

**Testimony of Doug Ritter, Chairman, Knife Rights
for the Hearing on
Knife Owners' Protection Act of 2025 (H.R. 60)
Before the Subcommittee on
Crime and Federal Government Surveillance
United States House of Representatives
March 4, 2025**

Chairman Biggs, Ranking Member McBath, and members of the committee, thank you for inviting me to testify about the Knife Owners' Protection Act or "KOPA". This bill is a commonsense criminal justice reform solution that would protect law-abiding knife owners when they are traveling throughout the U.S., despite whether they are traveling in or through states or localities with restrictive knife laws.

Please indulge me for a moment with a hypothetical. Imagine a chef is driving across the US to cook at guest appearances, perhaps in your own districts. This chef has numerous knives in their vehicle; many of them may exceed some arbitrary local length limitation. Now imagine this chef is stopped by the police for a broken taillight and the police officer asks, "Do you have any weapons in the vehicle?" The chef, being the responsible citizen that he is, discloses that although he doesn't really consider them weapons, he has knives in his vehicle. This simple scenario could result in the chef being arrested and charged. It could result in severe consequences for the chef and, in turn, for his family.

KOPA would protect our chef from unnecessary encounters with the police, which too often end in tragedy. This bill is the right policy for everyone. It levels the playing field for everyone, which is why knife law reform measures have received bipartisan support in many states. Under KOPA, if possession of the knife is legal where the journey starts and ends and the knife is locked-up in accordance with KOPA, a knife owner would no longer be threatened with arrest simply for traveling from one place to another, even if they have to pass through a jurisdiction where the knife is illegal.

Currently, those who travel across the country with knives for work and recreation are subject to arrest and prosecution under a confusing patchwork of inconsistent state and local laws and regulations. What is perfectly legal in one place may be a serious crime just over the border of that jurisdiction, and can carry significant penalties, including jail time. Moreover, enforcement is not uniform even within jurisdictions.

Over the past 16 years, 51 criminal justice reform bills have been enacted in 32 states to repeal bans on various knives that are possessed for work and recreation, and most have had bipartisan support. In fact, knife reform legislation has been passed in 7 of the 10 states represented on this committee, 5 of them with bipartisan support--Georgia, New York, Tennessee, Texas and Wisconsin. Other states already do not ban knives of any sort. Yet, some states and many other localities still have knife bans on the books.

Virtually all of the still-existing knife bans were instituted against a background of racial bias after the Civil War¹ and in the late 1950s.² We also know all too well that minorities and the economically-disadvantaged are too often inappropriately stopped by law enforcement, sometimes with tragic outcomes.³ This bill simply ensures that knife owners with their knives locked up in accordance with this proposed law are protected and not subject to unjust prosecution for possessing a knife that is legal in the vast majority of the U.S.

Knives are one of humankind's oldest tools possessed and carried by hundreds of millions.⁴ They are carried daily by law-abiding laborers, truck drivers, campers, hikers, sportsmen and -women and many others as they travel this great nation.⁵ KOPA does NOT change state and local law. KOPA would simply provide safe harbor to someone traveling with knives where it is lawful for the knives to be possessed at both the points of origin and destination, **so long as the knives are transported in accordance with specific requirements that keep them inaccessible during the intervening travel.** These knives will not be a threat to anyone since they are required to be locked up.

Also, this bill cannot be used to protect bad actors. It expressly states that if someone transports a knife with the intent to commit an offense that is punishable by imprisonment for more than one year, that person cannot be protected by this proposed law, in common with numerous other statutes. However, the way this bill is written, it ensures that this criminal exception in KOPA is not abused by authorities in the case of someone being stopped for a minor offense, such as a traffic ticket or the like.

This is not a theoretical problem, but a real one. By way of example, one of the most frequently travelled places in the U.S., New York City, had been for over a decade preceding 2019 targeting possession of the most common types of folding knives. They arrested and prosecuted what is conservatively estimated to be 70,000 law-abiding knife owners for possession of one-hand opening folding knives representing in excess of 80% of the pocket knives sold in the U.S. today.⁶ In some instances, they were simply driving, stopped for a traffic violation and a knife found in the glovebox or trunk. Many were from outside NYC. Each was booked into jail and underwent the considerable expense (upwards of \$10,000, in some cases even more) and travails of defending themselves. Many were convicted for nothing more than carrying a common tool in their pocket.

¹ Kopel, David B. and Greenlee, Joseph S. "The History of Bans on Types of Arms Before 1900," Notre Dame Law School Journal of Legislation, Vol. 50 no. 2 (2024), pp. 370-372, <https://scholarship.law.nd.edu/jleg/vol50/iss2/3/>.

² Kopel, David B.; Cramer Clayton E.; and Olson, Joseph Edward. "Knives and the Second Amendment," University of Michigan Journal of Law Reform, Vol. 47 no. 1 (2013), p. 176, <https://repository.law.umich.edu/cgi/viewcontent.cgi?article=1027&context=mjlr>,

³ "Killing of Freddie Gray." Wikipedia, Wikimedia Foundation, 23 February 2025, Freddie Gray https://en.wikipedia.org/wiki/Killing_of_Freddie_Gray

⁴ "Sporting Knives and Tools in America: Essential to Daily Life." American Tools and Knife Institute, <https://www.akti.org/wp-content/uploads/AKTI-KnifeUserData.pdf>, Accessed 26 Feb 2025.

⁵ *Id.*

⁶ *Id.*

Virtually anyone with a prior conviction for even a minor misdemeanor in their distant past had charges upgraded and were prosecuted for felonies and some were sent to prison.⁷

In an action that has disturbing familiarity for sportsmen and women, an individual traveling via Kennedy Airport in New York, changing planes enroute to an overseas destination, with a number of expensive custom knives in checked baggage was arrested, and the knives he had in his baggage were seized by Port of NY/NJ law enforcement. The knives were perfectly legal at their point of departure and at the destination to where he was ultimately traveling, as is often the case with sportsmen and women traveling overseas to hunt with their firearms. Unfortunately, this cost the unfortunate victim thousands of dollars to defend, to say nothing of the value of the knives seized, which was approximately \$15,000.

The persecution of honest, law-abiding citizens for carrying common knives is not just a localized occurrence in New York. Similar arrests and prosecutions have occurred in Colorado, Michigan, New Jersey, and New Mexico, to name a few. With knife law preemption the law in only nineteen states, anyone travelling through not just a state but also local jurisdictions that have knife bans or restrictions, may subject the knife owner to arrest and prosecution. The peril is real. Simply crossing a city or county line is all it can take. Worse, depending upon the political environment at any particular time and place, it can occur without warning, notwithstanding Knife Rights' successful efforts to repeal such bans and restrictions in many states.

To illustrate how confusing and complex travel with knives can be, consider that 46 states allow civilian possession of switchblades (automatically opening knives) to varying degrees, with no restrictions whatsoever in 32 states and, with some limitations, they are legal to open carry in 38.⁸ However, in many other states possession is a serious crime. In a number of states, automatic knives are legal for use while hunting or fishing, but are otherwise restricted, while neighboring states have no restrictions whatsoever.⁹

Just four states have laws similar to the fifth exemption to the Federal Switchblade Act passed by Congress in 2009 to protect one-hand opening and assisting opening pocket knives; in many other states the legality of one-hand-opening and assisted-opening knives, the most popular knives in America, is subject to widely varying interpretation,¹⁰ as we have witnessed in New York City.¹¹ In Baltimore, Freddie Gray was arrested, and then tragically died in custody, for possession of a knife that was undoubtedly legal under Maryland law and arguably in Baltimore as well.¹²

⁷ "Warning: New York City Knife Law & Administration Code." Knife Rights, March 30, 2019 <https://kniferights.org/wp-content/uploads/Legal-Aid-Memo-NYC-Gravity-Knives.pdf>, Accessed 26 Feb 2025.

⁸ "Knife Rights is Rewriting Knife Law in America: Civilian Switchblade Legal States as of January 1, 2025." Knife Rights, January 1, 2025, https://kniferights.org/wp-content/uploads/switchblade_states.pdf, Accessed 26 Feb 2025.

⁹ *Id.*

¹⁰ *Legal Blade*, Knife Rights 3,0 Apple App Store or Google Play, Accessed 28 Feb 2025.

¹¹ Campbell, Jon. "How a 50's Era New York Knife Law Has Landed Thousands in Jail." *The Village Voice*, 7 Oct 2014, <https://www.villagevoice.com/how-a-50s-era-new-york-knife-law-has-landed-thousands-in-jail/>, Accessed 28 Feb 2025.

¹² "Killing of Freddie Gray." *supra* note 3.

While some states have permissive or relatively permissive knife laws, only 19 states have a Knife Preemption Law so far -- Alaska, Arizona, Georgia, Idaho, Iowa, Kansas, Louisiana, Montana, Nebraska, New Hampshire, Ohio, Oklahoma, Tennessee, Texas, Utah, West Virginia and Wisconsin, all enacted since 2010, plus New Mexico and Wyoming, which had existing preemption via their Constitution.¹³ So, even where state law is permissive, local governments within those states without preemption can still enact their own stricter regulations, and many do so.

The national patchwork of knife laws is complex, confusing, and is in constant flux. Law-abiding travelers with knives are presently at the mercy of these ever-changing laws and regulations, making it virtually impossible for any citizen to be fully cognizant of the knife laws in all the places they travel. These travelers need KOPA to protect them.

The solution that is provided by KOPA is not novel but is based on existing legislative precedent. The current situation with knives is similar to the circumstances with guns that existed prior to the passage of the Firearm Owners' Protection Act, 18 USC 926A ("FOPA") in 1986, when Congress acted to protect law-abiding gun owners. It was the intent of congress to protect firearm owners from a similar inconsistent patchwork of laws by insulating their travels as long as firearms possession was lawful at both the origination and destination points of travel. Unfortunately, FOPA provides no protections to knife owners; so they are completely unprotected from the same perils. A sportsman or woman travelling with both firearms and knives who follows FOPA's requirements to the letter and also locks up his knives in an abundance of caution, could be insulated against prosecution for firearms possession, yet be arrested and prosecuted for knife possession.

Regrettably, over the intervening years, the Second and Third Federal District Courts have punched a number of holes in FOPA, lessening the protections that Congress intended.¹⁴ KOPA intends to provide the same protection for knives that was originally intended in FOPA for firearms but makes sure to address known vulnerabilities in FOPA, which have been used by courts to circumvent the law by unjustly subjecting travelers to local laws in some jurisdictions. The provisions in KOPA would help prevent prosecutions and convictions in the jurisdictions that present the biggest dangers to knife carriers by preventing circumvention of Congress' intent.

Most importantly, KOPA provides for a private right of action. A private right of action that would normally be available under 42 U.S.C 1983 is not guaranteed from a KOPA violation, particularly in the case of those jurisdictions most likely to abuse the law, including New York and New Jersey. The U.S. Court of Appeals for the Second Circuit held in a binding decision, *Torraco v. Port Authority*, that FOPA, the law which KOPA mirrors

¹³ "About Statewide Knife Preemption." American Tools and Knife Institute, <https://www.akti.org/legislation/about-knife-preemption/>, Accessed 26 Feb 2025.

¹⁴ United States Court of Appeals for the Third Circuit, *Revell v. Port Authority of NY and NJ*, 598 F.3d 128 (3d Cir. 2010); United States Court of Appeals for the Third Circuit, *Association of NJ Rifle v. Port Authority of NY*, 730 F.3d 252 (3d Cir. 2013); United States Court of Appeals Second Circuit, *Torraco v. Port Authority of NY and NJ*, 615 F.3d 129 (2d Cir. 2010).

in many respects, does not give rise to a private cause of action under 42 U.S.C 1983. Given these courts' animus towards weapons and freedom in general, there's no reason to expect them to treat knives any differently. Moreover, in New Jersey, alone among all the states, ALL state knife law violations are FELONIES!

KOPA includes a private right of action to defend those who travel under its protection, providing for penalties for law enforcement, prosecutors and others who ignore the protections provided. Similar to the protections and penalties generally provided in USC 1983 to those whose civil rights are violated, an improperly arrested knife owner could be compensated for the expense of defending themselves from an unwarranted violation of the rights intended to be protected in KOPA.

Without a right of action, there is no true deterrent against rogue states and localities who disregard the intent of Congress to protect these travels. Acting with impunity, without fear of any meaningful recourse from victims, these jurisdictions will further persecute citizens who attempt to defend themselves from illegal, unjust or misguided enforcement actions.

Should a lawful traveler have to risk bankruptcy to defend against an illegal arrest and prosecution? Many citizens will be forced to simply capitulate or take an unwarranted plea deal given the extraordinary expense involved in mounting a defense, typically far from home. In some cases, these violations of justice will have lasting adverse impact on their lives and the lives of their family. The private right of action in KOPA is essential. Without it, the new law would hardly be worth the paper it was printed on in the states where its protection is most needed.

Were there no private right of action included in KOPA, it could actually put many knife owners at greater risk of prosecution, financial jeopardy or ruin and loss of civil rights because they might well believe themselves protected. However, without a right of action, they actually would be vulnerable. This is particularly the case in states and cities with very restrictive knife laws where they are currently wary of breaking the law but may think they can safely transport their knives after the passage of KOPA. KOPA without a private right of action would provide knife owners with a false sense of security that could trap the unwary.

To take advantage of the protections in KOPA, the knife or knives must be in a locked container. In the case of motor vehicles, the knife or knives cannot be immediately accessible from the passenger compartment. In other words, they need to be locked up in the trunk, or in the case of a motor vehicle without a compartment separate from the passenger compartment like most SUVs, the knife or knives must be contained in a locked container (such as a briefcase or tool box) or lockable glove compartment or console. In the case of transportation by other means (including any conveyance over land on or through water, or through the air), the knife or knives must be in a locked container.

KOPA does NOT override TSA regulations or U.S. law regarding knife carry on airlines. For travel in any aircraft where there is TSA passenger screening, the knife owner still cannot carry a knife on board, even if securely locked. Passengers with a knife or knives in checked and locked baggage, or if they are inside a locked container inside the baggage, as currently allowed, would be protected by KOPA as they transit any location

where those knives might not be legal. Knives in unlocked baggage are not protected while traveling over land, or through water, or through the air.

If so secured, KOPA protects an interrupted journey that requires a stay over where the knives may be illegal, as long as the journey is continuous. A multiday stop-over would not be covered unless the result of circumstances beyond the traveler's control. Removal of the knives from the locked container would void the protection under KOPA. The safest choice would be a separate locked container just for the knife or for the knives in checked baggage.

KOPA provides an exception for "emergency knives." KOPA protects the carry in any mode of transportation, **except for travel in any aircraft where there is TSA passenger screening**, of a commonly available emergency knife designed to enable the user to cut a seat belt or other entanglement in case of an accident or emergency. This is restricted to knives with a blunt point or with a guarded blade. Thus, drivers, pilots and boaters cannot be prosecuted for being responsible and ensuring that they and passengers can escape a locked seatbelt in case of an emergency that threatens their life.

A citizen's right to travel from one place to another with a legal product should be protected, and preventing Americans from being wrongfully targeted by passing KOPA is a reasonable objective for Congress to pursue. Americans have a right to know that they will be safe from prosecution when they are simply travelling within the U.S.

I strongly urge everyone on this committee, Republican and Democrat alike, to support KOPA. This is not a partisan bill, but as I explained earlier, it is a balanced solution to the difficult patchwork of knife laws throughout the United States. KOPA is a criminal justice reform bill that protects innocent knife owners while ensuring bad actors are not shielded. I look forward to discussing this bill further with you during the hearing.