

KNIFE OWNERS' PROTECTION ACT FAQ

- **Why do we need KOPA?**
 - Those who travel across the country with common knives for work, recreation, and self defense are presently subject to arrest and prosecution under a confusing patchwork of inconsistent state and local laws and regulations. What is perfectly legal in one place may be a serious crime in another, carrying significant penalties including jail time. Enforcement is not uniform even within jurisdictions and is subject to the vagaries of political expediency at times. Sportsmen and workmen who travel are particularly vulnerable.
- **Are people really being arrested for traveling with a knife?**
 - This not a theoretical problem, but a real one. By way of example, one of the most frequently travelled places in the U.S., New York City, has in the past few years targeted possession of the most common types of folding knives, arresting and prosecuting what is conservatively estimated to be *thousands* of law-abiding knife owners for possession of one-hand opening folding knives representing in excess of 80% of the pocket knives sold in the U.S. today. In some instances they were simply driving in their cars, stopped for a traffic violation and a knife found in the glovebox or trunk. Many are from outside NYC. Each has been booked into jail and undergone the considerable expense (upwards of \$10,000, in some cases even more) and travails of defending themselves in order to get the case dismissed. Some have been convicted for nothing more than carrying a common tool in their pocket.
 - Recently, in an action that has disturbing familiarity for sportsmen, an individual traveling via Kennedy Airport in New York changing planes en route to an overseas destination, with a number of very expensive custom knives in checked baggage was arrested and the knives seized by Port of NY/NJ law enforcement. The knives were perfectly legal at their point of departure and at the destination, as is often the case with sportsmen traveling overseas to hunt with their firearms. At best, this will cost the unfortunate victim thousands of dollars to defend, to say nothing of the value of the knives seized, approximately \$15,000.
 - The persecution of honest, law-abiding citizens for carrying common knives is not just a localized occurrence in New York., Similar arrests and prosecutions have occurred in Colorado, Michigan, New Jersey, New Mexico and Texas, to name a few. Anyone travelling through jurisdictions that have knife bans or restrictions may be subject to arrest and prosecution. The peril is real, and depending upon the political environment at any particular time and place, can occur without

warning, notwithstanding Knife Rights' successful efforts to repeal such bans and restrictions in many states.

- **Why now?**

- It is an unfortunate fact that knives are starting to attract the attention of the same organizations and public officials who have been unsuccessful in recent years in their efforts to restrict gun rights. Knives make an easy target, since millions of Americans carry a knife daily. In the past few years, there has been a notable uptick in proposed anti-knife legislation, including in Massachusetts, Nevada, New Jersey and Washington state. The more complex and diverse knife laws become, the greater the peril will be to those who travel with knives.

- **Are knife laws really that confusing?**

- To illustrate how confusing and complex travel with knives can be, consider that 36 states allow civilian possession of switchblades (automatic knives) to varying degrees, with no restrictions at all in 22 states, but in many other states possession is a serious crime. In a number of states automatic and gravity knives are legal for use while hunting or fishing, but are otherwise restricted, while neighboring states forbid their possession entirely.
- Just four states have laws similar to the fifth exemption to the Federal Switchblade Act passed by Congress in 2009 to protect one-hand opening and assisting opening pocket knives; in many other states the legality of one-hand-opening and assisted-opening knives is subject to widely varying interpretation, as we have witnessed in New York City.
- Several states have permissive or relatively permissive knife laws, but only seven states have a Knife Preemption Law so far (Alaska, Arizona, Georgia, Kansas, New Hampshire, Tennessee and Utah, all passed by Knife Rights), so even where state law is permissive, local governments within those states without preemption can still enact their own strict regulations, and many do.
- The national patchwork of knife laws is complex, confusing, and in constant flux, and law-abiding travelers with knives are presently at their mercy. It is virtually impossible for any citizen to be fully cognizant of the knife laws everywhere they travel.

- **Is there precedent for such a law?**

- This solution is not novel, but based on exiting legislative precedent. The current situation with knives is similar to the circumstances with guns that existed prior to the passage of the Firearm Owners' Protection Act, 18 USC 926A ("FOPA") in 1986, when Congress acted to protect law-abiding gun owners from a similar inconsistent patchwork of laws by insulating their travels if firearms possession was lawful at both the origination and destination points of travel. Unfortunately, FOPA provides no protections whatsoever to knife owners, so they are completely unprotected from the same perils. It is entirely likely that a sportsman travelling

with both firearms and knives who follows FOPA's requirements to the letter and also locks up his knives in an abundance of caution, could be insulated against prosecution for firearms possession, yet be arrested and prosecuted for knife possession.

- **Haven't there been efforts to circumvent FOPA, upon which KOPA is based?**
 - In enacting protections for knife owners, KOPA addresses known vulnerabilities in FOPA which have been used to circumvent Congress' intent and unjustly subject travelers to local laws in some jurisdictions. KOPA has been crafted to prevent similar circumvention.
- **Won't authorities in anti-knife jurisdictions just ignore KOPA, like some ignore FOPA?**
 - Unlike FOPA, KOPA has teeth to defend those who travel under its protection because it also provides penalties for law enforcement, prosecutors and others who ignore the protections provided. Similar to the protections and penalties generally provided in USC 1983 to those whose civil rights are violated, a falsely arrested citizen can be compensated for the expense of defending themselves from an unwarranted violation of the rights Congress has protected in KOPA.
- **Is this a problem for many Americans?**
 - In the absence of Congressional action, law-abiding travelers will be increasingly subject to arrest, prosecution, and imprisonment merely for possessing a common tool, a knife. A large number of Americans are impacted by this problem, including truckers, tradesmen, hunters, anglers, campers, and other sportsmen, many of whom travel with knives. Knifemakers, collectors and knife dealers are also impacted as they travel to and from knife shows.
- **Is this appropriate for Congress to address?**
 - A citizen's right to travel from one place to another with a legal product should be protected, and preventing Americans from being wrongfully targeted is a reasonable activity for Congress to undertake. Americans have a right to know that they will be safe from prosecution when they are simply travelling within the U.S.
- **Does KOPA change state law?**
 - KOPA would simply provide safe harbor to someone travelling with knives where it is lawful for the knives to be possessed at both the points of origin and destination, so long as the knives are transported in accordance with specific requirements that keep them inaccessible during the intervening travel, just like FOPA. It does not seek to change state and local law, but rather would allow travelers to navigate through the patchwork of inconsistent laws during the course of their travels without being in constant jeopardy of criminal prosecution.

- **Can a criminal use KOPA to avoid prosecution?**
 - No protections would be afforded to anyone involved in criminal activity, and we have taken great pains to ensure that the proposed legislation cannot be misused to protect or insulate criminal conduct. It sets a definition of criminal conduct as a crime with a potential penalty of more than one year in jail, in common with numerous other statutes, to ensure that this exception for KOPA protection is not abused by legal authorities in the case of someone stopped for a minor offense, such as a traffic ticket or the like.
- **How must knives be "secured" under KOPA?**
 - In the case of most motor vehicles, the knife or knives cannot be directly accessible from the passenger compartment . In other words they need to be locked up in the trunk. In the case of a motor vehicle without a compartment separate from the passenger compartment , the knife or knives shall be contained in a locked container (such as a brief case) , glove compartment, or console.
 - In the case of transportation by other means (including any conveyance over land, on or through water, or through the air), the knife or knives must be in a locked container.
 - KOPA doesn't override TSA regulations, so for travel in any aircraft where there is TSA passenger screening, you still can't carry a knife on board, even if locked up.
- **Why is there an exception for Emergency Knives?**
 - KOPA also protects the carry in any mode of transportation except on an airline flight of a commonly available emergency knife designed to enable the user to cut a seat belt or other entanglement in case of an accident or emergency. **This is restricted to knives with a blunt point or with a guarded blade.** Thus, drivers, pilots and boaters cannot be prosecuted for being responsible and ensuring that they and passengers can escape in case of an emergency that threatens their life.