

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:

1 Section 1. The penal law is amended by adding a new section 265.41 to
2 read as follows:
3 S 265.41 PROHIBITED MANUFACTURE, IMPORT OR EXPORT OF UNDETECTABLE KNIVES
4 FOR COMMERCIAL SALE.
5 (1) A PERSON IS GUILTY OF PROHIBITED MANUFACTURE, IMPORT OR EXPORT OF
6 UNDETECTABLE KNIVES FOR COMMERCIAL SALE WHEN, IN THIS STATE, SUCH PERSON
7 COMMERCIALLY MANUFACTURES OR CAUSES TO BE COMMERCIALLY MANUFACTURED, OR
8 WHO KNOWINGLY IMPORTS INTO THE STATE FOR COMMERCIAL SALE, OR WHO KNOW-
9 INGLY EXPORTS FROM THIS STATE FOR COMMERCIAL, DEALER, WHOLESALER, OR
10 DISTRIBUTOR SALE, OR KEEPS FOR COMMERCIAL SALE, OR OFFERS OR EXPOSES FOR
11 COMMERCIAL, DEALER, WHOLESALER, OR DISTRIBUTOR SALE, ANY UNDETECTABLE
12 KNIFE.
13 (2) AS USED IN THIS ARTICLE, AN "UNDETECTABLE KNIFE" MEANS ANY KNIFE
14 OR OTHER INSTRUMENT WITH OR WITHOUT A HAND GUARD THAT IS CAPABLE OF
15 READY USE AS A STABBING WEAPON THAT MAY INFLICT SERIOUS PHYSICAL INJURY
16 OR DEATH, THAT IS COMMERCIALLY MANUFACTURED TO BE USED AS A WEAPON AND
17 IS NOT DETECTABLE BY A METAL DETECTOR OR MAGNETOMETER, EITHER HANDHELD
18 OR OTHERWISE, THAT IS SET AT STANDARD CALIBRATION.
19 (3) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, COMMENCING JANUARY
20 FIRST, TWO THOUSAND TWELVE, ALL KNIVES OR OTHER INSTRUMENTS WITH OR
21 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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1 THAT MAY INFLICT SERIOUS PHYSICAL INJURY OR DEATH WHICH ARE COMMERCIALY
2 MANUFACTURED IN THIS STATE AND THAT UTILIZE MATERIALS THAT ARE NOT
3 DETECTABLE BY A METAL DETECTOR OR MAGNETOMETER, SHALL BE MANUFACTURED TO
4 INCLUDE MATERIALS THAT WILL ENSURE THEY ARE DETECTABLE BY A METAL DETEC-
5 TOR OR MAGNETOMETER, EITHER HANDHELD OR OTHERWISE, THAT IS SET AT STAND-
6 ARD CALIBRATION.

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

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

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

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

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

26 Sections 265.01, 265.02, 265.03, 265.04, 265.05, 265.10, 265.11,
27 265.12, 265.13, 265.15, 265.41 and 270.05 shall not apply to:

28 S 4. This act shall take effect on the first of November next succeed-
29 ing the date on which it shall have become a law.