



STATE REPRESENTATIVE

# KATHY BERNIER

April 23, 2015

To: Assembly Committee on Criminal Justice and Public Safety  
From: Rep. Kathy Bernier  
Re: Assembly Bill 142 (Going armed with a Switchblade Knife)

Good morning Chairman Kleefisch and committee members. Thank you for hearing this bill and the opportunity speak on its behalf.

This bill makes changes to statute regarding the definition of a switchblade knife and who is able to carry one. The idea for the bill comes from a constituent, Officer Travis Hakes of the Lake Hallie Police Department. Officer Hakes is also a licensed concealed carry instructor and he is with us today to provide testimony to the committee.

Travis, and those testifying after me, will provide a detailed description of exactly how this bill affects statute. In short, AB 142 exempts from the definition of a switchblade a knife with a "closure-biased spring" requiring physical force to be applied in order to open the knife. The bill allows police officers, qualified former police officers, and concealed carry permit holders to carry a switchblade by incorporating "switchblade" into Wisconsin's concealed carry law. Finally, the bill addresses the sale, manufacture, purchase, possession and transfer of switchblade knives.

I was surprised to learn, after introduction of AB 142, and subsequent scheduling of this public hearing, that there were several legislators who had an interest in knife regulations who had been working on similar legislation. With this in mind, I've tried to address some of those legislators' specific concerns while correcting the definition of what we know to be a switchblade knife.

Assembly Amendment 3 addresses a situation where municipal ordinances supersede state law for the legal carry of knives, as current law provides for the concealed carry of weapons. Additionally, a double jeopardy situation exists whereby an individual who may be in violation of the concealed carry law, unknowingly or with no criminal or malicious intent, could be charged with a Class A misdemeanor by the state as well as a municipal disorderly conduct while carrying a knife. Assembly Amendment 3 corrects that situation.

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This concludes my testimony. Again, thank you Mr. Chairman and committee members for your time today. I look forward to hearing from Travis and others testifying in support of AB 142. If the committee has any questions, I'm happy to do my best to answer them.

# WISCONSIN FORCE

Wisconsin Firearm Owners, Ranges,  
Clubs and Educators, Inc.

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April 23, 2015

Committee on Criminal Justice and Public Safety

Re: Switchblade Knives AB-142

Mr. Chairman and Members of the Committee,

Wikipedia defines knives as: *A knife (plural knives) is a cutting tool with a cutting edge or blade, hand-held or otherwise, with or without a handle. Knife-like tools were used at least two-and-a-half million years ago. Originally made of rock, bone, flint, and obsidian, knives have evolved in construction as technology has, with blades being made from bronze, copper, iron, steel, ceramics, and titanium.* Knives could be considered humankind's first tool. A statement of how often knives are used every minute of every day is not needed - it is limitless.

Sadly, irrational fear, perpetrated by the media and entertainment industries, often drives poor legislation. In the mid 1950's, the media focused on gangs and switchblades, and in 1957, Westside Story served to scare normally rational citizens into thinking that a ban was needed. Wisconsin fell into that trap in 1959.

Use, not design, defines a weapon. When the intent is to harm or defend, the list of everyday, commonly known items is limitless. From coffee cups to charge cards, canes to hammers, use, not design, makes almost anything a weapon.

Unlike common items such as baseball bats, knives have common, limitless, useful purposes, used by people every day.

The fact that opening any knife will never be as fast as the more common fixed blade knife, needs no explanation. Carrying a knife that needs to be opened in many cases is necessary or desirable to allow the efficient, practical use of this indispensable tool. Currently there is confusion on the legality of many knives currently available and carried daily. Knives that open with the assistance of gravity or spring tension greatly aid users that cannot open them due to physical disabilities such as arthritis or are hampered by the need to use both hands to open them. Having an easily opened tool can greatly improve productivity. In emergency situations, one hand may be incapacitated or may be needed to safely hold a person or item that needs to be released such as cutting the safety belt of a car accident victim.

It is time to remove unnecessary restrictions, including preemption, to ensure that Wisconsinites are not burdened by irrational laws enacted many times by emotion in political subdivisions.

Wisconsin Firearm Owners, Ranges, Clubs, and Educators Inc. (Wisconsin FORCE) believes that passing legislation, including amendments, removing emotional restrictions on humankind's first tool, will greatly serve the citizens of Wisconsin. We encourage you to pass legislation eliminating unnecessary burdens.

Thank you for your consideration.

Sincerely,



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Chairman Kleefisch and members of the committee,

Thank you for the opportunity to speak in favor of Assembly Bill 142 today. My name is Travis Hakes and I currently serve as an officer on the Lake Hallie police force and as a certified concealed carry instructor.

This proposal is something that is long over-due. The current Wisconsin State Statute regarding possession of a switchblade is outdated to say the least. If you are not familiar with the current Statute it reads:

“941.24 Possession of switchblade knife.

(1) Whoever manufactures, sells or offers to sell, transports, purchases, possesses or goes armed with any knife having a blade which opens by pressing a button, spring or other device in the handle or by gravity or by a thrust or movement is guilty of a Class A misdemeanor.

(2) Within 30 days after April 16, 1959, such knives shall be surrendered to any peace officer.

History: 1977 c. 173.”

Key points to focus on regarding the current state statute:

1. Manufactures, sells or offers to sell, transports, purchases –
  - a. Manufacture - This directly affects commerce in the State of Wisconsin. Making manufacturing commonly sold items of cutlery a crime directly prevents business from moving to or starting in our State.
  - b. Sells or offers to sell – The State is home to many, many successful business from the “Mom and Pop” to larger franchises. From personal experiences I can assure you that many have purchased knives for resale from an out of state vendor. Not knowing they were in violation of the State Statute regarding “spring assisted” openings. As the State of Wisconsin’s definition of a switchblade was much different than most other states.
  - c. Transports – Since many states have a different definition; this could affect transporting / trucking in the State.
  - d. Purchases – From personal experiences I have been to a business that offers knives that fall under this definition for sale to the general public. I have also seen companies that market to Law Enforcement, Military, Emergency Services, Outdoor Equipment, Mechanic Equipment, etc offer these types of products. People purchase them assuming they are legal to possess since they are sold openly with no restrictions.
  
2. Pressing a button, spring or other device in the handle or by gravity or by a thrust or movement
  - a. Pressing a button – Traditional “Auto” Knives have a button in the handle that automatically deploys the blade. This could also include a button that would lock / unlock the blade on several commercially available knives.
  - b. Spring – Several commercially available knives contain springs that assist opening the blade, which first has to be opened with use of a thumb, etc.

- c. Other device – Generic term that is too broad of a description.
  - d. Gravity or by thrust of movement – ANY knife could be opened by gravity and/or thrust.
  - e. Movement – ALL knives are opened by some form of movement.
3. April 16, 1959
- a. In May of 1959 all knives were to be turned over to any Peace Officer.

Now that the explanation and dissection is out of the way, let me explain why I am concerned with the current version of this law.

The first thing that needs to be addressed is the fact that things have drastically changed in our society since May of 1959. If you had told someone in 1959 you would be able to have a phone that you carried in your pocket, you could make phone calls from as well as listen to music and take pictures they would have called you crazy. If you would have tried to explain the internet to them you might have been placed in a mental institution.

My point is that technology has changed our daily lives, including the process of manufacturing knives. This technology has been accepted by several other states, let's keep up with the times and accept these changes.

My second concern lies with my professional life. As a local Patrol Officer and a Chief of Police I work in Law Enforcement an average of 60 years a week. During my career I've witnessed a co-worker get stabbed in the leg by an automatic knife. We resolved the issue without anyone losing their lives. I bring this up because under the current definition, Law Enforcement cannot carry a knife that has a spring assisted opening but any civilian can purchase them easily and automatic knives are common.

At the same place of employment I know Officers and Emergency Service workers that have purchased knives from suppliers or local retailers that have a spring assisted opening. Technically it is a crime for them to possess them in Wisconsin, however most manufactures that make knives for Emergency Services that include glass breakers and seat belt cutters manufacture them with spring assisted openings.

The fact that our current statute puts our Emergency Service workers at high risk for violating state statute based on a definition of the knife they just used to cut your loved out of a burning vehicle is ridiculous. Every single one of you have the choice to support this bill which puts your Emergency Service employees at ease, so they can focus on their jobs and not out dated statutes.

I also teach Concealed Carry and have instructed around 300 people in the last few years. Every class I am asked why people can carry a gun in their pocket but they cannot have a spring assisted knife. Ask yourself that question, and how would you respond to your constituents?

As a Law Enforcement Officer, and a Concealed Carry Instructor I feel these changes are a long overdue.

On a personal note, and something that hits close to my heart; my best friend deployed to the Middle East a few times. Prior to his first deployment he purchased a knife from Benchmade who required

paperwork proving his status as an active duty soldier. They shipped him the knife to his base. On his deployments he used the knife from everything between saving his life and opening his meals.

So after his deployments and honorable discharge from the United States Armed Forces he returned to the State of Wisconsin where he was born and raised. The very knife he carried on his chest and used daily is now illegal to possess. Is this the message we want to send to our veterans that return from defending our country?

These proposed changes are not Democratic thing, they are not a Republican thing, they are a Wisconsin thing.

By supporting this bill you are supporting your Emergency Service Employees, Military, and Law Abiding Wisconsin Residents.

The only thing you should ask yourself is why we have not made these changes sooner.

Thank you for your time and support for this bill.