

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. DOES THE BILL:

- | | | | |
|--------------------------------------|---|-----------------------------|---|
| 1. Reduce government? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. Lower taxes? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. Expand individual freedom? | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |
| 4. Increase personal responsibility? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. Empower families? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a “no” above, please explain:

B. EFFECT OF PROPOSED CHANGES:

Currently, s. 790.225, F.S., provides that it is “unlawful for anyone to manufacture, display, sell, own, possess, or use a self-propelled knife, which is a device that propels a knife-like blade as a projectile by means of a coil spring, elastic material, or compressed gas.” This language was passed in 1985 in response to the existence of a device advertised as a Serious Human Assassination Weapon (SHAW). The Staff Analysis produced for this legislation described the SHAW as a device which could propel a knifelike blade, “with significant accuracy, 35 feet, with five times the force that is required to stab a person,” approximately nine inches long and silent in operation. According to the 1985 Senate sponsor, Curt Kiser, the legislation was intended to address this type of weapon and no other.

In 2000, a couple was arrested for selling switchblades¹ at a flea market and charged with violating s. 790.225, F.S. The Circuit Court Judge in Broward County declared the statute unconstitutionally vague and granted the defendants’ motion to dismiss. The state appealed the ruling to the Fourth District Court of Appeal, which found that the statute was not unconstitutionally vague and reversed the trial court decision.² Specifically, the court concluded the following:

Reading the statutory language as a whole, it seems apparent the Legislature intended to distinguish switchblade knives from folding-type knives that require manual and deliberate removal of the knife blade from the handle or casing. Using such terms, then, it seems apparent the Legislature intended to make the possession of switchblade knives, which ‘propel a knifelike blade as a projectile by means of a coil spring, elastic material, or compressed gas,’ illegal while allowing possession of other types of knives or pocketknives.³

In an attempt to address the issue, the bill clarifies that self-propelled knives are ballistic and that the law refers to a device which physically separates the blade from the device. It further stipulates that the section does not apply to any device from which a knifelike blade opens where such blade remains physically integrated with the device when open.

C. SECTION DIRECTORY:

Section 1: Amends s. 790.225, F.S., relating to self-propelled knives.

¹ A switchblade knife is a type of pocket knife that opens through the use of a depressible thumbstud and whose blade does not separate from the handle.

² See *State v. Darynani*, 774 So.2d 855 (Fla 4th DCA 2000).

³ *Ibid.*

Section 2: Provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues: None.
2. Expenditures: None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues: None.
2. Expenditures: None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR: None.

D. FISCAL COMMENTS: None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision: N/A
2. Other: None.

B. RULE-MAKING AUTHORITY: N/A

C. DRAFTING ISSUES OR OTHER COMMENTS: None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

None.