



New York State Conservation Council Inc.
8 East Main Street, Ilion, New York 13357-1899

MEMORANDUM IN OPPOSITION

Bill # **A 3729** Colton

Same as **S 8475** Savino

Title: Prohibits the manufacture, transportation, shipment or possession of an undetectable knife.

This bill would prohibit possession and trafficking in any knife that is not detectable by a metal detector or magnetometer set at standard calibration and that was commercially manufactured to be a weapon.

Justification:

The NYSCC opposes this legislation. While there have been isolated incidents involving the criminal use of commercially manufactured undetectable knives, they have been rare. While few, these incidents have prompted efforts to ban such knives. These attempts have resulted in what may best be described as definitional distress.

What is "capable of ready use as a stabbing or cutting weapon" encompasses everything from a plastic letter opener to a ceramic kitchen knife. The determination of what is "commercially manufactured to be used as a weapon" is left to the eye of the beholder – or more likely, the eye of the prosecutor.

This has not worked out well in the past. The District Attorney in New York County continues to prosecute assisted-opening knife owners for possession of switchblades even though the *Switchblade Knife Act* (15 USC §1244) specifically excludes assisted-opening knives from the definition of switchblade knives.

There are many knives designed expressly as tools whose undetectability is incidental to their design. Non-magnetic, non-conductive tools are essential in potentially explosive atmospheres or with sensitive electronic equipment. These tools could be considered to be a weapon and may, in fact, have been adapted from a conventional knife design.

This legislation is likely to create more problems than it can ever hope to solve.

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