

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

BILL: SB 2256

SPONSOR: Senator Bennett

SUBJECT: Self-Propelled Knives

DATE: March 21, 2003

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Cellon</u>	<u>Cannon</u>	<u>CJ</u>	<u>Favorable</u>
2.	_____	_____	<u>JU</u>	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

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.”

Senate Bill 2256 refines the statutory description of self-propelled knives to include the term “ballistic” and to specify that the law refers to a device which physically separates the blade from the device. It further clarifies that s. 790.225, F.S., does not apply to any device from which a knifelike blade opens where such blade remains physically integrated with the device when open.

This bill substantially amends section 790.225 of the Florida Statutes.

II. Present Situation:

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.”

According to the bill analysis for HB 282 (ch. 85-258, L.O.F.), this language was enacted in 1985 in response to the existence of a device advertised as a Serious Human Assassination Weapon (SHAW). The SHAW was described 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.” The device was approximately nine inches long and silent in operation. The bill was apparently intended to prohibit this particular weapon only.

In 2000, a couple was arrested for selling switchblade knives 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. 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. *State v. Darynani*, 774 So.2d 855 (Fla. 4th DCA 2000).

A switchblade knife is defined in the American Heritage Dictionary as "a pocketknife having a spring-operated blade that unsheathes when a release on the handle is pressed."

III. Effect of Proposed Changes:

Senate Bill 2256 refines the statutory description of self-propelled knives to include the term "ballistic" and to specify that the law refers to a device which physically separates the blade from the device. It further clarifies that s. 790.225, F.S, does not apply to any device from which a knifelike blade opens where such blade remains physically integrated with the device when open.

This was the original intent of the 1985 legislation and this bill should rectify any ambiguity in the current statutory language.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.
