



Michigan's Knife Laws: Making Automatic Knives Legal

The Problem: Practical Automatic Knives are Illegal

Existing knife laws in Michigan create an outdated legal construct that unnecessarily limits the ability of Michiganders to carry an automatic³ knife for daily work and recreational activities. While the Michigan Penal Code rightfully limits the possession of knives by an individual with criminal intent (Michigan Compiled Laws (M.C.L.) Section 150.226(1)), law-abiding, well intentioned Michiganders such as tradesmen, hunters, hikers, farmers, ranchers, and campers risk arrest simply by possessing an automatic knife.

M.C.L. Sec. 750.226(A) criminalizes the sale or possession of a switchblade (herein after referred to as an automatic knife) as “any knife having the appearance of a pocket knife, the blade or blades of which can be opened by the flick of a button, pressure on a handle or other mechanical contrivance.” It should be noted that the only exemption to this provision is to “any one-armed person carrying a knife on his person in connection with his living requirements.” Additionally, this same section of the Michigan Penal Code codifies that an individual in possession of an automatic knife shall be guilty of a misdemeanor.

Further, M.C.L. Sec. 50.227(1) prohibits an individual from carrying a “dagger, dirk, stiletto, double-edged nonfolding stabbing instrument, or any other dangerous weapon” while simultaneously providing an exemption **ONLY** for hunting knives. This is problematic in that any individual carrying an automatic knife for professional or recreational purposes could be convicted of a misdemeanor and a felony for possession of their tool.

To illustrate the situation, a roofer may carry an automatic knife in his pocket as part of his customary tools. While perched on a ladder, he only has one hand to open and lock the blade, making the automatic open a necessary feature. When the roofer finishes for the day, he slips his automatic knife into his pocket. This same example could be used for a fisherman. The outdoorsman is holding his catch with his left hand while simultaneously using an automatic knife to cut the line of a swallowed hook with his right hand. Technically, the roofer and the fisherman are in violation of M.C.L. Sec. 750.226(A) and M.C.L. Sec. 50.227(1).

The Solution: Legislative Reform

We believe there is a simple fix in the best interest of knife owners and users in Michigan: (1) strike the unnecessary ban on automatic knives; while maintaining the prohibition on possession of an automatic knife **WITH** criminal intent; and (2) provide an exemption for carrying an automatic knife. We propose striking M.C.L. Sec. 750.226(A) and revising M.C.L. Sec. 50.227 as follows:

~~750.226a Pocket knife opened by mechanical device; unlawful sale or possession; persons exempted.~~

~~Any person who shall sell or offer to sell, or any person who shall have in his possession any knife having the appearance of a pocket knife, the blade or blades of which can be opened by the flick of a button, pressure on a handle or other mechanical contrivance shall be guilty of a misdemeanor, punishable by imprisonment in the county jail for not to exceed 1 year or by a fine of not to exceed \$300.00, or both.~~

~~The provisions of this section shall not apply to any one-armed person carrying a knife on his person in connection with his living requirements.~~



50.227 Concealed weapons; carrying; penalty.

(1) A person shall not carry a dagger, dirk, stiletto, a double-edged nonfolding stabbing instrument of any length, or any other dangerous weapon, except a hunting knife adapted and carried as such, concealed on or about his or her person, or whether concealed or otherwise in any vehicle operated or occupied by the person, except in his or her dwelling house, place of business or on other land possessed by the person.

(2) A person shall not carry a pistol concealed on or about his or her person, or, whether concealed or otherwise, in a vehicle operated or occupied by the person, except in his or her dwelling house, place of business, or on other land possessed by the person, without a license to carry the pistol as provided by law and if licensed, shall not carry the pistol in a place or manner inconsistent with any restrictions upon such license.

(3) A person who violates this section is guilty of a felony, punishable by imprisonment for not more than 5 years, or by a fine of not more than \$2,500.00.

(4) For purposes of this section, a dangerous weapon does not include an automatic knife with a blade length of less than 4.25 inches to be used for recreational and/or professional purposes.

The proposed amendment would clarify that automatic knives are legitimate tools, and will protect the right of law-abiding citizens who choose to carry all tools of their profession and for recreational activities.

About the American Knife and Tool Institute

AKTI is a non-profit organization representing all segments of the knife industry and all knife users. Formed in true grassroots fashion by concerned industry leaders after considerable discussion with individual knife makers, knife magazine publishers, and a broad section of the knife community, AKTI has been the reasonable and responsible voice of the knife community since 1998. AKTI is widely-recognized as a respected, credible and accurate knife industry source, seeking to educate and inform legislators, law enforcement, and the public about our industry.

At AKTI, we believe that most people who carry a knife, do so for common, everyday purposes. People engaged in the building trades, agricultural and animal husbandry use and carry knives on a daily basis. Knives are also essential for many outdoor activities, including hunting, fishing, fur trapping, hiking, camping, boating and other such activities. Our goal is to ensure that law-abiding citizens feel knowledgeable and confident in their ability to carry the tools they use for their daily and recreational lives.

AKTI promotes common-sense solutions to issues facing law-abiding knife owners nationwide. AKTI's mission is to partner with policy makers and law enforcement officers to craft legislation to help address legislative vagueness, from the elimination of archaic terminology that is no longer objectively relevant, to the passage of statewide preemption of local knife ordinances, to the repeal of obtrusive or unnecessary knife laws.