

AMENDMENT TO RULES COMMITTEE PRINT 119-8
OFFERED BY MR. BIGGS OF ARIZONA

Add at the end of subtitle B of title XVII the following:

1 SEC. 17 ____ . INTERSTATE TRANSPORTATION OF KNIVES.

2 (a) DEFINITIONS.—As used in this section—

3 (1) the term “State” means any of the 50
4 States, the District of Columbia, American Samoa,
5 Guam, Puerto Rico, the Northern Mariana Islands,
6 the Virgin Islands of the United States, and any
7 other territory of the United States; and

8 (2) the term “transport”—

9 (A) includes staying in temporary lodging
10 overnight, common carrier misrouting or delays,
11 stops for food, fuel, vehicle maintenance, emer-
12 gencies, medical treatment, and all other activ-
13 ity related to the overall journey of the indi-
14 vidual; and

15 (B) does not include any transportation of
16 1 or more knives with the intent to commit any
17 offense punishable by imprisonment for a term
18 exceeding 1 year involving the use or threatened
19 use of force against another, or with knowledge,

1 or reasonable cause to believe, that such an of-
2 fense is to be committed in the course of, or
3 arising from, such journey.

4 (b) REQUIREMENTS.—Notwithstanding any provision
5 of any law or any rule or regulation of the United States,
6 or of a State or any political subdivision of a State, any
7 individual who is not otherwise prohibited by Federal law
8 from possessing, transporting, shipping, or receiving a
9 knife or knives shall be entitled to transport a knife or
10 knives from any place where the individual may lawfully
11 possess, carry, or transport such a knife or knives to any
12 other place where the individual may lawfully possess,
13 carry, or transport such a knife or knives if—

14 (1) in the case of transportation by motor vehi-
15 cle, the knife is, or the knives are, not directly acces-
16 sible from the passenger compartment of the trans-
17 porting motor vehicle, or, in the case of a motor ve-
18 hicle without a compartment separate from the pas-
19 senger compartment, the knife is, or the knives are,
20 contained in a locked container, locked glove com-
21 partment, or locked console;

22 (2) in the case of transportation by air, the
23 knife is, or the knives are, contained in a locked con-
24 tainer and are not in the passenger cabin of the air-
25 craft; or

1 (3) in the case of transportation by other
2 means (including any conveyance over land, or on or
3 through water), the knife is, or the knives are, con-
4 tained in a locked container.

5 (c) EMERGENCY KNIVES.—

6 (1) IN GENERAL.—Subject to paragraph (2),
7 any knife or tool designed for enabling escape in an
8 emergency incorporating a blunt tipped safety blade,
9 a guarded blade, or both, for cutting safety belts—

10 (A) may be carried in the passenger com-
11 partment of a transporting motor vehicle; and

12 (B) shall not be required to be secured in
13 a locked container, locked glove compartment,
14 or locked console.

15 (2) EXCEPTION.—This subsection shall not
16 apply to the transport of any knife or tool described
17 in paragraph (1) in the passenger cabin of an air-
18 craft the passengers of which are subject to airport
19 screening procedures of the Transportation Security
20 Administration.

21 (d) TEMPORARY LODGING.—Subject to the require-
22 ments under subsection (b), a knife or knives may be kept
23 accessible in any form of temporary lodging overnight, as
24 described in subsection (a)(2)(A).

1 (e) NO ARREST OR DETENTION.—An individual who
2 is transporting a knife or knives in compliance with this
3 section may not be arrested or otherwise detained for vio-
4 lation of any law or any rule or regulation of a State or
5 any political subdivision of a State related to the posses-
6 sion, transportation, or carrying of knives, unless there is
7 probable cause to believe that the individual is in violation
8 of 1 or more of the requirements under subsection (b).

9 (f) CLAIM OR DEFENSE.—

10 (1) IN GENERAL.—An individual may assert
11 this section as a claim or defense in any civil or
12 criminal action or proceeding.

13 (2) BURDEN OF PROOF.—If an individual as-
14 serts this section as a claim or defense in a criminal
15 proceeding, the relevant State or political subdivision
16 shall bear the burden of proving, beyond a reason-
17 able doubt, that the individual was not in compliance
18 with the requirements under subsection (b).

19 (g) RIGHT OF ACTION.—

20 (1) IN GENERAL.—Any individual who, under
21 color of any statute, ordinance, regulation, custom,
22 or usage, of any State or political subdivision of a
23 State, subjects, or causes to be subjected, any indi-
24 vidual to the deprivation of the rights, privileges, or
25 immunities set forth in this section, shall be liable

1 to the individual so deprived in an action at law, suit
2 in equity, or other proper proceeding for redress.

3 (2) ATTORNEY'S FEES.—When an individual
4 asserts this section as a claim or defense, the court
5 shall award the prevailing party (including any party
6 who receives a favorable resolution through a deci-
7 sion by a court, settlement of a claim, withdrawal of
8 criminal charges, or change of a statute or regula-
9 tion), other than a State or any political subdivision
10 of a State or its employees or representatives, a rea-
11 sonable attorney's fee.

12 (h) RULE OF CONSTRUCTION.—Nothing in this sec-
13 tion shall be construed in any way—

14 (1) to limit any right to possess, carry, or
15 transport a knife or knives under applicable State
16 law; or

17 (2) to impose additional restrictions or require-
18 ments on interstate travel by air with a knife or
19 knives.

