

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: In the nature of a substitute.

**IN THE SENATE OF THE UNITED STATES—115th Cong., 2d Sess.**

**S. 1092**

To protect the right of law-abiding citizens to transport knives interstate, notwithstanding a patchwork of local and State prohibitions.

Referred to the Committee on \_\_\_\_\_ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended to be proposed by Mr. THUNE (for himself and Mr. NELSON)

Viz:

1 Strike all after the enacting clause and insert the following:  
2

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the "Interstate Transport  
5 Act of 2018".

6 **SEC. 2. INTERSTATE TRANSPORTATION OF KNIVES.**

7 (a) DEFINITION.—In this Act, the term "transport"  
8

9 (1) includes staying in temporary lodging overnight,  
10 common carrier misrouting or delays, stops  
11 for food, fuel, vehicle maintenance, emergencies,

1 medical treatment, and any other activity related to  
2 the journey of a person; and

3 (2) does not include transport of a knife with  
4 the intent to commit an offense punishable by im-  
5 prisonment for a term exceeding 1 year involving the  
6 use or threatened use of force against another per-  
7 son, or with knowledge, or reasonable cause to be-  
8 lieve, that such an offense is to be committed in the  
9 course of, or arising from, the journey.

10 (b) TRANSPORT OF KNIVES.—

11 (1) IN GENERAL.—Notwithstanding any other  
12 provision of any law or any rule or regulation of a  
13 State or any political subdivision thereof, a person  
14 who is not otherwise prohibited by any Federal law  
15 from possessing, transporting, shipping, or receiving  
16 a knife shall be entitled to transport a knife for any  
17 lawful purpose from any place where the person may  
18 lawfully possess, carry, or transport the knife to any  
19 other place where the person may lawfully possess,  
20 carry, or transport the knife if—

21 (A) in the case of transport by motor vehi-  
22 cle—

23 (i) the knife is not directly accessible  
24 from the passenger compartment of the  
25 motor vehicle; or

1                   (ii) in the case of a motor vehicle  
2                   without a compartment separate from the  
3                   passenger compartment, is contained in a  
4                   locked container other than the glove com-  
5                   partment or console; and

6                   (B) in the case of transport by means  
7                   other than a motor vehicle, including any trans-  
8                   port over land or on or through water, the knife  
9                   is contained in a locked container.

10                  (2) LIMITATION.—This subsection shall not  
11                  apply to the transport of a knife or tool in the cabin  
12                  of a passenger aircraft subject to the rules and regu-  
13                  lations of the Transportation Security Administra-  
14                  tion.

15                  (c) EMERGENCY KNIVES.—

16                   (1) IN GENERAL.—A person—

17                   (A) may carry in the passenger compart-  
18                   ment of a mode of transportation a knife or  
19                   tool—

20                   (i) the blades of which consist only of  
21                   a blunt tipped safety blade, a guarded  
22                   blade, or both; and

23                   (ii) that is specifically designed for en-  
24                   abling escape in an emergency by cutting  
25                   safety belts; and

1           (B) shall not be required to secure a knife  
2           or tool described in subparagraph (A) in a  
3           locked container.

4           (2) LIMITATION.—This subsection shall not  
5           apply to the transport of a knife or tool in the cabin  
6           of a passenger aircraft subject to the rules and regu-  
7           lations of the Transportation Security Administra-  
8           tion.

9           (d) NO ARREST OR DETENTION.—A person who is  
10          transporting a knife in compliance with this section may  
11          not be arrested or otherwise detained for violation of any  
12          law, rule, or regulation of a State or political subdivision  
13          of a State related to the possession, transport, or carrying  
14          of a knife, unless there is probable cause to believe that  
15          the person is not in compliance with subsection (b).

16          (e) CLAIM OR DEFENSE.—A person may assert this  
17          section as a claim or defense in a civil or criminal action  
18          or proceeding. When a person asserts this section as a  
19          claim or defense in a criminal proceeding, the State or  
20          political subdivision shall have the burden of proving, be-  
21          yond a reasonable doubt, that the person was not in com-  
22          pliance with subsection (b).

23          (f) RULE OF CONSTRUCTION.—Nothing in this sec-  
24          tion shall be construed to limit any right to possess, carry,  
25          or transport a knife under applicable State law.