

HOUSE BILL NO. 5286

December 05, 2019, Introduced by Rep. Steven Johnson and referred to the Committee on Judiciary.

A bill to prohibit political subdivisions in this state from imposing certain restrictions on the transportation, possession, carrying, sale, transfer, purchase, gift, devise, licensing, registration, manufacturing, or use of knives or components of knives.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the "Michigan
2 knife rights act".

3 Sec. 2. As used in this act:

4 (a) "Knife" means a cutting instrument and includes a sharpened or
5 pointed blade.

6 (b) "Political subdivision" means any county, city, village,
7 township, municipal corporation, or special district, or any board,
8 commission, or agency of a county, city, village, township, municipal
9 corporation, or special district.

10 Sec. 3. (1) A political subdivision in this state shall not enact
11 any ordinance, rule, or tax relating to the transportation, possession,
12 carrying, sale, transfer, purchase, gift, devise, licensing,
13 registration, or use of a knife or knife making components that is more
14 restrictive than state law.

15 (2) A political subdivision in this state shall not enact any rule
16 or ordinance relating to the manufacture of a knife that is more
17 restrictive than any rule or ordinance relating to the manufacture of
18 any other commercial goods.

19 (3) Any rule or ordinance adopted by a political subdivision in
20 this state that conflicts with this section, enacted before or after
21 the effective date of this act, is void.

Legislative Analysis



MICHIGAN KNIFE RIGHTS ACT

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<http://www.house.mi.gov/hfa>

House Bill 5286 as reported from committee

Sponsor: Rep. Steven Johnson

Committee: Judiciary

Complete to 3-11-20

Analysis available at
<http://www.legislature.mi.gov>

BRIEF SUMMARY: House Bill 5286 would create a new act, the Michigan Knife Rights Act, to prohibit political subdivisions from enacting local ordinances relating to knives that are more restrictive than state law.

FISCAL IMPACT: House Bill 5286 could have a fiscal impact on local units of government. Penalties for violations of ordinances of political subdivisions are typically either misdemeanors or civil infractions punishable by fines or imprisonment, or both. Depending on the number of political subdivisions that have existing ordinances that are more restrictive than state law, depending on the number of convictions for violations of these ordinances, and depending on the associated penalties assessed, local units could experience a reduction in costs related to county jails and/or a reduction in penal fine revenue. Costs of local incarceration in county jails and how those costs are financed vary by jurisdiction. Any decrease in penal fine revenue would decrease funding for public and county law libraries, which are the constitutionally designated recipients of those revenues.

THE APPARENT PROBLEM:

Michigan comprises 83 counties, 276 cities, 257 villages, and 1,240 townships, spanning across 56,538.9 square miles. Each of these municipalities has its own laws and ordinances governing its citizens. While many of these ordinances are the same or similar across jurisdictional borders, some may not be. This means that an action can sometimes be legal in one town, yet illegal the next town over, which can be confusing to residents or travelers. For example, many municipalities regulate knives differently across the state, so that a knife of a certain length or type can switch from being legal to illegal again and again as it is carried from place to place. Legislation has been proposed to resolve this issue by preempting local municipalities from regulating knives more restrictively than the state.

THE CONTENT OF THE BILL:

House Bill 5286 would create a new act, the Michigan Knife Rights Act, to prohibit *political subdivisions* from enacting local ordinances relating to *knives* that are more restrictive than state law.

Political subdivision would mean a county, city, village, township, municipal corporation, or special district or a board, commission, or agency of such an entity.

Knife would mean a cutting instrument and include a sharpened or pointed blade.

Under the new act, a political subdivision could not enact an ordinance, rule, or tax relating to the transportation, possession, carrying, sale, transfer, purchase, gift, devise, licensing, registration, or use of a knife or knife making components that was more restrictive than state law.

A political subdivision also could not enact a rule or ordinance relating to the manufacture of a knife that was more restrictive than a rule or ordinance relating to the manufacture of any other commercial goods.

A rule or ordinance conflicting with the bill that was adopted by a political subdivision either before or after the bill's effective date would be void.

ARGUMENTS:

For:

Supporters of the bill argue that it is a burden to know the ins and outs of every ordinance of every municipality in Michigan; eliminating the variation among all the different local ordinances and having one, cohesive law regulating knives would no longer leave citizens wondering whether they are violating a local ordinance while traveling from place to place across the state or subject to penalties if they unwittingly run afoul of the ordinances that apply to a particular jurisdiction.

Against:

Critics of the bill argue that each municipality has unique issues and should be able to address them as it sees fit. For instance, if the state law were to allow people to carry certain knives, but one city is dealing with a knife crime crisis, it would be a hindrance to that community to not be able to regulate knives in a way that is best for its particular circumstances.

POSITIONS:

A representative of Knife Rights testified in support of the bill. (3-3-20)

The American Civil Liberties Union of Michigan indicated support for the bill. (3-3-20)

The following organizations indicated opposition to the bill:

- Michigan Association of Counties (3-3-20)
- Michigan Municipal League (3-3-20)
- Michigan Association of Chiefs of Police (3-10-20)

Legislative Analyst: Emily S. Smith
Fiscal Analyst: Robin Risko

■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.

