

114TH CONGRESS  
1ST SESSION

**S.** \_\_\_\_\_

To protect the right of law-abiding citizens to transport knives interstate,  
notwithstanding a patchwork of local and State prohibitions.

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IN THE SENATE OF THE UNITED STATES

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Mr. ENZI (for himself and Mr. WYDEN) introduced the following bill; which  
was read twice and referred to the Committee on \_\_\_\_\_

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**A BILL**

To protect the right of law-abiding citizens to transport  
knives interstate, notwithstanding a patchwork of local  
and State prohibitions.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Knife Owners’ Protec-  
5 tion Act of 2015”.

6 **SEC. 2. INTERSTATE TRANSPORT OF KNIVES.**

7 (a) DEFINITION.—In this section, the term “trans-  
8 port”—

9 (1) includes staying in temporary lodging over-  
10 night, common carrier misrouting or delays, stops

1 for food, fuel, vehicle maintenance, emergencies,  
2 medical treatment, and any other activity related to  
3 the journey of an individual; and

4 (2) does not include transport of a knife with  
5 the intent to commit an offense punishable by im-  
6 prisonment for a term exceeding 1 year involving the  
7 use or threatened use of force against another per-  
8 son, or with knowledge, or reasonable cause to be-  
9 lieve, that such an offense is to be committed in the  
10 course of, or arising from, the journey.

11 (b) TRANSPORT OF KNIVES.—Notwithstanding any  
12 other provision of law, rule, or regulation of the United  
13 States, or of a State or political subdivision of a State,  
14 an individual who is not otherwise prohibited by Federal  
15 law from possessing, transporting, shipping, or receiving  
16 a knife may transport a knife from any State or place  
17 where the individual may lawfully possess, carry, or trans-  
18 port the knife to any other State or place where the indi-  
19 vidual may lawfully possess, carry, or transport the knife  
20 if—

21 (1) in the case of transport by motor vehicle—

22 (A) the knife is not directly accessible from  
23 the passenger compartment of the motor vehi-  
24 cle; or

1 (B) in the case of a motor vehicle without  
2 a compartment separate from the passenger  
3 compartment, the knife is contained in a  
4 closed—

5 (i) container;

6 (ii) glove compartment; or

7 (iii) console; or

8 (2) in the case of transport by means other  
9 than a motor vehicle, including any transport over  
10 land, on or through water, or through the air, the  
11 knife is contained in a closed container.

12 (c) EMERGENCY KNIVES.—

13 (1) IN GENERAL.—An individual—

14 (A) may carry in the passenger compart-  
15 ment of a motor vehicle a knife or tool designed  
16 for enabling escape in an emergency that incor-  
17 porates a blunt tipped safety blade or a guard-  
18 ed blade or both for cutting safety belts; and

19 (B) shall not be required to secure a knife  
20 or tool described in subparagraph (A) in a  
21 closed—

22 (i) container;

23 (ii) glove compartment; or

24 (iii) console.

1           (2) LIMITATION.—This subsection shall not  
2           apply to the transport of a knife or tool in the pas-  
3           senger cabin of an aircraft whose passengers are  
4           subject to airport screening procedures of the Trans-  
5           portation Security Administration.

6           (d) NO ARREST OR DETENTION.—An individual who  
7           is transporting a knife in compliance with this section may  
8           not be arrested or otherwise detained for violation of any  
9           law, rule, or regulation of a State or political subdivision  
10          of a State related to the possession, transport, or carrying  
11          of a knife, unless there is probable cause to believe that  
12          the individual is not in compliance with subsection (b).

13          (e) CLAIM OR DEFENSE.—An individual may assert  
14          this section as a claim or defense in any civil or criminal  
15          action or proceeding. When an individual asserts this sec-  
16          tion as a claim or defense in a criminal proceeding, the  
17          State or political subdivision shall have the burden of prov-  
18          ing, beyond a reasonable doubt, that the individual was  
19          not in compliance with subsection (b).

20          (f) RIGHT OF ACTION.—

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

1 immunities provided for in this section, shall be lia-  
2 ble to the individual so deprived in an action at law  
3 or equity, or other proper proceeding for redress.

4 (2) ATTORNEY'S FEES.—

5 (A) IN GENERAL.—If an individual asserts  
6 this section as a claim or defense, the court  
7 shall award to the prevailing party, as described  
8 in subparagraph (B), reasonable attorney's fees.

9 (B) PREVAILING PARTY.—A prevailing  
10 party described in this subparagraph—

11 (i) includes a party who receives a fa-  
12 vorable resolution through a decision by a  
13 court, settlement of a claim, withdrawal of  
14 criminal charges, or change of a statute or  
15 regulation; and

16 (ii) does not include a State or polit-  
17 ical subdivision of a State, or an employee  
18 or representative of a State or political  
19 subdivision of a State.

20 (g) RULE OF CONSTRUCTION.—Nothing in this sec-  
21 tion shall be construed to limit any right to possess, carry,  
22 or transport a knife under applicable State law.