

SUBJECT: Revising the definition of an illegal knife

COMMITTEE: Criminal Jurisprudence —favorable, as amended

VOTE: 7 ayes — Keel, Riddle, Pena, Denny, Hodge, Raymond, Reyna
0 nays
2 absent — Escobar, P. Moreno

WITNESSES: For — Rob Kepple, Texas District and County Attorneys Association
Against — None

BACKGROUND: The Penal Code regulates the transfer, possession and carrying of certain weapons, including illegal knives.

An illegal knife is defined under the Penal Code, sec. 46.01(6), as a:

- knife with a blade over 5 1/2 inches;
- hand instrument designed to cut or stab another by being thrown ;
- dagger, including but not limited to a dirk, stiletto, and poniard;
- bowie knife;
- sword; or
- spear.

DIGEST: HB 2342, as amended, would include in the definition of illegal knife a knife that was designed to be used with more than one blade exposed, with a total combined length of all blades measuring over 5 1/2 inches.

The bill would take effect September 1, 2005, and would apply to offenses committed on or after the effective date.

SUPPORTERS SAY: HB 2343 would fix an omission in the current law that fails to prohibit the possession of certain knives with two blades each below 5 1/2 inches. These knives are designed to circumvent the current law yet serve no purpose but to cause serious bodily injury. This bill would clarify the

definition of an illegal knife to enable law enforcement to prosecute the sale or possession of these dangerous knives.

HB 2343 defines an illegal knife carefully so as to exclude scout knives or other normal knives that a law-abiding citizen might carry. Multi-bladed pocket knives would not be covered by this bill because it is meant to apply exclusively to multiple blades "designed to be used with more than one blade exposed." A pocket or swiss army knife would not fit this definition.

This bill would not restrict the rights of those who own a knife for self-defense. A multitude of legal knives are available that are more appropriate for self-defense purposes.

OPPONENTS
SAY:

Laws that seek to control violence by banning possession of certain weapons do not work. This bill simply would restrict the rights of a law-abiding citizens who collect knives or have a legitimate need for the device, such as self-defense. Those who intended to use this type of device for a criminal purpose would continue to do so whether or not it was prohibited.

NOTES:

The committee amendment would omit changes to the definition in subsection (a) and add a definition of "illegal knife" to the original language of the code.