S T A T E O F N E W Y O R K

S. 6938 A. 10036

S E N A T E - A S S E M B L Y

February 26, 2010

IN SENATE -- Introduced by Sen. KLEIN -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

IN ASSEMBLY -- Introduced by M. of A. COLTON -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to providing that any person who manufactures or causes to manufacture, or knowingly imports, offers or exposes for commercial sale an undetectable knife is guilty of a misdemeanor; in relation to requiring manufacturers of undetectable knives to include materials detectable by a metal detector; in relation to exempting knives sold to certain entities

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The penal law is amended by adding a new section 265.41 to read as follows:

S 265.41 PROHIBITED MANUFACTURE, IMPORT OR EXPORT OF UNDETECTABLE KNIVES FOR COMMERCIAL SALE.

(1) A PERSON IS GUILTY OF PROHIBITED MANUFACTURE, IMPORT OR EXPORT OF UNDETECTABLE KNIVES FOR COMMERCIAL SALE WHEN, IN THIS STATE, SUCH PERSON COMMERCIALLY MANUFACTURES OR CAUSES TO BE COMMERCIALLY MANUFACTURED, OR WHO KNOWINGLY IMPORTS INTO THE STATE FOR COMMERCIAL SALE, OR WHO KNOWINGLY EXPORTS FROM THIS STATE FOR COMMERCIAL, DEALER, WHOLESALER, OR DISTRIBUTOR SALE, OR KEEPS FOR COMMERCIAL SALE, OR OFFERS OR EXPOSES FOR COMMERCIAL, DEALER, WHOLESALER, OR DISTRIBUTOR SALE, ANY UNDETECTABLE KNIFE.

(2) AS USED IN THIS ARTICLE, AN "UNDETECTABLE KNIFE" MEANS ANY KNIFE OR OTHER INSTRUMENT WITH OR WITHOUT A HAND GUARD THAT IS CAPABLE OF READY USE AS A STABBING WEAPON THAT MAY INFLICT SERIOUS PHYSICAL INJURY OR DEATH, THAT IS COMMERCIALLY MANUFACTURED TO BE USED AS A WEAPON AND IS NOT DETECTABLE BY A METAL DETECTOR OR MAGNETOMETER, EITHER HANDHELD OR OTHERWISE, THAT IS SET AT STANDARD CALIBRATION.

(3) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, COMMENCING JANUARY FIRST, TWO THOUSAND TWELVE, ALL KNIVES OR OTHER INSTRUMENTS WITH OR WITHOUT A HAND GUARD THAT ARE CAPABLE OF READY USE AS A STABBING WEAPON

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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THAT MAY INFLICT SERIOUS PHYSICAL INJURY OR DEATH WHICH ARE COMMERCIALLY MANUFACTURED IN THIS STATE AND THAT UTILIZE MATERIALS THAT ARE NOT DETECTABLE BY A METAL DETECTOR OR MAGNETOMETER, SHALL BE MANUFACTURED TO INCLUDE MATERIALS THAT WILL ENSURE THEY ARE DETECTABLE BY A METAL DETECTOR OR MAGNETOMETER, EITHER HANDHELD OR OTHERWISE, THAT IS SET AT STANDARD CALIBRATION.

(4) THIS SECTION SHALL NOT APPLY TO THE MANUFACTURE OR IMPORTATION OF UNDETECTABLE KNIVES FOR SALE TO FEDERAL, STATE, AND LOCAL HISTORICAL SOCIETIES, MUSEUMS, AND INSTITUTIONAL COLLECTIONS WHICH ARE OPEN TO THE PUBLIC, PROVIDED THAT SUCH UNDETECTABLE KNIVES ARE PROPERLY HOUSED AND SECURED FROM UNAUTHORIZED HANDLING, NOR SHALL THIS SECTION APPLY TO THE SUBSEQUENT SALE OF SUCH KNIVES TO SUCH SOCIETIES, MUSEUMS, AND COLLECTIONS.

PROHIBITED MANUFACTURE, IMPORT OR EXPORT OF UNDETECTABLE KNIVES FOR COMMERCIAL SALE IS A CLASS A MISDEMEANOR.

S 2. Subdivision 1 of section 265.01 of the penal law, as amended by chapter 257 of the laws of 2008, is amended to read as follows:

(1) He or she possesses any firearm, electronic dart gun, electronic stun gun, gravity knife, switchblade knife, pilum ballistic knife, metal knuckle knife, UNDETECTABLE KNIFE, cane sword, billy, blackjack, bludgeon, plastic knuckles, metal knuckles, chuka stick, sand bag, sandclub, wrist-brace type slingshot or slungshot, shirken or "Kung Fu star"; or

S 3. The opening paragraph of subdivision a of section 265.20 of the penal law, as amended by chapter 496 of the laws of 1991, is amended to read as follows:

Sections 265.01, 265.02, 265.03, 265.04, 265.05, 265.10, 265.11, 265.12, 265.13, 265.15, 265.41 and 270.05 shall not apply to:

S 4. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.