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MEMORANDUM IN SUPPORT OF S.6483-A / A.9042-A

(Clarifies the definition of “gravity knife” to exclude commonly-available folding knives that are not designed to be used as weapons)

RECOMMENDATION: APPROVAL

In recent years, tens of thousands of law-abiding New Yorkers have been charged with a crime for possessing ordinary folding knives. These commonly-available knives are used as work tools and for hunting and fishing. Thousands of persons have been unjustly convicted and sentenced to jail and even prison for possessing these safe work and outdoor-sports related knives. The injustice of these criminal charges and convictions is attributable to one easily-fixed problem: an overbroad definition of “gravity knife” in the Penal Law.

Penal Law § 265.00 (5) defines a gravity knife as “any knife which has a blade which is released from the handle or sheath by the force of gravity or the application of centrifugal force, which, when released, is locked in place . . .”

The blade of a true “gravity” knife drops and locks into place by the force of gravity alone. These knives are illegal in New York and would continue to be under S.6483-A/A.9042-A. Knives with blades that open and lock in place by application of centrifugal force are also considered gravity knives in this state. But many commonly-sold knives that are specifically designed and engineered to resist unfolding are being unreasonably classified as gravity knives whenever a police officer can finesse or force them open by application of centrifugal force. Although these folding knives are not designed to be opened in this manner, and are possessed for peaceful, useful purposes, they are considered per se strict liability weapons under current law. A person can be charged and convicted even if he or she had no inkling the knife could be opened with centrifugal force by a skilled police officer.

Contrary to some press reports, S.6483-A/A.9042-A does not legalize gravity knives. The bill simply clarifies the definition of a gravity knife to exclude common folding knives that incorporate mechanisms, such as springs or detents, that result in “resistance to opening” or are “designed to create a bias toward closure.” Knives without such safety features would continue to be illegal. There is no valid public safety rationale for criminalizing possession of folding knives that are specifically designed to be used in peaceful, productive ways.

The New York State Defenders Association strongly recommends approval of this bill.

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