

117TH CONGRESS 1ST SESSION

H.R.60

To protect the right of law-abiding citizens to transport knives interstate, notwithstanding a patchwork of local and State prohibitions, and to repeal Federal provisions related to switchblade knives which burden citizens.

IN THE HOUSE OF REPRESENTATIVES

January 4, 2021

Mr. BIGGS introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To protect the right of law-abiding citizens to transport knives interstate, notwithstanding a patchwork of local and State prohibitions, and to repeal Federal provisions related to switchblade knives which 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 2021".

1 SEC. 2. INTERSTATE TRANSPORTATION OF KNIVES.

- 2 (a) In General.—Notwithstanding any provision of
- 3 any law or any rule or regulation of the United States,
- 4 or of a State or any political subdivision of a State, any
- 5 person who is not otherwise prohibited by Federal law
- 6 from possessing, transporting, shipping, or receiving a
- 7 knife or knives shall be entitled to transport a knife or
- 8 knives from any place where such person may lawfully pos-
- 9 sess, carry or transport such a knife or knives to any other
- 10 place where such person may lawfully possess, carry or
- 11 transport such a knife or knives if—
- (1) in the case of transportation by motor vehi-
- cle, the knife or knives are not directly accessible
- from the passenger compartment of such trans-
- porting vehicle, or, in the case of a motor vehicle
- without a compartment separate from the passenger
- 17 compartment, the knife or knives shall be contained
- in a locked container, glove compartment, or console;
- 19 or
- 20 (2) in the case of transportation by other
- 21 means (including any conveyance over land, on or
- through water, or through the air), the knife or
- knives are contained in a locked container.
- 24 (b) Emergency Knives.—Any knife or tool de-
- 25 signed for enabling escape in an emergency incorporating
- 26 a blunt tipped safety blade, a guarded blade, or both, for

- 1 cutting safety belts may be carried in the passenger com-
- 2 partment and need not be secured in a locked container,
- 3 glove compartment, or console. This subsection shall not
- 4 apply to the transport of any such knife or tool in the
- 5 passenger cabin of aircraft whose passengers are subject
- 6 to airport screening procedures of the Transportation Se-
- 7 curity Administration.
- 8 (c) No Arrest or Detention.—A person who is
- 9 transporting a knife or knives in compliance with this sec-
- 10 tion may not be arrested or otherwise detained for viola-
- 11 tion of any law or any rule or regulation of a State or
- 12 any political subdivision of a State related to the posses-
- 13 sion, transportation, or carrying of knives, unless there is
- 14 probable cause to believe that the person is not in compli-
- 15 ance with at least one of the requirements of subsection
- 16 (a).
- 17 (d) Claim or Defense.—A person may assert this
- 18 section as a claim or defense in any action or proceeding,
- 19 civil or criminal. When a person asserts this section as
- 20 a claim or defense in a criminal proceeding, the State or
- 21 political subdivision shall bear the burden of proving, be-
- 22 yound a reasonable doubt, that the person was not in com-
- 23 pliance with subsection (a).
- 24 (e) RIGHT OF ACTION.—Any person who, under color
- 25 of any statute, ordinance, regulation, custom, or usage,

- 1 of any State or political subdivision of a State, subjects,
- 2 or causes to be subjected, any person to the deprivation
- 3 of the rights, privileges, or immunities set forth in this
- 4 section, shall be liable to the person so deprived in an ac-
- 5 tion at law, suit in equity, or other proper proceeding for
- 6 redress. When a person asserts this section as a claim or
- 7 defense, the court shall award the prevailing party (includ-
- 8 ing any party who receives a favorable resolution through
- 9 a decision by a court, settlement of a claim, withdrawal
- 10 of criminal charges, or change of a statute or regulation),
- 11 other than a State or any political subdivision of a State
- 12 or its employees or representatives, a reasonable attorney's
- 13 fee.
- 14 (f) Definition.—As used in this section, the term
- 15 "transport" includes staying in temporary lodging over-
- 16 night, common carrier misrouting or delays, stops for
- 17 food, fuel, vehicle maintenance, emergencies, medical
- 18 treatment, and all other activity related to the person's
- 19 overall journey. The term shall not include any transpor-
- 20 tation of a knife or knives with the intent to commit any
- 21 offense punishable by imprisonment for a term exceeding
- 22 one year involving the use or threatened use of force
- 23 against another, or with knowledge, or reasonable cause
- 24 to believe, that such an offense is to be committed in the

1	course of, or arising from, such journey. Within any form							
2	of temporary lodging, a knife or knives may be accessible.							
3	(g) Rule of Construction.—Nothing in this sec-							
4	tion shall be construed in any way to limit any right to							
5	possess, carry, or transport a knife or knives under appli-							
6	cable State law.							
7	SEC. 3. REPEAL OF FEDERAL PROVISIONS RELATED TO							
8	SWITCHBLADE KNIVES.							
9	(a) Repeals.—							
10	(1) Chapter 29 of title 15, United States Code,							
11	is repealed.							
12	(2) Subsections (g) and (i) of section 1716, title							
13	18, United States Code, are repealed.							
14	(b) Conforming Amendments.—							
15	(1) The table of chapters at the beginning of							
16	title 15, United States Code, is amended by striking							
17	the item relating to chapter 29, and inserting in lieu							
18	thereof, "[Chapter 29. Repealed]".							
19	(2) Section 1716 of title 18, United States							
20	Code, is amended by redesignating—							
21	(A) subsection (h) as subsection (g);							
22	(B) subsection (j) as subsection (h); and							
23	(C) subsection (k) as subsection (i).							
24	(c) Effective Date.—The repeals made by sub-							
25	section (a)—							

1	(1)	shall	take	effect	on	the	date	of	enactment
2	of this A	ct; an	ıd						

(2) do not apply with respect to any indictment, convictions, sentencing, appeals, civil or criminal fines or penalties obtained, forfeitures obtained, terms of imprisonment or any other enforcement actions or proceedings occurring or commenced, on or before the date of enactment of this Act.

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