

1 (B) does not include any transportation of
2 1 or more knives with the intent to commit any
3 offense punishable by imprisonment for a term
4 exceeding 1 year involving the use or threatened
5 use of force against another, or with knowledge,
6 or reasonable cause to believe, that such an of-
7 fense is to be committed in the course of, or
8 arising from, such journey.

9 (b) REQUIREMENTS.—Notwithstanding any provision
10 of any law or any rule or regulation of the United States,
11 or of a State or any political subdivision of a State, any
12 individual who is not otherwise prohibited by Federal law
13 from possessing, transporting, shipping, or receiving a
14 knife or knives shall be entitled to transport a knife or
15 knives from any place where the individual may lawfully
16 possess, carry, or transport such a knife or knives to any
17 other place where the individual may lawfully possess,
18 carry, or transport such a knife or knives if—

19 (1) in the case of transportation by motor vehi-
20 cle, the knife is, or the knives are, not directly acces-
21 sible from the passenger compartment of the trans-
22 porting motor vehicle, or, in the case of a motor ve-
23 hicle without a compartment separate from the pas-
24 senger compartment, the knife is, or the knives are,

1 contained in a locked container, locked glove com-
2 partment, or locked console;

3 (2) in the case of transportation by air, the
4 knife is, or the knives are, contained in a locked con-
5 tainer and are not in the passenger cabin of the air-
6 craft; or

7 (3) in the case of transportation by other
8 means (including any conveyance over land, or on or
9 through water), the knife is, or the knives are, con-
10 tained in a locked container.

11 (c) EMERGENCY KNIVES.—

12 (1) IN GENERAL.—Subject to paragraph (2),
13 any knife or tool designed for enabling escape in an
14 emergency incorporating a blunt tipped safety blade,
15 a guarded blade, or both, for cutting safety belts—

16 (A) may be carried in the passenger com-
17 partment of a transporting motor vehicle; and

18 (B) shall not be required to be secured in
19 a locked container, locked glove compartment,
20 or locked console.

21 (2) EXCEPTION.—This subsection shall not
22 apply to the transport of any knife or tool described
23 in paragraph (1) in the passenger cabin of an air-
24 craft the passengers of which are subject to airport

1 screening procedures of the Transportation Security
2 Administration.

3 (d) TEMPORARY LODGING.—Subject to the require-
4 ments under subsection (b), a knife or knives may be kept
5 accessible in any form of temporary lodging overnight, as
6 described in subsection (a)(2)(A).

7 (e) NO ARREST OR DETENTION.—An individual who
8 is transporting a knife or knives in compliance with this
9 section may not be arrested or otherwise detained for vio-
10 lation of any law or any rule or regulation of a State or
11 any political subdivision of a State related to the posses-
12 sion, transportation, or carrying of knives, unless there is
13 probable cause to believe that the individual is in violation
14 of 1 or more of the requirements under subsection (b).

15 (f) CLAIM OR DEFENSE.—

16 (1) IN GENERAL.—An individual may assert
17 this section as a claim or defense in any civil or
18 criminal action or proceeding.

19 (2) BURDEN OF PROOF.—If an individual as-
20 serts this section as a claim or defense in a criminal
21 proceeding, the relevant State or political subdivision
22 shall bear the burden of proving, beyond a reason-
23 able doubt, that the individual was not in compliance
24 with the requirements under subsection (b).

25 (g) RIGHT OF ACTION.—

1 (1) IN GENERAL.—Any individual who, under
2 color of any statute, ordinance, regulation, custom,
3 or usage, of any State or political subdivision of a
4 State, subjects, or causes to be subjected, any indi-
5 vidual to the deprivation of the rights, privileges, or
6 immunities set forth in this section, shall be liable
7 to the individual so deprived in an action at law, suit
8 in equity, or other proper proceeding for redress.

9 (2) ATTORNEY’S FEES.—When an individual
10 asserts this section as a claim or defense, the court
11 shall award the prevailing party (including any party
12 who receives a favorable resolution through a deci-
13 sion by a court, settlement of a claim, withdrawal of
14 criminal charges, or change of a statute or regula-
15 tion), other than a State or any political subdivision
16 of a State or its employees or representatives, a rea-
17 sonable attorney’s fee.

18 (h) RULE OF CONSTRUCTION.—Nothing in this sec-
19 tion shall be construed in any way—

20 (1) to limit any right to possess, carry, or
21 transport a knife or knives under applicable State
22 law; or

1 (2) to impose additional restrictions or require-
2 ments on interstate travel by air with a knife or
3 knives.

