

SENATE BILL REPORT

ESHB 2347

As Reported by Senate Committee On:
Judiciary, February 22, 2012

Title: An act relating to the possession of spring blade knives.

Brief Description: Concerning the possession of spring blade knives.

Sponsors: House Committee on Judiciary (originally sponsored by Representatives Dammeier, Kelley, Wilcox, Van De Wege, Pearson, Hurst, Zeiger, Seaquist, Rodne, Ladenburg, Hope, Green, Klippert and Moscoso).

Brief History: Passed House: 2/09/12, 94-0.

Committee Activity: Judiciary: 2/17/12, 2/22/12 [DPA].

SENATE COMMITTEE ON JUDICIARY

Majority Report: Do pass as amended.

Signed by Senators Kline, Chair; Harper, Vice Chair; Pflug, Ranking Minority Member; Carrell, Hargrove, Kohl-Welles, Padden, Regala and Roach.

Staff: Aldo Melchiori (786-7439)

Background: Currently, every person who manufactures, sells, disposes of, or possesses any spring blade knife, any knife in which the blade is automatically released by a spring mechanism or other mechanical device, or any knife having a blade which opens, falls, or is ejected into position by the force of gravity or by an outward, downward, or centrifugal thrust or movement is guilty of a gross misdemeanor punishable by up to one year incarceration and/or a \$5,000 fine. This does not apply to the possession of a spring blade knife by a law enforcement officer while the officer is on official duty, is transporting the knife to or from the place where the knife is stored when the officer is not on official duty, or is storing a spring blade knife.

Some confusion exists over the exact definition of a spring blade knife. The industry today uses the terms spring-assisted or assisted-opening knives to identify those knives with closure-biased springs that require physical force applied to the blade to assist in opening the knife. Spring-assisted knives are currently sold in Washington. In contrast, switchblade knives are those with a blade that is automatically released by a spring mechanism or other mechanical device or any knife that opens, falls, or is ejected into position by the force of

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gravity or by an outward, downward, or centrifugal force or movement. Switchblade knives are illegal in Washington with the exception of possession by law enforcement officers.

Switchblade knives have been illegal in U.S. interstate commerce since 1958 under the Switchblade Knife Act. The 2010 Homeland Security appropriations bill, however, provides that the Switchblade Knife Act does not apply to spring-assisted or assisted-opening knives. Additionally, under federal law, switchblade knives may be manufactured, sold, transported, distributed, possessed, or introduced into commerce pursuant to contracts with the armed forces. Switchblade knives may also be possessed by any member of the armed forces acting in the performance of that member's duty and may be possessed and transported by an individual who has only one arm.

Summary of Bill (Recommended Amendments): The exemption allowing law enforcement officers to possess, transfer, and store spring blade knives for purposes of official duty is expanded to include firefighters and other rescue members, Washington State Patrol (WSP) officers, and military members, and to facilitate actual use of spring blade knives.

Spring blade knives may also be manufactured, sold, transported, transferred, distributed, or possessed pursuant to contracts with these actors' agencies. Manufacturer contracts with other manufacturers and commercial distributors are exempt from the prohibition against spring blade knives. Trials, testing, and other uses related to evaluation and assessment of spring blade knives by permitted users, companies, and agencies are also exempt.

The general term spring blade knife is to be used to describe the various kinds of knives prohibited in the dangerous weapons statute. Knives with a mechanism designed to create a bias toward closure of the blade that must be overcome by physical exertion are not spring blade knives.

EFFECT OF CHANGES MADE BY JUDICIARY COMMITTEE (Recommended Amendments): Washington national guard members may possess spring blade knives when they are called to active duty or during training.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony as Heard in Committee: PRO: These are useful tools for the military and law enforcement personnel. National guardsmen are officially authorized to use and train with these knives. The bill will create jobs in Washington. Washington manufacturers are just trying to compete on a level playing field with companies in other states. Purchasers would have to show the proper identification before purchasing these knives.

Persons Testifying: PRO: Representative Dammeier, prime sponsor; Mike Vallencamp, Fox Knives USA.