

HB 5286 – Knife Rights Act

Supporting Testimony

Good afternoon, Mr./Madame Chair. My name is _____ and I stand here in support of HB 5286.

Mr. Madame Chair, we are blessed to live in a state where there is relatively few restrictions on what knives are legal or illegal to carry. The current law states that a person may own and carry pocketknives, switchblades or other automatic knives, butterfly or balisong knives, daggers, dirks, stilettos, throwing knives, bowies, gravity knives, and disguised or undetectable knives are all permitted under law so long as they are not being carried with unlawful intent. With all of this in mind, the rights of citizens to have access to tools and self-defense blades are currently under protection of the state. However, there is one major thing that needs to be changed about our law.

While Michigan has general respect for the rights of knife owners, this can easily change since Michigan does not enforce “preemption” on knife laws. This means that local municipalities like counties, cities, etc. may impose additional, more restrictive rules on knife owners. For example, the city of Ann Arbor may decide that owning or selling a butterfly knife is a violation of the city ordinance. While local government is good in most cases, this situation is problematic for multiple reasons.

First, it is unenforceable. While Ann Arbor may prohibit the sale of butterfly knives, what is it to keep a resident from driving a few miles further north to purchase his/her knife and take it back to Ann Arbor? And is it practical for police officers to check the knife owned by every citizen? In order for the law to have any effect, it must be enforceable. But when we have such an interconnected web of different city and county requirements on knives, how can we expect this law to be enforced? An unenforceable law is a meaningless law, and meaningless laws ought to be repealed.

Second, we ought to make the rule of law as clear as possible for the citizens of this state. Knife owners, manufacturers, and sellers all need to pay rigorous attention to what this state permits or does not permit. Why do we have to add confusion to each of these individuals on what is allowed or not allowed for every municipality they enter? Shouldn't it be enough that they are abiding by state law? Why should this level of inconsistency between municipalities, confusion, and complexity be allowed?

Finally, the rights of our knife owners, manufacturers, and sellers ought to be respected enough to take the least restrictive means possible to prevent a government overreach. When we are dealing with the ownership and distribution of knives, we ought to take the least restrictive measures possible on our laws to avoid encroaching on the rights of our citizens. If the municipalities have the right to continue increasing restrictions beyond what the state has provided, we are simply granting our government more power and granting our citizens less liberty. I think we could all agree that this is counter to what the founders intended our nation to be.

It is for these reasons that I urge this body to vote yes on HB 5286. This bill would remove the permission of additional restrictions on ownership, production, and distribution of knives. It is a very simple bill that addresses each of the main problems brought up without preemption laws. It allows for more uniformity in the law thereby making it more enforceable for officers, it clarifies the law for knife owners, manufacturers, and sellers, and it takes the least restrictive route in respecting the rights of knife owners.

Mr./Madam Chair, this bill is a necessary addition to our state. We must exercise preemption for the sake of our citizens, businesses, officers, and the rule of law in general. For these reasons, please vote yes on HB 5286. I will gladly take any questions at this time.

Article

CBS News (May 18, 2015). Maryland News, *Varying Knife Laws Can Confuse Across State, Local Lines*.

Retrieved from <https://www.cbsnews.com/baltimore/news/varying-knife-laws-can-confuse-across-state-local-lines/>