

# HOUSE BILL REPORT

## SB 5782

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**As Reported by House Committee On:**  
Civil Rights & Judiciary

**Title:** An act relating to spring blade knives.

**Brief Description:** Concerning spring blade knives.

**Sponsors:** Senators Zeiger, Fortunato, Takko, Padden, Palumbo and Wilson, L.

**Brief History:**

**Committee Activity:**

Civil Rights & Judiciary: 3/22/19, 4/3/19 [DPA], 2/25/20, 2/28/20 [DPA].

**Brief Summary of Bill**  
**(As Amended by Committee)**

- Removes "spring blade knife" from the list of dangerous weapons in the dangerous weapons statute, and provides that a spring blade knife is not a dangerous weapon.
- Amends other statutory provisions to provide that possession of a spring blade knife in certain locations, such as schools and jails, remains generally unlawful.

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### HOUSE COMMITTEE ON CIVIL RIGHTS & JUDICIARY

**Majority Report:** Do pass as amended. Signed by 12 members: Representatives Thai, Vice Chair; Irwin, Ranking Minority Member; Dufault, Assistant Ranking Minority Member; Goodman, Graham, Hansen, Kirby, Klippert, Peterson, Rude, Walen and Ybarra.

**Minority Report:** Do not pass. Signed by 3 members: Representatives Kilduff, Chair; Orwall and Valdez.

**Staff:** Cece Clynch (786-7195).

**Background:**

State Law.

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*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.*

*Dangerous Weapons.* A "spring blade knife" is a dangerous weapon under the dangerous weapons statute, which generally prohibits, and makes a gross misdemeanor:

- the possession of slung shots, sand clubs, metal knuckles, or spring blade knives;
- the furtive carrying, with intent to conceal, any dagger, dirk, pistol, or other dangerous weapon; and
- the use of any device for suppressing the noise of a firearm.

"Spring blade knife" is defined to mean any knife, including a prototype, model, or other sample, with a blade that is automatically released by a spring mechanism or other mechanical device, or any knife having a blade which opens, or 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 spring blade knife.

A separate statute provides an express exemption for the possession or use of spring blade knives by general authority law enforcement officers, firefighters or rescue members, Washington State Patrol officers, or military members while they are: on official duty; transporting the knife to or from the place where it is stored when the officer or member is not on official duty; or storing a spring blade knife. This exemption statute also permits the manufacture, sale, transportation, transfer, distribution, or possession of spring blade knives pursuant to contracts with these law enforcement and military actors' agencies. Manufacturer contracts with other manufacturers and commercial distributors are exempt as well, as are trials, testing, and other uses related to evaluation and assessment of spring blade knives by permitted users, companies, and agencies.

*Weapons Prohibited in Certain Locations.* It is a gross misdemeanor for a person who knowingly possesses, or has under his or her control, a weapon to enter certain locations. Weapons are prohibited in restricted areas of court facilities, jails, public mental health facilities, commercial airports, and in places classified as off-limits to persons under 21 years of age by the state Liquor and Cannabis Board. Law enforcement personnel, and military and security personnel while engaged in official business, are exempt from these restrictions, and a number of other exceptions apply.

For purposes of this statute, "weapon" is defined as a firearm, explosive, or an instrument or weapon listed in other statutes, including the statute governing dangerous weapons.

*Weapons Prohibited on School Premises.* Subject to some exceptions, it is a gross misdemeanor for a person to possess weapons on public or private elementary or secondary school premises, school-provided transportation, or areas of facilities that are being used exclusively by public or private schools. Prohibited weapons include: nun-chu-ka sticks; throwing stars; air guns; stun guns; devices intended to injure a person with an electric shock, charge, or impulse; and weapons listed under the dangerous weapons statute.

Exceptions are provided for law enforcement, security or military personnel, persons involved in firearms or martial arts events or training, persons with concealed pistol licenses

who are picking up or dropping off students, and nonstudents 18 years or older in lawful possession of a dangerous weapon that is secured in a vehicle.

#### Federal Law.

Federal law uses the term "switchblade knife." Under federal law, "switchblade knife" means any knife having a blade which opens automatically:

- by hand pressure applied to a button or other device in the handle of the knife; or
- by operation of inertia, gravity, or both.

Federal law does not generally prohibit possession of switchblade knives, except within Indian country or within special maritime and territorial jurisdictions of the United States. Rather, it provides that whoever knowingly introduces, or manufactures for introduction, into interstate commerce, or transports or distributes in interstate commerce, any switchblade knife shall be fined not more than \$2,000 or imprisoned for not more than five years, or both. There are specified exemptions for:

- common carriers;
- actions taken pursuant to a contract with the Armed Forces;
- military members acting in the performance of their duties;
- individuals with only one arm; and
- a knife that contains a spring, detent, or other mechanism designed to create a bias toward closure of the blade and that requires exertion applied to the blade by hand, wrist, or arm to overcome the bias toward closure to assist in opening the knife.

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#### **Summary of Amended Bill:**

"Spring blade knife" is removed from the list of dangerous weapons in the dangerous weapons statute. The definition of the term "spring blade knife" remains the same, and remains codified in that section; however, it is expressly provided that a spring blade knife is not a dangerous weapon.

Other sections of the chapter pertaining to firearms and dangerous weapons are amended to provide that:

- it remains unlawful for a person to carry a spring blade knife onto, or possess a spring blade knife on, school premises, school-provided transportation, or areas of facilities that are being used exclusively by schools; and
- "spring blade knife" is explicitly included in the definition of "weapon" for purposes of the statute making it unlawful for a person to enter certain places, such as jails and courtrooms, when he or she knowingly possesses or knowingly has a weapon under his or her control.

The section which provides exceptions and exemptions for certain law enforcement personnel and military members, and which permits certain contracts, trials, and testing, of spring blade knives is repealed.

#### **Amended Bill Compared to Original Bill:**

With the amendment, the entirety of the underlying bill is retained but one of the statutes that is being amended is updated to reflect the version of that statute that is currently in effect.

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**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date of Amended Bill:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony:**

(In support) This bill modernizes the law by removing an old prohibition that had its genesis in Hollywood movies such as "The Wild Bunch," "Rebel without a Cause," and "West Side Story," which showed these knives as the preferred weapon of gangs. Several years ago, legislation was enacted legalizing the manufacture of spring blade knives. There is still a ban on possession of these knives in this state, however. Today, only 10 states still have these bans in place. This bill would be helpful to the manufacturers in the state, including the manufacturer located in the Twenty-Fifth Legislative District, and their employees. The bill passed out of the Senate with strong bipartisan support.

Knives are man's oldest man-made tool. These knives come in handy. As a person ages, it is not as easy to manipulate their hands as it once might have been. For instance, when a person is on a ladder, it can be helpful to have a knife that opens more easily.

Washington is one of the only western states in which possession of spring blade knives is banned. The founder and owner of V Nives, a knife manufacturer in Puyallup, also owns two retail stores, one in Eatonville and one in Libby, Montana. Although switch blade knives can be manufactured in Washington, they cannot be sold here in retail stores. In contrast, they can be sold in the retail store in Libby, Montana. Possession is legal in Oregon and Idaho. While the Pacific Northwest is home to many knife manufacturers, most of the manufacturers have relocated in Oregon and Idaho. The Washington knife industry could be even more vibrant if people could buy these knives here in this state.

This is an issue that has been the subject of legislation all over the country. The committee did pass this bill last year; however, the House of Representatives ran out of time before the bill could get off the floor. The American Civil Liberties Union supports the bill, as they have with respect to similar legislation elsewhere. In every state where the ban is in place, it has been minorities and those who are economically disadvantaged that have been disproportionately prosecuted.

(Opposed) None.

**Persons Testifying:** Senator Zeiger, prime sponsor; David Westhaver; Ira Moser; Mike Vellekamp, V Nives; Todd Rathner, Knife Rights; and Spencer Frazer, SOG.

**Persons Signed In To Testify But Not Testifying:** None.