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

617

2011-2012 Regular Sessions

I N S E N A T E

(PREFILED)

January 5, 2011

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

AN ACT to amend the penal law, in relation to prohibiting the manufacture, import or export of undetectable knives for commercial sale, prohibiting the possession of such knives, requiring manufacturers of undetectable knives to include materials detectable by a metal detector and exempting such 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 265.45 to read as follows:

S 265.45 CRIMINAL MANUFACTURE, IMPORT OR EXPORT OF UNDETECTABLE KNIVES FOR COMMERCIAL SALE.

1. A PERSON IS GUILTY OF CRIMINAL MANUFACTURE, IMPORT OR EXPORT OF UNDETECTABLE KNIVES FOR COMMERCIAL SALE WHEN, HE OR SHE COMMERCIALLY MANUFACTURES OR CAUSES TO BE COMMERCIALLY MANUFACTURED, OR KNOWINGLY IMPORTS INTO THE STATE FOR COMMERCIAL SALE, OR 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, "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, AND THAT IS COMMERCIALLY MANUFACTURED TO BE USED AS A WEAPON AND IS NOT DETECTABLE BY A METAL DETECTOR OR MAGNETOMETER, EITHER HANDHELD OR OTHERWISE, WHEN SET AT STANDARD CALIBRATION.

3. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, ON AND AFTER 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, THAT MAY INFLICT SERIOUS PHYSICAL INJURY OR DEATH WHICH ARE COMMERCIALLY

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

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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, WHEN SET AT STANDARD CALIBRATION.

4. THE PROVISIONS OF 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.

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

S 2. Subdivision 2 of section 265.01 of the penal law, as amended by chapter 220 of the laws of 1988, is amended to read as follows:

(2) He OR SHE possesses any dagger, dangerous knife, dirk, razor, stiletto, imitation pistol, UNDETECTABLE KNIFE, or any other dangerous or deadly instrument or weapon with intent to use the same unlawfully against another; 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, 265.45 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.