

Kansas House of Representatives

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Representative Jim Howell 81st District

Senate Committee on Federal and State Affairs

HB 2033 - Knives.

Chairman Sen. Ralph Ostmeyer, Vice Chair Sen. Jay Emler, Ranking Minority Member Sen. Oletha Faust-Goudeau and members of the Senate Federal and State Affairs Committee,

In 2008, a close friend of mine was arrested for accidentally violating the knife city ordinance where he lived. My friend, a deacon, Sunday school teacher, former missionary, private business owner, and one known in his neighborhood for his compassion and help to others was arrested due to the complexity in our Kansas laws in regards to what is legal for owning and purchasing knives. Although there was legislation in 2010 authorizing the specific type of knife my friend was carrying that day, much confusion continues. Sometimes, even law enforcement officers misinterpret the law and accuse or charge someone with possession with a dangerous weapon. How are law-abiding citizens supposed to ensure we stay on the right side of the law? Most will err on the safe side by staying far away from anything that can be construed as a violation. Citizens assume the laws are much more restrictive than they actually are. Therefore, we are still in need of this law to clarify, streamline and bring the entire state under a single law with respect to knives. HB2033 ensures cities cannot pass city ordinances that aren't under the umbrella of state statute.

Knives are tools! They can be used as offensive or defensive weapons but they can also be used to accomplish work and benefit users by making jobs easier. Some more modern knives can easily be opened and closed with a single hand benefiting workers that have their other hand busy with work and someone that only has the use of one hand. Outlawing knives because of their length or how they open and close is misguided in focus. Prohibitive knife ordinances are based on fear and not on fact. In a sense, baseball bats and even pencils can be used offensively and we do not outlaw those based on fear. Before '911', no one thought that box cutters could have such a horrific result but someone used these as a way to kill thousands. The clause in the statute that says, "possessing with intent to use the same unlawfully against another..." gets to the intent of the possessor and not the possession itself. We do not know what the intent is until someone actually uses the knife to threaten or harm another person. Laws that prohibit knives due to the assumption of the possessor's intent eliminate the rights of all other law-abiding citizens.

Why should we remove someone's constitutional right to defend themselves simply because we worry that they might hurt someone else? If someone threatens or harms another person, they can already be charged with a crime regardless of this law. This bill does not change the rights of schools and employers to allow or prohibit as they choose.

By not allowing this clarification of the law, we will continue to allow innocent citizen's to be charged with a crime while merely carrying a tool to be used for their work or project. Let us not assume people are perpetrators rather than citizens with constitutional rights. Bearing arms extends to the right to defend oneself and not just with firearms.

In the end, status quo is broken so I urge you to sympathize with the citizens that want to know the law across the state and confidently possess a knife. They want to know they will not be accused of a crime simply because of the patchwork of regulations related to knives. I urge your support of HB2033.

Representative Jim Howell