

Calendar No. 560

115TH CONGRESS
2D SESSION

S. 1092

[Report No. 115–327]

To protect the right of law-abiding citizens to transport knives interstate,
notwithstanding a patchwork of local and State prohibitions.

IN THE SENATE OF THE UNITED STATES

MAY 10, 2017

Mr. ENZI (for himself, Mr. WYDEN, Mr. DAINES, Mr. HEINRICH, Mr. RISCH,
Mr. MANCHIN, Mr. MERKLEY, Mr. CRAPO, Mr. UDALL, Mr. LEE, and
Ms. BALDWIN) introduced the following bill; which was read twice and
referred to the Committee on Commerce, Science, and Transportation

AUGUST 27, 2018

Reported by Mr. THUNE, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

A BILL

To protect the right of law-abiding citizens to transport
knives interstate, notwithstanding a patchwork of local
and State prohibitions.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Interstate Transport
3 Act of 2017”.

4 **SEC. 2. INTERSTATE TRANSPORTATION OF KNIVES.**

5 (a) **TRANSPORT OF KNIVES.**—Notwithstanding any
6 other provision of any law or any rule or regulation of
7 a State or any political subdivision thereof, any person
8 who is not otherwise prohibited by any Federal law, rule,
9 or regulation from transporting, shipping, or receiving a
10 knife shall be entitled to transport a knife for any lawful
11 purpose from any place where the person may lawfully
12 possess and carry such knife to any other place where the
13 person may lawfully possess and carry such knife if—

14 (1) in the case of a mode of transportation sub-
15 ject to rules and regulations of the Transportation
16 Security Administration or the Coast Guard, the in-
17 dividual complies with all applicable rules and regu-
18 lations of the Transportation Security Administra-
19 tion or the Coast Guard, respectively; and

20 (2) in the case of a mode of transportation not
21 subject to rules and regulations of the Transpor-
22 tation Security Administration or the Coast Guard,
23 during such transportation, any such knife that is
24 being transported and that is not legal for the per-
25 son to possess in a jurisdiction through which the
26 person is traveling—

(A) is not readily accessible or directly accessible from the passenger compartment of the mode of transportation; or

(B) in the case of a mode of transportation without a compartment separate from the passenger compartment, is contained in a locked container other than the glove compartment or console.

~~(b)~~ EMERGENCY KNIVES.—

(1) IN GENERAL.—An individual—

(A) may carry in the passenger compartment of a mode of transportation a knife or tool—

(i) the blades of which consist only of a blunt tipped safety blade, a guarded blade, or both; and

(ii) that is specifically designed for enabling escape in an emergency by cutting safety belts; and

(B) shall not be required to secure a knife or tool described in subparagraph (A) in any locked container.

(2) LIMITATION.—This subsection shall not apply to the transport of a knife or tool by a mode of transportation that is subject to rules and regula-

1 tions of the Transportation Security Administration
 2 or the Coast Guard.

3 (c) ~~NO ARREST OR DETENTION.~~—An individual who
 4 is transporting a knife in compliance with this section may
 5 not be arrested or otherwise detained for violation of any
 6 law, rule, or regulation of a State or political subdivision
 7 of a State related to the possession, transport, or carrying
 8 of a knife, unless there is probable cause to believe that
 9 the individual is not in compliance with subsection (a).

10 (d) ~~CLAIM OR DEFENSE.~~—An individual may assert
 11 this section as a claim or defense in any civil or criminal
 12 action or proceeding. When an individual asserts this sec-
 13 tion as a claim or defense in a criminal proceeding, the
 14 State or political subdivision shall have the burden of prov-
 15 ing, beyond a reasonable doubt, that the individual was
 16 not in compliance with subsection (a).

17 (e) ~~RULE OF CONSTRUCTION.~~—Nothing in this sec-
 18 tion shall be construed to limit any right to possess, carry,
 19 or transport a knife under applicable State law.

20 **SECTION 1. SHORT TITLE.**

21 *This Act may be cited as the “Interstate Transport Act*
 22 *of 2018”.*

23 **SEC. 2. INTERSTATE TRANSPORTATION OF KNIVES.**

24 (a) *DEFINITION.*—*In this Act, the term “transport”—*

1 (1) *includes staying in temporary lodging over-*
 2 *night, common carrier misrouting or delays, stops for*
 3 *food, fuel, vehicle maintenance, emergencies, medical*
 4 *treatment, and any other activity related to the jour-*
 5 *ney of a person; and*

6 (2) *does not include transport of a knife with the*
 7 *intent to commit an offense punishable by imprison-*
 8 *ment for a term exceeding 1 year involving the use*
 9 *or threatened use of force against another person, or*
 10 *with knowledge, or reasonable cause to believe, that*
 11 *such an offense is to be committed in the course of,*
 12 *or arising from, the journey.*

13 (b) *TRANSPORT OF KNIVES.—*

14 (1) *IN GENERAL.—Notwithstanding any other*
 15 *provision of any law or any rule or regulation of a*
 16 *State or any political subdivision thereof, a person*
 17 *who is not otherwise prohibited by any Federal law*
 18 *from possessing, transporting, shipping, or receiving*
 19 *a knife shall be entitled to transport a knife for any*
 20 *lawful purpose from any place where the person may*
 21 *lawfully possess, carry, or transport the knife to any*
 22 *other place where the person may lawfully possess,*
 23 *carry, or transport the knife if—*

24 (A) *in the case of transport by motor vehi-*
 25 *cle—*

1 (i) *the knife is not directly accessible*
2 *from the passenger compartment of the*
3 *motor vehicle; or*

4 (ii) *in the case of a motor vehicle with-*
5 *out a compartment separate from the pas-*
6 *senger compartment, is contained in a*
7 *locked container other than the glove com-*
8 *partment or console; and*

9 (B) *in the case of transport by means other*
10 *than a motor vehicle, including any transport*
11 *over land or on or through water, the knife is*
12 *contained in a locked container.*

13 (2) *LIMITATION.—This subsection shall not*
14 *apply to the transport of a knife or tool in the cabin*
15 *of a passenger aircraft subject to the rules and regula-*
16 *tions of the Transportation Security Administration.*

17 (c) *EMERGENCY KNIVES.—*

18 (1) *IN GENERAL.—A person—*

19 (A) *may carry in the passenger compart-*
20 *ment of a mode of transportation a knife or*
21 *tool—*

22 (i) *the blades of which consist only of*
23 *a blunt tipped safety blade, a guarded*
24 *blade, or both; and*

1 (ii) that is specifically designed for en-
2 abling escape in an emergency by cutting
3 safety belts; and

4 (B) shall not be required to secure a knife
5 or tool described in subparagraph (A) in a locked
6 container.

7 (2) *LIMITATION.*—This subsection shall not
8 apply to the transport of a knife or tool in the cabin
9 of a passenger aircraft subject to the rules and regula-
10 tions of the Transportation Security Administration.

11 (d) *NO ARREST OR DETENTION.*—A person who is
12 transporting a knife in compliance with this section may
13 not be arrested or otherwise detained for violation of any
14 law, rule, or regulation of a State or political subdivision
15 of a State related to the possession, transport, or carrying
16 of a knife, unless there is probable cause to believe that the
17 person is not in compliance with subsection (b).

18 (e) *CLAIM OR DEFENSE.*—A person may assert this
19 section as a claim or defense in a civil or criminal action
20 or proceeding. When a person asserts this section as a claim
21 or defense in a criminal proceeding, the State or political
22 subdivision shall have the burden of proving, beyond a rea-
23 sonable doubt, that the person was not in compliance with
24 subsection (b).

- 1 (f) *RULE OF CONSTRUCTION.*—*Nothing in this section*
2 *shall be construed to limit any right to possess, carry, or*
3 *transport a knife under applicable State law.*

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