

SENATE BILL REPORT

SB 5860

As of January 15, 2024

Title: An act relating to spring blade knives.

Brief Description: Concerning spring blade knives.

Sponsors: Senators Fortunato and Padden.

Brief History:

Committee Activity: Law & Justice: 1/15/24.

Brief Summary of Bill

- Removes spring blade knives from the definition of dangerous weapon.
- Maintains safe storage requirements and the prohibitions on carrying and knowingly possessing spring blade knives in specified locations.

SENATE COMMITTEE ON LAW & JUSTICE

Staff: William Bridges (786-7312)

Background: Spring Blade Knives Defined as Dangerous Weapons. Under Washington State law, a spring blade knife is one that automatically releases a blade by a spring or mechanical mechanism or by the force of gravity. Spring blade knives are defined as dangerous weapons, and it is a gross misdemeanor to manufacture, sell, dispose, or possess the knives.

Exceptions for Possessing or Using Spring Blade Knives. By separate statute, an express exemption is provided for the possession or use of spring blade knives under specified circumstances by public safety officers and military members. The exemption statute also permits the manufacture, sale, transportation, transfer, distribution, or possession of spring blade knives pursuant to contracts with these public safety and military agencies.

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

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 agencies and companies.

Dangerous Weapons Prohibited in Certain Locations. As a dangerous weapon, state law regulates locations where spring blade knives may be carried and possessed. For example, it is unlawful for a person to carry or possess the knives on:

- school premises, facilities, and buses;
- licensed childcare centers and center-provided transportation;
- law enforcement and judicial facilities, including jails;
- restricted areas of licensed or certified public mental health facilities;
- areas of an establishment classified off-limits to persons under age 21;
- restricted areas of commercial airports; and
- within 250 feet of a permitted demonstration.

Violations are generally gross misdemeanors, with the exception of violations on school premises where the first offense is a misdemeanor and subsequent offenses are gross misdemeanors.

Family Day Care Providers Must Safely Store Dangerous Weapons. A family day care provider generally delivers early childhood education and services in the provider's home. A provider is required to store any dangerous weapons in a secure area, inaccessible to children. Violations may lead to loss or suspension of business license.

Federal Law. Under federal law, a switchblade knife is one that generally opens automatically by hand pressure applied to a button or by operation of inertia, gravity, or both. Federal law does not generally prohibit possession of switchblade knives, except within Indian country or within certain 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, the Armed Forces, and individuals with only one arm.

Summary of Bill: Removing Spring Blade Knives From the Definition of Dangerous Weapon. The definition of spring blade knife remains the same, and remains codified; however, it is expressly provided that a spring blade knife is not a dangerous weapon.

Maintaining Prohibition for Carrying and Knowingly Possessing Spring Blade Knives in Specified Locations. It remains unlawful to carry or knowingly possess a spring blade knife in the following locations:

- school premises, facilities, and buses;
- licensed childcare centers and center-provided transportation;
- law enforcement and judicial facilities, including jails;

- restricted areas of licensed or certified public mental health facilities;
- areas of an establishment classified off-limits to persons under the age of 21;
- restricted areas of commercial airports; and
- within 250 feet of a permitted demonstration.

Maintaining Requirement that Family Day Care Providers Safely Store any Spring Blade Knives. A family day care provider is required to store any spring blade knives in a secure area, inaccessible to children.

Repealing the Exceptions for Possessing and Using Spring Blade Knives. The statutory exemption for possessing or using spring blade knives by public safety officers and military personnel, and which permits certain contracts, trials, and testing of spring blade knives, is repealed.

Making Technical Corrections. The following technical changes are made: several written numbers are changed to cardinal numbers, the spelling of a term is corrected, and a correction recognizing the movement of designated crisis responder services from the Department of Social Health Services to the Health Care Authority.

Appropriation: None.

Fiscal Note: Not requested.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: The bill takes effect on July 1, 2024.

Staff Summary of Public Testimony: PRO: Similar bills have passed the Senate before, the last one being SB 5782 (2020), which passed 46-1. The bill is supported by workers in the trades, manufacturers, and sports people. The prohibition of these knives is rooted in fictitious Hollywood movies in the 1950s that associated spring blades with gang members and has historically been enforced against people of color. Freddy Gray was stopped in Baltimore for carrying a pocket knife. Spring blades are useful for people with certain physical disabilities.

Persons Testifying: PRO: Senator Phil Fortunato, Prime Sponsor; Jeff Pack, Me; Todd Rathner, Knife Rights; jonathan caples; Marie Neumiller, Congressional Sportsmen's Foundation.

Persons Signed In To Testify But Not Testifying: No one.