment separate from the pas-
9 senger compartment, the knife is, or the knives are,
10 contained in a locked container, locked glove com-
11 partment, or locked console;

12 (2) in the case of transportation by air, the
13 knife is, or the knives are, contained in a locked con-
14 tainer and are not in the passenger cabin of the air-
15 craft; or

16 (3) in the case of transportation by other
17 means (including any conveyance over land, or on or
18 through water), the knife is, or the knives are, con-
19 tained in a locked container.

20 (c) EMERGENCY KNIVES.—

21 (1) IN GENERAL.—Subject to paragraph (2),
22 any knife or tool designed for enabling escape in an
23 emergency incorporating a blunt tipped safety blade,
24 a guarded blade, or both, for cutting safety belts—

1 (A) may be carried in the passenger com-
2 partment of a transporting motor vehicle; and

3 (B) shall not be required to be secured in
4 a locked container, locked glove compartment,
5 or locked console.

6 (2) EXCEPTION.—This subsection shall not
7 apply to the transport of any knife or tool described
8 in paragraph (1) in the passenger cabin of an air-
9 craft the passengers of which are subject to airport
10 screening procedures of the Transportation Security
11 Administration.

12 (d) TEMPORARY LODGING.—Subject to the require-
13 ments under subsection (b), a knife or knives may be kept
14 accessible in any form of temporary lodging overnight, as
15 described in subsection (a)(2)(A).

16 (e) NO ARREST OR DETENTION.—An individual who
17 is transporting a knife or knives in compliance with this
18 section may not be arrested or otherwise detained for vio-
19 lation of any law or any rule or regulation of a State or
20 any political subdivision of a State related to the posses-
21 sion, transportation, or carrying of knives, unless there is
22 probable cause to believe that the individual is in violation
23 of 1 or more of the requirements under subsection (b).

24 (f) CLAIM OR DEFENSE.—

1 (1) IN GENERAL.—An individual may assert
2 this section as a claim or defense in any civil or
3 criminal action or proceeding.

4 (2) BURDEN OF PROOF.—If an individual as-
5 serts this section as a claim or defense in a criminal
6 proceeding, the relevant State or political subdivision
7 shall bear the burden of proving, beyond a reason-
8 able doubt, that the individual was not in compliance
9 with the requirements under subsection (b).

10 (g) RIGHT OF ACTION.—

11 (1) IN GENERAL.—Any individual who, under
12 color of any statute, ordinance, regulation, custom,
13 or usage, of any State or political subdivision of a
14 State, subjects, or causes to be subjected, any indi-
15 vidual to the deprivation of the rights, privileges, or
16 immunities set forth in this section, shall be liable
17 to the individual so deprived in an action at law, suit
18 in equity, or other proper proceeding for redress.

19 (2) ATTORNEY'S FEES.—When an individual
20 asserts this section as a claim or defense, the court
21 shall award the prevailing party (including any party
22 who receives a favorable resolution through a deci-
23 sion by a court, settlement of a claim, withdrawal of
24 criminal charges, or change of a statute or regula-
25 tion), other than a State or any political subdivision

1 of a State or its employees or representatives, a rea-
2 sonable attorney's fee.

3 (h) RULE OF CONSTRUCTION.—Nothing in this sec-
4 tion shall be construed in any way—

5 (1) to limit any right to possess, carry, or
6 transport a knife or knives under applicable State
7 law; or

8 (2) to impose additional restrictions or require-
9 ments on interstate travel by air with a knife or
10 knives.

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