

SENATE BILL REPORT

SB 6179

As Reported by Senate Committee On:
Judiciary, February 1, 2012

Title: An act relating to the possession and manufacture of equipment for public safety and military personnel.

Brief Description: Concerning the possession and manufacture of equipment for public safety and military personnel.

Sponsors: Senators Kastama, Carrell, Regala and Kilmer.

Brief History:

Committee Activity: Judiciary: 1/25/12, 2/01/12 [DPS].

SENATE COMMITTEE ON JUDICIARY

Majority Report: That Substitute Senate Bill No. 6179 be substituted therefor, and the substitute bill do pass.

Signed by Senators Kline, Chair; Harper, Vice Chair; Pflug, Ranking Minority Member; 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.

There exists some confusion over the exact definition of a springblade 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 being sold in Washington. In contrast, switchblade knives are those with a blade that is automatically released by a spring

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

mechanism or other mechanical device or any knife that opens, falls, or is ejected into position by the force of 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; possessed by any member of the armed forces acting in the performance of their duty; or possessed and transported by an individual who has only one arm.

Summary of Bill (Recommended Substitute): A switchblade knife is defined as any knife with a blade that 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. A knife that contains a spring; detent; or other mechanism designed to create a bias toward closure of the blade and that requires physical exertion applied to the blade by hand, wrist, or arm to overcome the bias toward closure to assist in opening the knife is not a switchblade knife.

Switchblade knives may be possessed by a general authority law enforcement officer, firefighter or rescue member, Washington State Patrol (WSP) officer, or active military member while the officer or member is on official duty; is transporting the knife to or from the place where the knife is stored when the officer or member is not on official duty; or is storing the switchblade knife. The manufacture, sale, transportation, distribution, or possession of switchblade knives is allowed pursuant to contract with a general authority law enforcement agency, fire or rescue agency, WSP, or military agency. The manufacture, sale, transportation, transfer, distribution, or possession of prototypes, models, or other samples, is also permitted pursuant to contract with a general authority law enforcement agency, fire or rescue agency, WSP, or military agency or pursuant to a contract with another manufacturer or distributor of knives for use, sale, or other disposition by the manufacturer.

EFFECT OF CHANGES MADE BY JUDICIARY COMMITTEE (Recommended Substitute): Manufacturers are allowed to make prototypes, models, and samples for trials and tests pursuant to a contract with public safety agencies or another manufacturer or distributor.

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 on Original Bill: PRO: Our current state law prohibits in-state knife manufacturers from participating in the marketplace. We have

manufacturers who would create jobs and hire Washington citizens to work in their factory. Now, manufacturers go to Oregon to manufacture these tools for the military and law enforcement. We need to grow our economy and this is one simple way we can do it and support the needs of the military who are also economic drivers in Washington.

Persons Testifying: PRO: Senator Kastama, prime sponsor; Mike Vellekamp, Fox Knives USA; Adam Rosenlumd, Central Pierce Fire and Rescue; Spencer Frazer, SOG Specialty Knives; Steve Avila, Blade-Tech Industries.