

SUBJECT: Removing criminal consequences of possessing a switchblade knife

COMMITTEE: Criminal Jurisprudence — favorable, without amendment

VOTE: 8 ayes — Herrero, Carter, Burnam, Canales, Leach, Moody, Schaefer, Toth
0 nays
1 absent — Hughes

WITNESSES: For — Todd Rathner, Knife Rights; (*Registered, but did not testify:* Chris Howe)
Against — None

BACKGROUND: Under Penal Code, sec. 46.05, intentionally or knowingly possessing, manufacturing, transporting, repairing, or selling a switchblade knife, as defined by sec. 46.01, is a class A misdemeanor (up to one year in jail and/or a maximum fine of \$4,000). Dealing with a switchblade knife solely as an antique or curio is a defense to prosecution.

DIGEST: HB 1862 would remove the criminal consequences of possessing, manufacturing, transporting, repairing, or selling a switchblade knife.

SUPPORTERS SAY: HB 1862 would end the unnecessary prohibition on switchblade knives. A switchblade is no more dangerous than many legal knives and there is little evidence that switchblades represent a threat to the general public, yet they are singled out as illegal in Texas. They have been illegal in Texas since the 1950s, when they were outlawed in many states across the country due to unfounded fears. Many people own switchblades solely as an antiques or curios, which is a defense to prosecution. Since the terms “antique” and “curio” are not defined in statute, the legal status of these knives is uncertain.

OPPONENTS SAY: Switchblades are dangerous weapons with few practical purposes and they should not be taken off the prohibited weapons list in Texas. The current law regarding switchblade knives works well and there is no reason to

change it. People who want to collect these knives solely as antiques or curios can do so with a defense to prosecution under current law. HB 1862 would unnecessarily end a safety law that is working well.