

SUBJECT: Allowing the carrying of certain knives

COMMITTEE: Criminal Jurisprudence — committee substitute recommended

VOTE: 7 ayes — Moody, Hunter, Canales, Gervin-Hawkins, Hefner, Lang,
Wilson

0 nays

WITNESSES: For — Todd Rathner, Knife Rights; Rick Briscoe, Open Carry Texas;
(*Registered, but did not testify:* Rachel Malone, Texas Firearms Freedom;
Thomas Parkinson)

Against — None

BACKGROUND: Penal Code, sec. 46.02(a) makes it a crime for a person to intentionally, knowingly, or recklessly carry an illegal knife while not on his or her own property or inside of his or her own vehicle or watercraft.

Sec. 46.06(a) establishes that it is an offense for a person to intentionally, knowingly, or recklessly sell, rent, lease, or give a knife to a child younger than 18 or to offer to do one of these acts.

Some have noted that properly enforcing the prohibition on illegal knives is a challenge for law enforcement and the courts because of confusion over what constitutes an illegal knife. Concerns have been raised that this statutory vagueness could result in discriminatory enforcement against individuals carrying knives.

DIGEST: CSHB 1935 would remove the term "illegal knife" from the list of weapons which it is a crime to intentionally, knowingly, or recklessly carry onto certain premises, making it legal to carry a knife anywhere in the state.

A school district could expel a student in possession of the following types of knives on school property or at school-related activities:

- a knife with a blade over five and a half inches long;
- a throwing knife;
- a dagger, including a dirk, stiletto, and poniard;
- a bowie knife;
- a sword; or
- a spear.

CSHB 1935 would make conforming changes in various statutes to remove references to illegal knives.

The bill would take effect September 1, 2017.