



Senate Fiscal Agency
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BILL ANALYSIS



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Senate Bill 245 (as enacted)
Sponsor: Senator Rick Jones
Senate Committee: Judiciary
House Committee: Judiciary

PUBLIC ACT 96 of 2017

Date Completed: 8-15-17

RATIONALE

Section 226a of the Michigan Penal Code prohibits the sale or possession of knives commonly called switchblades, which look like folding pocket knives but are opened by pressure on a spring. Evidently, spring-assisted knives are commonly owned and sold throughout the State. The Code's description of the knives is said to apply to many different types of knives, including utility knives often carried by police officers and members of the National Guard. Although a violation of the prohibition is a misdemeanor, criminal charges apparently are not pursued on a consistent basis. In view of these factors, it was suggested that the prohibition be repealed.

CONTENT

The bill repeals Section 226a of the Michigan Penal Code, and deletes references to that section from the Code.

Section 226a prohibits a person from selling, offering for sale, or possessing a knife having the appearance of a pocket knife, the blade or blades of which can be opened by the flick of a button, pressure on a handle, or other mechanical contrivance. A violation is a misdemeanor punishable by up to one year's imprisonment or a maximum fine of \$300, or both. The prohibition does not apply to a one-armed person carrying a knife in connection with his or her living requirements.

Under Section 231, certain provisions of the Code, including Section 226a, do not apply to particular individuals (generally law enforcement and corrections officers and military personnel).

Under Section 237a, an individual who engages in certain proscribed conduct, including that prohibited under Section 226a, in a weapon-free school zone is guilty of a misdemeanor.

The bill repeals Section 226a and deletes the references to it in Sections 231 and 237a.

The bill will take effect on October 11, 2017.

MCL 750.231 & 750.237a

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

Section 226a of the Penal Code was enacted in 1952, when Hollywood movies portrayed the use of switchblades by gangsters and delinquents. Reportedly, however, no data supported the notion that spring-assisted knives presented a problem at that time, and there is no evidence that they

do today. Spring-assisted knives cannot be deployed more quickly than folding knives that can be opened with one hand, and a knife with a fixed blade can be deployed more quickly than a folding knife. On the other hand, folding knives are safer than fixed-blades in the event of a fall or an accident. Switchblades, in particular, are safer because most lock in the closed position.

Spring-assisted knives are owned by many residents of the State and can be purchased easily from major retailers. According to Senate Judiciary Committee testimony on behalf of the Michigan State Police, the chance that a violation of Section 226a will be prosecuted is about 50-50, which means that there is a patchwork of enforcement across the State. Considering how common the knives are, and the likelihood that a violation will not be pursued by law enforcement, it makes sense to repeal the prohibition.

Furthermore, Sections 226 and 227 of the Penal Code will continue to prohibit a person from using a stiletto, dagger, or dirk against another person, or carrying a concealed stiletto, dagger, or dirk, respectively. Section 226 also refers to a knife having a blade over three inches long, and Section 227 includes a double-edged nonfolding stabbing instrument of any length. A violation of either section is a felony punishable by up to five years' imprisonment or a fine of \$2,500, or both.

According to testimony on behalf of Knife Rights, Inc., half of the states never enacted a ban of any sort against spring-assisted knives, 43 states today allow civilian possession of switchblades to one degree or another, and 30 allow "everyday carry". Knife Rights also reported that no state has tried to prohibit switchblades since the 1950s, and 12 states have repealed their bans since 2010. With the enactment of Senate Bill 245, Michigan joins these states in repealing an unnecessary and antiquated law.

Legislative Analyst: Suzanne Lowe

FISCAL IMPACT

The bill will have no fiscal impact on the State and may have a positive fiscal impact on local government to the extent that violations of Section 226a are currently prosecuted. Any reduction in misdemeanor arrests and convictions will reduce resource demands on law enforcement, court systems, community supervision, and jails. Any associated decrease in fine revenue will reduce funding to public libraries.

Fiscal Analyst: Ryan Bergan

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.