



TERRY MOULTON



WISCONSIN STATE SENATOR

23RD SENATE DISTRICT

From: Senator Terry Moulton
To: Senate Committee on Judiciary and Public Safety
Re: Testimony regarding Senate Bill 102
Relating to: going armed with a switchblade
Date: September 10, 2015

Thank you Mr. Chairman and other committee members for the opportunity to testify on Senate Bill 102, introduced at the request of an active law enforcement officer from our district who is also a concealed carry instructor.

Current law prohibits manufacturing, selling, purchasing, possessing, or going armed with any “knife having a blade which opens by pressing a button, spring or other device in the handle or by gravity or by thrust or movement.” This definition was originally intended to prohibit what are commonly known as switchblades, however, due to the broad and imprecise definition, this prohibition extends to many common knives widely available at retailers across the state.

Most knives have some kind of spring assisted locking device, and as such, this prohibition puts many manufacturers and retailers in violation of the law for selling spring assisted knives in Wisconsin. Additionally, as these knives are widely available, many farmers, machinists, hunters, and even EMTs (who need a knife that can be opened with one hand) carry spring assist knives regularly, and when concealed in a pocket without a conceal and carry permit, this puts users in violation of the law.

Senate Bill 102 eliminates the concealed possession of a knife from the prohibition against carrying a concealed and dangerous weapon for everyone except people who are prohibited from possessing a firearm. This bill goes a long way in clarifying the statutes and will allow law-abiding citizens to carry knives without fear of violating the law.

I hope that the committee will strongly considering the passage of Senate Bill 102. Thank you again for allowing me to testify today.

Serving the 23rd Senate District



STATE REPRESENTATIVE

KATHY BERNIER

September 10, 2015

To: Senate Committee on Judiciary and Public Safety
From: Rep. Kathy Bernier
Re: Senate Bill 102

Good morning Chairman Wanggaard and committee members. Thank you for hearing SB 102 today.

The idea for this bill came from a constituent of mine, Officer Travis Hakes of the Lake Hallie Police Department. Officer Hakes is also a licensed concealed carry instructor. Unfortunately, Officer Hakes is unable to be with us today but he did present testimony at the Assembly Hearing earlier this session.

Officer Hakes brought the outdated switchblade statutes to my attention after questions began surfacing regarding the concealed carry of knives in his classes, specifically laws prohibiting switchblades. In researching the bill it became apparent that the definition of a switchblade was both outdated and inadequate. In short, the bill changed the definition of a switchblade knife, exempted certain law enforcement (current and former), emergency responders from the prohibition from carrying a switchblade knife and prohibited local governments from enacting stricter ordinances prohibiting switchblades.

I was surprised to learn, after introduction of the bill, that there were several other legislators who had an interest in knife regulations and had been working on similar legislation. With this in mind, I've tried to address those legislators' specific concerns in the substitute amendment.

Senate Substitute Amendment 1 repeals the prohibition on switchblades entirely and allows any person eligible to obtain a concealed carry permit to carry any concealed knife. The substitute amendment also maintains the preemption clause which prohibits local government from enacting stricter prohibitions on the carry of knives. Further, the bill protects an individual from being put in double jeopardy for carrying a knife, whether concealed or not, unless circumstances apply indicating malicious or criminal intent.

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Finally, under the substitute amendment, only people who are prohibited from possessing a firearm remain subject to the prohibition against going armed with a knife that is a dangerous weapon.

Again, thank you Mr. Chairman and committee members for your time today. I appreciate the opportunity to testify on SB 102 and am proud to have received bipartisan support. I'm sure that experts testifying after me today will address specific questions related to the application of SB 102 provisions. However, I'm happy to answer any questions you may have for me.

WISCONSIN FORCE

Wisconsin Firearm Owners, Ranges,
Clubs and Educators, Inc.

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September 10, 2015

Committee on Criminal Justice and Public Safety

Re: Switchblade Knives SB 102

Mr. Chairman and Members of the Committee,

Wikipedia defines knives as: *A knife (plural knives) is a cutting tool with a cutting edge or blade, hand-held or otherwise, with or without a handle. Knife-like tools were used at least two-and-a-half million years ago. Originally made of rock, bone, flint, and obsidian, knives have evolved in construction as technology has, with blades being made from bronze, copper, iron, steel, ceramics, and titanium.* Knives could be considered humankind's first tool. A statement of how often knives are used every minute of every day is not needed - it is limitless.

Sadly, irrational fear, perpetrated by the media and entertainment industries, often drives poor legislation. In the mid 1950's, the media focused on gangs and switchblades, and in 1957, Westside Story served to scare normally rational citizens into thinking that a ban was needed. Wisconsin fell into that trap in 1959.

Use, not design, defines a weapon. When the intent is to harm or defend, the list of everyday, commonly known items is limitless. From coffee cups to charge cards, canes to hammers, use, not design, makes almost anything a weapon.

Unlike common items such as baseball bats, knives have common, limitless, useful purposes, used by people every day.

The fact that opening any knife will never be as fast as the more common fixed blade knife, needs no explanation. Carrying a knife that needs to be opened in many cases is necessary or desirable to allow the efficient, practical use of this indispensable tool. Currently there is confusion on the legality of many knives currently available and carried daily. Knives that open with the assistance of gravity or spring tension greatly aid users that cannot open them due to physical disabilities such as arthritis or are hampered by the need to use both hands to open them. Having an easily opened tool can greatly improve productivity. In emergency situations, one hand may be incapacitated or may be needed to safely hold a person or item that needs to be released such as cutting the safety belt of a car accident victim.

It is time to remove unnecessary restrictions, including preemption, to ensure that Wisconsinites are not burdened by irrational laws enacted many times by emotion in political subdivisions.

Wisconsin Firearm Owners, Ranges, Clubs, and Educators Inc. (Wisconsin FORCE) believes that passing legislation, including amendments, removing emotional restrictions on humankind's first tool, will greatly serve the citizens of Wisconsin. We encourage you to pass legislation eliminating unnecessary burdens.

Thank you for your consideration.

Sincerely,



Jeffrey L. Nass
Executive Director
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Ranges, Clubs and Educators, Inc.
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