

**MINUTES OF THE  
SENATE COMMITTEE ON JUDICIARY**

**Seventy-Eighth Session  
February 27, 2015**

The Senate Committee on Judiciary was called to order by Chair Greg Brower at 1:04 p.m. on Friday, February 27, 2015, in Room 2134 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4412E of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

**COMMITTEE MEMBERS PRESENT:**

Senator Greg Brower, Chair  
Senator Michael Roberson  
Senator Scott Hammond  
Senator Ruben J. Kihuen  
Senator Aaron D. Ford

**COMMITTEE MEMBERS ABSENT:**

Senator Becky Harris (Excused)  
Senator Tick Segerblom (Excused)

**GUEST LEGISLATORS PRESENT:**

Senator Donald G. Gustavson, Senatorial District No. 14  
Senator Joe P. Hardy, Senatorial District No. 12  
Senator James A. Settelmeyer, Senatorial District No. 17  
Assemblyman John C. Ellison, Assembly District No. 33

**STAFF MEMBERS PRESENT:**

Patrick Guinan, Policy Analyst  
Nick Anthony, Counsel  
Cassandra Grieve, Committee Secretary  
Clayton Markin, Intern to Senator Donald G. Gustavson  
Lynette Jones, Committee Secretary

**OTHERS PRESENT:**

Daniel Lawson, American Knife and Tool Institute  
Vernon Brooks  
Mike Searson  
Chuck Callaway, Las Vegas Metropolitan Police Department  
Eric Spratley, Lieutenant, Sheriff's Office, Washoe County  
Chris Collins, Las Vegas Police Protective Association  
Kristin Erickson, Nevada District Attorneys Association  
Ron Dreher, Peace Officers Research Association of Nevada; Combined Law  
Enforcement Associations of Nevada  
Todd Rathner, Knife Rights  
Jackie Muth, Deputy Director, Department of Public Safety

**Chair Brower:**

I will open the work session on Senate Bill (S.B.) 10.

**SENATE BILL 10:** Revises provisions relating to incompetent defendants.  
(BDR 14-68)

**Patrick Guinan (Policy Analyst):**

I will read from the work session document for S.B. 10 ([Exhibit C](#)). We have a letter from Senator Joe P. Hardy referring to the fiscal note received from Clark County.

**Chair Brower:**

This bill was fully discussed at the hearing, and I am not aware of any issues with the bill.

SENATOR HAMMOND MOVED TO DO PASS S.B. 10.

SENATOR KIHUEN SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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**Chair Brower:**

I will open the work session on S.B. 162.

**SENATE BILL 162**: Revises provisions relating to insurance. (BDR 57-950)

**Mr. Guinan:**

I will read from the work session document for S.B. 162 ([Exhibit D](#)).

**Chair Brower:**

After the hearing on S.B. 162, I spoke to the sponsor, proponents of the bill and those in opposition. The Committee had a problem with *Nevada Revised Statute* (NRS) 690B.042. Our options are to fix the problematic statute to reflect what S.B. 162 proposes, or repeal the problematic statute. The interested parties agree to repeal the statute. Overall, that option makes sense.

SENATOR ROBERSON MOVED TO AMEND AND DO PASS AS AMENDED  
S.B. 162 WITH NRS 690B.042 REPEALED.

SENATOR FORD SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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**Chair Brower:**

I will open the work session on S.B. 131.

**SENATE BILL 131**: Revises provisions governing the compensation of certain court reporters. (BDR 1-639)

**Mr. Guinan:**

I will read from the work session document on S.B. 131 ([Exhibit E](#)).

**Chair Brower:**

There are no questions or proposed amendments from the Committee on this bill.

SENATOR KIHUEN MOVED TO DO PASS S.B. 131.

SENATOR FORD SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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**Chair Brower:**

I will open the work session on S.B. 135.

**SENATE BILL 135**: Revises provisions relating to witnesses. (BDR 4-44)

**Mr. Guinan:**

I will read from the work session document on S.B. 134 ([Exhibit F](#)).

SENATOR FORD MOVED TO DO PASS S.B. 134.

SENATOR KIHUEN SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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**Chair Brower:**

I will open the work session on S.B. 129.

**SENATE BILL 129**: Limits civil liability of certain persons for injuries or death resulting from certain equine activities. (BDR 3-611)

**Mr. Guinan:**

I will read from the work session document on S.B. 129 ([Exhibit G](#)). The sponsors of the bill have submitted a proposed amendment. The amendment adds language to section 1, subsection 3, paragraph (d) of the bill specifying that a person is not immune from liability if the person "failed to act responsibly while conducting an equine activity or maintaining an equine."

The amendment deletes language in section 1, subsection 5, paragraph (d), subparagraph (6) that states, "A negligent act by a participant while using an equine."

**Chair Brower:**

The Committee has seen the amendment proposed by me through an agreement with Senator Pete Goicoechea and those who had initially opposed the bill. I want to disclose that the amendment was proposed by me.

SENATOR HAMMOND MOVED TO AMEND AND DO PASS AS AMENDED  
S.B. 129 WITH THE PROPOSED AMENDMENT.

SENATOR ROBERSON SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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**Chair Brower:**

I will close the work session and open the hearing on S.B. 141.

**SENATE BILL 141**: Revises provisions governing certain dangerous or deadly weapons. (BDR 15-224)

**Senator Donald G. Gustavson (Senatorial District No. 14):**

I will have my Intern, Clayton Markin, present S.B. 141 to the Committee.

**Clayton Markin (Intern to Senator Donald G. Gustavson):**

Senate Bill 141 will lift the current restrictions on automatic actuated knives. This is not a weapons bill but a tools bill. Knives that can be easily opened have been placed on the dangerous weapons list. This attaches a stigma to the knife that is a tool and functions no differently from other knives. The passage of the bill will allow those with disabilities, knife collectors, workers and sportsmen to use and enjoy tools that can be easily opened and closed with a single hand. Knife collectors and enthusiasts will have the ability to carry and enjoy valued pieces of their collections outside the confines of the home.

The existing restrictions on these objects are based primarily on the fear of being associated with anything placed on a dangerous weapons list. Once the blade of an automatic actuated knife is opened and locked, it functions the same way as other knives. Knives are tools used to open boxes in a warehouse, cut through plastic packaging or slice tomatoes in a restaurant. Knives are an extension of the person using it. Many believe the only purpose of a

switchblade knife is for crime-related activities. By calling it a switchblade and broadly classifying knives as dangerous weapons, we sideline the legitimate uses of automatic knives.

People with disabilities and hardworking Nevadans can appreciate the functionality of automatic actuated knives. These knives are convenient and effective tools that can be used when performing cutting tasks when one hand is occupied. Many Nevadans suffer from arthritis or have trouble opening other types of knives and they would prefer to use an automatic actuated knife. Sportsmen use this kind of blade while cutting fishing line or processing game.

Residents in 32 states can own and use automatic actuated knives. One thing these states have in common with Nevada is a strong sportsmen and recreation heritage. These are working states like Nevada. The passage of S.B. 141 will not increase crime or acts of violence. It will provide our residents with the use of a convenient and effective tool to be used for work, pleasure and recreation.

**Senator Ford:**

We will hear testimony today from a number of law enforcement entities that do not support the bill. What is your response to those concerns?

**Senator Gustavson:**

Are you referring to the section of the bill that addresses the concealed carry of dirks, daggers and machetes?

**Mr. Markin:**

We have seen a proposed amendment from law enforcement agencies that would change the status of daggers and dirks within S.B. 141, but we do not support it.

**Senator Ford:**

I know what a dagger is, but what is a dirk?

**Mr. Markin:**

In the Scottish language, the word "dirk" means dagger. I am not sure why there are two definitions in the English language. It appears that both words mean the same thing.

**Senator Ford:**

I have a hard time understanding why a person would want to conceal a machete.

**Mr. Markin:**

I do not understand it either. The problem with the word "conceal" is the association with the concealed carry of a firearm. The pocket knife in my pocket would be considered concealed. This is not a concealed weapons bill. We are addressing tools that can fit in a pocket.

**Chair Brower:**

There are several weapons listed in statute such as switchblades, metal knuckles, blackjacks, and trefoils, but I do not see trident listed. Is there a reason why tridents are not included?

**Mr. Markin:**

I am not sure. We are a landlocked State, and I believe states like California might have more language on tridents. These statutes were written in 1959, which was a time when dirks and trefoils were more common.

**Senator Roberson:**

A trident is a three-pronged spear used for spear fishing and as a polearm.

**Senator Gustavson:**

It would be difficult to carry a three-pronged spear as a concealed weapon. The difference between a dirk and dagger is not defined, and it is difficult to identify the difference. Dirks and daggers are in the bill because they both meet the definition of a knife.

**Daniel Lawson (American Knife and Tool Institute):**

There is considerable misunderstanding concerning knives. We refer to automatic knives as switchblades, and they are subject to misunderstanding. Automatic knives came about in the late 1800s. Automatic knives or switchblades were widely used by blue-collar workers for the first 50 years of the last century. During the 1950s, movies like *Rebel Without a Cause* began to portray teen gangs armed with automatic knives. This caused a hysterical reaction without evidence that automatic knives were used to commit crimes during that time. Over 40 states across the Country prohibited the use of

automatic knives, and the federal government passed the Federal Switchblade Act in 1958.

We are not talking about knives seen in the movies. Automatic knives available on the market today are tools used by a variety of people, such as those who have an upper body impairment, arthritis and women with long fingernails. Automatic knives are legal in Nevada provided the blade is less than 2 inches. I have with me today an example of a legal automatic knife. This knife is not a fancy knife you would see in the movies. We suggest that the negative reaction to these knives come from the movies and the automatic opening mechanisms. Some car keys work the same way.

The knife in my hand is no more dangerous than any other knife. This is the case with the other types of cutting tools affected by S.B. 141. Dirks and daggers are archaic terms that go back in time hundreds of years. Stabbing-type weapons were developed for better penetration during a time when more people wore body armor.

Countries name weapons based on the language spoken. The name "stiletto" is a Latin term for a stabbing-type weapon used to exploit the openings in body armor. The term "stylus" in French is *pointe de lecture* and in the British Isles, the words "dirk" and "dagger" are commonly used. These types of weapons are much longer and bear no relationship to knives used today. A kitchen knife is capable of performing the same as a 500- or 600-year-old dagger or dirk. This is because of advances in metals technology.

There is no evidence that any particular knife is more dangerous or more likely to be used in crime. The FBI collects data on crimes and weapons use. In the case of firearms, it breaks weapons into categories under certain headings. There is only one heading for cutting instruments, which includes knives and other cutting instruments. There is no data to suggest that an automatic actuated knife is used in crime more frequently than any other knife. The automatic knife I brought with me today sells for about \$165, and I bought this common kitchen knife at a supermarket for \$3.99. This kitchen knife works the same as a dagger and is legal.

**Chair Brower:**

What makes a dagger classified differently from a kitchen knife under law?



**Mr. Lawson:**

The problem is that there is no clear definition. The definition of a dagger is misunderstood and is unconstitutionally vague.

**Chair Brower:**

I do not see a definition for dagger in NRS 202.265.

**Senator Ford:**

The definition of dagger in the dictionary states that it is a sharp, pointed knife used as a weapon. The kitchen knife you displayed is sharp and pointed, but is used to slice tomatoes. A dirk is defined as a long, straight-bladed dagger. A machete is defined as a large heavy knife used to cut sugar cane and underbrush and as a weapon. Would you agree to a different definition of these knives for the purpose of exclusion in the bill? The federal government has a definition of a switchblade in Title 15 USC Chapter 29. Are you familiar with that definition?

**Mr. Lawson:**

Yes, I am familiar with the federal definition, which was modified in 2009.

**Senator Ford:**

Would the federal definition be acceptable for the purpose of this bill? Did you demonstrate a spring-blade or a switchblade?

**Mr. Lawson:**

The knife I showed the Committee would not be legal under the Federal Switchblade Act.

**Senator Ford:**

What kind of knife do you have?

**Mr. Lawson:**

I prefer the term "automatic knife."

**Senator Ford:**

Could it be called a "snap-blade?"

**Mr. Lawson:**

I do not use the term snap-blade. I use the term automatic knife because I can push a button and the knife opens automatically. The Federal Switchblade Act was revised in 2009 to allow an entire category of knives with spring-assisted closure devices. Those types of knives are legal in Nevada. The law contains a definition for a switchblade, which is a knife with a blade longer than 2 inches that can be opened automatically by hand pressure applied to a button or by operation of inertia, gravity or both. The knife I have in my hand meets the Nevada definition of switchblade except for the length.

**Senator Ford:**

The definition in S.B. 141 refers to spring-blades and snap-blades. If you want to avoid those references to describe knives, you may want to review the language in the bill.

**Chair Brower:**

As I read the bill, it is intended to do two things. The bill allows the possession of switchblades and allows dirks, daggers and machetes to be carried in a concealed manner.

**Mr. Lawson:**

That is correct.

**Chair Brower:**

The word "slungshot" is in the statute. Is that a slingshot?

**Mr. Markin:**

I have been an outdoorsman for years. Words like gravity knife and switchblade are all different slang terms for the same thing.

**Chair Brower:**

What about slungshot? It looks like slingshot, but I am not familiar with the term.

**Mr. Markin:**

I do not know what that is.

**Mr. Lawson:**

The second aspect of S.B. 141 removes dirks, daggers and machetes from the list of weapons that cannot be carried concealed.

**Chair Brower:**

It is legal to possess them, but it is illegal to possess them in a concealed fashion. The bill would change this.

**Mr. Lawson:**

There is no intent element in statute.

**Chair Brower:**

Are you referring to one's intent to do something harmful with the knives?

**Mr. Lawson:**

Yes, that is correct.

**Chair Brower:**

It is simply illegal to carry a dirk, dagger or machete in a concealed manner without a permit, and the bill seeks to change that.

**Mr. Lawson:**

Yes. A slungshot is a type of impact weapon along the lines of a blackjack. This is not a knife.

**Senator Hammond:**

The slungshot is a maritime tool consisting of a weight or shot affixed at the end of a long cord that is wound in the center of a knot called a monkey's fist. The slungshot is used to cast line from one location to another.

**Mr. Markin:**

This brings up the point that people become biased towards weapons they see in the movies.

**Vernon Brooks:**

I support S.B. 141. Many of the local municipalities have their own variations of knife rules that are not consistent. It is impossible for the average person to know what is lawful on one side of the street or the other.

We need a discussion about the machete. I think it is odd that a machete is a topic of conversation since it is not easy to conceal and we have not seen a large wave of machete attacks locally. When I go hunting with my all-terrain vehicle, I always have a machete to clear brush. My machete is strapped to the vehicle in a sheath. I strap it to my backpack when I am hunting. If the machete is in the backpack with the handle displayed, it could meet the concealed weapon definition. The wrong placement of a machete in a backpack while hunting can be a problem if someone has a criminal record.

A slungshot can be incorporated into a key chain made with a ball bearing and parachute cord. The key chain is popular with women because it is something they can carry, does not have the appearance of a weapon but gives the ability to protect themselves against attackers.

**Mike Searson:**

I support S.B. 141. Automatic knives and switchblades were invented in the nineteenth century so that women could open pocketknives without breaking their fingernails. Since the 1920s, these knives have been used by first responders, firefighters and law enforcement officers. An article by Jack Harrison Pollack titled "The Toy That Kills," published in *Women's Home Companion*, placed the automatic knife into hands of fictional street thugs and started a nationwide campaign to ban switchblades. There was not much opposition at the time since only two manufacturers in America made automatic knives. Over time, the automatic knife has undergone a revolution. This knife is no longer an inexpensive knife a young person can afford. The modern automatic knife can sell for \$150 to \$20,000. This knife is not something a street thug would carry to hurt someone but is a knife purchased by a collector.

I have trained with law enforcement agencies and military units, and I have asked them what they encounter on the streets. Do they see switchblades, dirks and gravity knives? Law enforcement agencies report the most common knife used for crime is the common steak knife. Opening a knife with the click of a button does not make the knife any more dangerous, only a little faster. There are 24 companies across the Country that manufacture automatic knives. Ten years ago, Emerson Knives, Inc., planned to open a factory in Nevada, which would have generated several million dollars in revenue and created over 100 jobs. The State did not allow the company to move forward.

A knife that can be opened with one hand can save a life if a person is trapped in a vehicle and needs to cut away a seat belt. Senate Bill 141 is commonsense legislation.

**Chuck Callaway (Las Vegas Metropolitan Police Department):**

We are opposed to S.B. 141. I request that my testimony also apply to S.B. 176. I understand the need for clarification and a new definition for spring-loaded knives in law. I know there are sporting applications and tactical uses for these kinds of knives. I do not support the removal of dirk, dagger and machete from the list of weapons that cannot be carried concealed. The sponsor claims this is a tools bill; however, the definition referred to earlier makes it quite clear that dirks and daggers are weapons. They are designed for one purpose, which is knife combat or killing. They are not tools, and they are not designed for outdoor use.

**SENATE BILL 176**: Revises provisions governing certain dangerous or deadly weapons. (BDR 15-87)

The switchblade definition is vague and the definition found on *YouTube* will show a wide variety of definitions for these knives. The knife I am concerned about is the stiletto-type of switchblade with a very long, double-edged blade. Dirks, daggers and stiletto-type switchblades can penetrate body armor worn by law enforcement. A single-edged weapon or one with a shorter blade may not have that same capability to pierce body armor.

Machetes come in different sizes. Some are long and others are similar to the size of a Bowie knife. In Las Vegas, a woman by the name of Maria Del Carmen Gomez was severely attacked with a machete in a parking lot by her ex-boyfriend. During the attack, her hands were almost severed from her arms. A machete can be a deadly weapon. The capability to conceal a machete by a person with bad intent is not a good thing. My own stepdaughter was attacked with a machete in Hawaii and almost died because of her injuries. I know firsthand how dangerous a machete can be.

I request the Committee leave knives designed for combat, such as dirks, daggers and stiletto-type switchblades, on the list of weapons that require a permit to carry. I request that a new definition be established for sport-type knives and tactical-type knives such as those demonstrated for the Committee.

**Eric Spratley, Lieutenant (Sherriff's Office, Washoe County):**

We are opposed to S.B. 141.

**Chris Collins (Las Vegas Police Protective Association):**

I represent law enforcement professionals in Nevada. A question was asked about the intent of someone purchasing a dirk or dagger. The answer to this question can only be provided by the individual making the purchase. A person's intent could change from one day to the next. You never know what is going to set someone off in a given situation. The ballistic vests used by law enforcement are designed to stop handgun and rifle ammunition. The vest does provide some protection from most edged weapons, but the vest is designed to protect against single-edged weapons.

If a person intends to cause bodily injury, the individual must cut through the vest and thrust at the same time. Dirks and daggers are fighting weapons used in close combat. There is no other use for a dirk or dagger other than inflicting injury on a person or animal. Dirks and daggers, sharp on both sides, can cut ballistic material and end up in the cavity of the officer. We request that the dirk and dagger stay on the list of knives that cannot be carried concealed.

**Kristin Erickson (Nevada District Attorneys Association):**

We oppose S.B. 141.

**Ron Dreher (Peace Officers Research Association of Nevada; Combined Law Enforcement Associations of Nevada):**

We oppose S.B. 141. We request that dirks and daggers not be removed from the list of weapons that can be carried concealed. We agree that a machete can be removed from the list. A stiletto-type, switchblade knife should be categorized with dirks and daggers.

**Senator Gustovson:**

I understand the concerns of law enforcement agencies. Why should we not allow a law-abiding citizen to own any type of knife he or she wishes?

**Chair Brower:**

The Committee will consider that question. I will close the hearing on S.B. 141 and open the hearing on S.B. 176.

**Senator James A. Settlemeyer (Senatorial District No. 17):**

Senate Bill 176 came from a constituent request to make a change to our knife laws. Our knife laws are more restrictive than California's. Last Christmas, I received a knife as a gift, but I did not know if the knife was legal because it could be opened with one hand. I questioned if the knife was permissive under law. In 2009, President Barack Obama signed a modification to the Switchblade Knife Act of 1958 because he recognized an error that needed correction. My older constituents find a knife that can be opened with one hand easier to use. Veterans returning from combat with injuries to both arms are more inclined to want a knife that opens with one hand.

Sections 1, 6 and 7 revise the definition of a switchblade knife. Section 2 deletes belt buckle knives and switchblades from the list of prohibitive items that cannot be manufactured or possessed in the State. Belt buckle knives are illegal, but derringer belt buckles are allowed.

**Chair Brower:**

How do these belt buckles operate?

**Senator Settlemeyer:**

A belt buckle knife is any knife that is integrated into the design of a belt buckle. You would push a button on the belt buckle and the knife falls from the buckle into your hand.

**Chair Brower:**

I have not seen this kind of belt buckle in my district.

**Senator Settlemeyer:**

It is legal to have a derringer belt buckle. If it is legal to carry a gun, it should be legal to carry a knife.

**Chair Brower:**

Is the belt buckle derringer a belt buckle that holds a derringer pistol?

**Senator Settlemeyer:**

Yes. You push a button on the buckle and a derringer pistol falls into your hand.

Section 2 also removes dirks, daggers and belt buckle knives from the list of weapons that require a permit to carry concealed. The machete is still in this

section. Dirks and daggers should be removed from the list because the definition of these knives is vague and unenforceable. A definition for a dirk or dagger cannot be found in *Black's Law Dictionary*. *Merriam-Webster's Dictionary* defines a dagger as a sharp, pointed knife used for stabbing, and a dirk is defined as a long, straight-bladed dagger. *Wikipedia* defines a dirk as a short dagger, and a dagger is defined as a form of a dirk. Law enforcement agencies encounter off-duty military personnel with paratrooper knives. This knife is designed to be held at a downward angle while a button is pushed, which allows the blade to fall out and lock into place. Would this knife meet the definition of a switchblade? Statute should be corrected because it is inconsistent, vague and unenforceable.

Sections 3, 4 and 5 of the bill give the Legislature the rights and powers to regulate certain knives. There is another bill that expands upon home rule. We should not have multiple laws pertaining to knives throughout the State. I think we have enough clarity of this subject to create preemption. I want to make sure that we are not reinterpreting knife laws again next Session. Section 8 provides a preemption effective date.

A business may manufacture switchblades in Nevada, but it requires a special license. Section 9 eliminates the need to get a special license to manufacture our definition of a switchblade. We do not have an accurate switchblade definition in law, and I recommend it be deleted. We will hear testimony from others who think the definition should be fixed instead. This is a decision for the Committee. Section 10 of S.B. 176 addresses the effective date of the bill.

**Todd Rathner (Knife Rights):**

I will provide clarifying information to the Committee concerning dirks, daggers and double-edged knives. There is a problem with the definition of these knives. It is impossible to define a dirk or a dagger, which is why *Black's Law Dictionary* does not include it. The idea that a dagger is more dangerous than a kitchen knife to someone wearing body armor is not correct. A kitchen knife over 4 inches can easily pierce modern body armor the same as any knife or dagger.

I disagree that the shape of the blade makes an automatic knife more dangerous. The knife I have in my hand has a false edge on it. The knife comes to a point, and if this knife was 4 inches, it could pierce body armor. You cannot manufacture a knife over a certain length and thickness that cannot



pierce body armor; they all can. The issue is not about the knife, tool or weapon; it is about the intent of the criminal with the item in his or her hand. The notion that we can make things illegal that can harm other people does not make sense.

Paris, France, has some of the strictest gun control laws in the world, and people in that country can still get assault rifles and shoot people in supermarkets. These laws are all the same. You will not be able to define a dirk or a dagger because there is no definition available. If you do determine a definition, we will see innocent people who carry everyday knives caught up in a confusing situation that results in legal trouble.

From New York to California, these laws disproportionately affect those who are less educated and make less money. The average everyday worker will buy a knife, think it is legal and be caught by law enforcement. We do not want police to have problems with S.B. 176. Knives used in crimes are usually kitchen knives because they are readily available in everyone's home. This is especially true with domestic violence-related crimes. Any kitchen knife, including a 4-inch paring knife, will pierce body armor. The idea that we can make knives that pierce body armor illegal does not make sense.

In New York City, *The Village Voice* published an article that said over 60,000 people have been arrested for possession of certain knives because of definitions by the New York Legislature in Albany. The article indicated the law should be fixed or repealed. A liberal democrat from New York City is sponsoring a change in statute because a disproportionate number of his constituents are being prosecuted under vague knife laws. That is why we need to change knife laws in Nevada.

The Shooting, Hunting and Outdoor Trade (SHOT) Show is a large show that comes to Nevada. The SHOT Show attracts 68,000 people and generates \$73 million into the Nevada economy. There are thousands of switchblade knives, knives over certain lengths, dirks, and daggers of all definitions displayed and sold to companies from all over the Country. Do you think all manufacturers at the show have a permit? People look the other way. Manufacturers at the show bring knives that are legal everywhere else in the Country with the exception of Nevada. Georgia hosts the largest knife show in the Country. This state fixed its knife laws because dealers were fearful they would be arrested when they left the show with samples.

Nevada law makes no sense. It is not enforced consistently, or it is enforced in a disproportionate way against people with an economical and educational disadvantage.

**Chair Brower:**

How common is our prohibition against dirks and daggers relative to other states? Is this a common statute?

**Mr. Rathner:**

Many states had similar laws and later repealed them. No state implemented the law once it was repealed. In the early days of bill drafting, newer states repeated laws from other established states, like New York and Massachusetts. This is how the dirk, dagger and slungshot weapons law came into effect.

**Senator Roberson:**

We need to clean up the statute.

**Chair Brower:**

Today's testimony shows there is confusion within the law.

**Mr. Rathner:**

A law enforcement testifier said some automatic knives are weapons. That is true. It does not matter if you think they are tools or weapons. If the knife is a weapon, it should fall under the protection of the Second Amendment to the United States Constitution, and individuals should be allowed to own them. If law enforcement is correct, and daggers are weapons, the dagger is covered under the Second Amendment.

**Assemblyman John C. Ellison (Assembly District No. 33):**

The switchblade with a blade less than 2 inches can be purchased in Nevada. When I was growing up, I always had a switchblade in a pocket built into my chaps. While branding a calf, I could reach for the knife, press the button and castrate the calf. I used this kind of knife for years until the law changed, prohibiting switchblades. Afterwards, I went back to using a pocket knife. Switchblades were always used on the ranch. It is difficult when you only have one hand to reach for the knife. I support S.B. 176.

**Senator Roberson:**

The Committee heard testimony that the only purpose of some weapons is for use as a weapon. Assemblyman Ellison provided an example that contradicts that thinking.

**Mr. Lawson:**

The Nevada Constitution states that every citizen has the right to keep and bear arms for security and defense, lawful hunting, recreation and other lawful purposes. I do not agree that dirks and daggers are uniquely weapons, but if we assume they are, these knives would fall under the protection of the Nevada Constitution and the United States Constitution. Lawful citizens have rights. Advances in metals technology gives a kitchen knife the same capability of a dagger made 400 years ago. The steel is better, the temper is better, the edge is better and alloys are better. Everyone owns a kitchen knife, which is an effective weapon that defeats body armor.

**Mr. Brooks:**

Section 8 of S.B. 176 addresses preemption and this is important. I submitted a document for S.B. 141 that outlines the difference in ordinance between the Cities of Las Vegas, North Las Vegas, Henderson and Clark County. It is difficult to comply with the rules for each ordinance. The tool I carry every day is a Leatherman knife because I can make the argument that it is a tool in the hope the explanation is enough to avoid an issue with law enforcement. Anything with a sharp edge can be used as a weapon, and defining dirks and daggers is harmful to the constituency.

Section 2 is an improvement because I enjoy having variety in my garments, like the empty belt buckle derringer I am wearing today. I look forward to having a variety in my belt buckle choices.

**Jackie Muth (Deputy Director, Department of Public Safety):**

We are neutral on S.B. 176 and S.B. 141. We will work with the sponsors of the bills.

**Senator Settlemeyer:**

We need to clean up the law so that it mirrors the federal law that was changed in 2009, allowing spring-assisted knives. Disabled veterans with one arm will benefit from having a knife that opens with one hand.

**Senator Ford:**

Is the federal government definition sufficient for S.B. 176?

**Senator Settlemeyer:**

I am not fully aware of the federal government definition.

**Senator Ford:**

The federal definition for a spring-assisted knife is a knife that contains a spring or other mechanism designed to create a bias toward closure of the blade and requires exertion applied to the blade by hand, wrist or arm to overcome the bias toward closure to assist in opening the knife. The federal definition would clarify for the Committee the type of spring-assisted knife allowed.

**Senator Settlemeyer:**

I am open to amendments that help the bill pass. Conflicting laws need to be changed to help those who are getting in trouble. I am aware of an officer with the Reno-Sparks Airport Authority who indicated that people are being arrested for possessing brass knuckles. This is a gross misdemeanor, but I informed him that law does not require a person be automatically arrested in this case. We need to provide more clarity for the public.

**Senator Ford:**

Mr. Rathner, you provided information regarding the number of knife-related arrests in New York. Do you know how many citizens in Nevada have been prosecuted under statute for the same reason?

**Senator Settlemeyer:**

I have asked law enforcement to provide this information. Law enforcement agencies do not support S.B. 176.

**Mr. Rathner:**

We do not have a problem with the federal definition. As long as a person is allowed to possess automatic or spring-assisted knives, the definition is open to debate. I did not address the preemption issue, and this is important. When the Legislature in Missouri repealed knife restrictions, cities and towns created their own restrictions. This undermines the Legislature's intent. Preemption is an important aspect of S.B. 176.

A law enforcement representative testified against stiletto knives because the knife is sharpened on both sides of the blade. It is unlikely an automatic knife is sharpened on both sides. When the button is pushed, the knife opens. When it is closed, the button is pushed, and your hand is used to close the knife. If the knife was sharpened on both sides, you would cut your hand on the sharpened side during closure. This example points out the difficulty with defining double- and single-edged knives.

**Senator Hammond:**

Your example relates to one type of knife. Law enforcement is concerned about knives with blades that come straight up from the top and are sharpened on both sides.

**Mr. Rathner:**

Yes.

**Senator Settlemeyer:**

There are so many variations of knives. Keeping vague definitions in law or adding more definitions will continue to create problems.

**Chair Brower:**

I will close the hearing on S.B. 176 and open the hearing for public comment.

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**Chair Brower:**

Seeing no public comment, the meeting is adjourned at 2:31 p.m.

RESPECTFULLY SUBMITTED:

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Lynette Jones,  
Committee Secretary

APPROVED BY:

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Senator Greg Brower, Chair

DATE: \_\_\_\_\_

<b>EXHIBIT SUMMARY</b>				
<b>Bill</b>	<b>Exhibit</b>		<b>Witness or Agency</b>	<b>Description</b>
	A	2		Agenda
	B	4		Attendance Roster
S.B. 10	C	1	Patrick Guinan	Work Session Document
S.B. 162	D	1	Patrick Guinan	Work Session Document
S.B. 131	E	1	Patrick Guinan	Work Session Document
S.B. 135	F	1	Patrick Guinan	Work Session Document
S.B. 129	G	4	Patrick Guinan	Work Session Document