

## AKTI's Swift, Strong Stance Kills Hawaii Anti-Folder Bill in Seven Days

*State Senator Les Ihara, Jr. introduced a bill on January 22, 2009 that would have banned all folding "pocket knives" in Hawaii. AKTI responded with the following strong letter of opposition on January 27, along with sending an appeal to our Grassroots Supporters and others to oppose the bill. A huge "NO" response from our members and such groups as the Paralyzed Veterans of America convinced Senator Ihara that opposition was broad and unwavering. By January 29, seven days after introduction, the Senator told AKTI the bill would die in committee.*

January 27, 2009

Senator Les Ihara, Jr.  
9th Senatorial District  
Hawaii State Capitol

RE: Hawaii Senate Bill 126  
(Introduced 1/22/09)

Dear Senator Ihara:

The bill you introduced last week (HI S 126) would make de facto criminals of tens of thousands of your law-abiding citizens and potentially millions more who visit your beautiful state each year. It reads, in part ...

A BILL FOR AN ACT RELATING TO DANGEROUS WEAPONS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

SECTION 1. Chapter 134, Hawaii Revised Statutes, is amended by adding a new section to part III to be appropriately designated and to read as follows:

"Section 134- Pocket knives; sale prohibited; penalty. Any person who knowingly manufactures, sells, transfers, possesses, or transports a pocket knife in the State shall be guilty of a misdemeanor.

As used in this section:

"Pocket knife" means a knife with a blade that folds into the handle and which is suitable for carrying in the pocket. "

On behalf of the American Knife & Tool Institute (AKTI), which represents the \$1 Billion sporting knife industry in the United States, I would ask two things of you.

First, please call me at your earliest convenience to discuss this proposed legislation. I understand you have introduced the bill at the request of a constituent. It would be important to understand your goals and those of your constituent. While passing a knife law might seem a simple issue, there are grave consequences if it is vague, discriminatory, highly discretionary or simply so broad it is unenforceable....

Secondly, I would ask you to consider just a few issues that might give you some new insight into the issues that your bill raises.

Broadly, AKTI supports rational, equitable knife laws. Simple possession of a knife should not be punished. Knives do no harm unless used by someone who intends to harm.

But we do support significant punishment of anyone who uses a knife in the commission of a crime.

Every five years, our U.S. Fish & Wildlife Service documents the impact of hunting and fishing in each of the 50 states. Released in the fall of 2007, its 2006 National Survey of Fishing, Hunting, and Wildlife-Associated Recreation documents that, nationally, hunters and fishers spend more than \$76 Billion annually....

**Hawaii benefited from an estimated \$163,363,000 spent by hunters and fishers in 2006.** Since most hunters and fishers carry knives, we should not subject them to prosecution for knife possession or jeopardize that vital revenue.

Your marine and sport fishing industry is heavily dependent on knife usage. To

forbid pocket knives on the docks and marinas of Hawaii would be an economic disaster and an enforcement nightmare.

Speaking further about economics, AKTI published its own report in 2007 entitled The AKTI State of the Sporting Knife Industry. **Projections from the**

*continued page 2*

### Texas Bill H 4456 Passes Committee Hearing

AKTI's Texas House bill H 4456 has unanimously passed out of the House Criminal Jurisprudence Committee after a hearing in Austin on April 8.

AKTI witnesses included:

Ms. LC Beckwith, Beckwith's Blades, Houston, TX.

Mr. Troney Toler, Knives Plus, Amarillo, TX.

Mr. Mike Manrose - Vice President, Meyerco, Dallas, TX.

Mr. Peter de Leef, Attorney, Houston, TX.

The Senate version (S 2411) will be heard by Senator Whitmire's Criminal Justice Committee. If it passes there, the two identical versions will be combined for final floor votes.

AKTI introduced both bills on January 13 to modify the state's switchblade statute to clarify that one-hand-openers and assisted-openers are not switchblades.

For current bill status, go to our website at ... [www.akti.org](http://www.akti.org). We also urge you to become an AKTI Grassroots Supporter. Instructions on our home page will tell you how to join this important legislative action group free. We simply ask for your name and email address so we can provide the most up-to-date information.

For the full story on AKTI's Texas effort go to page 6.

## Hawaii Bill Killed

**AKTI study peg annual sporting knife revenue at the manufacturer/importer level in Hawaii at \$41,686,375.**

**Sales at Hawaii distribution and retail outlets would nearly double that number to some \$82 million.** That's a lot of jobs, taxes and economic vitality. When you run those dollars through all the local economies affected, the total economic impact of the sporting knife industry in Hawaii approaches \$492 million annually.

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**Carpenters, electricians, plumbers, auto mechanics, farm workers, greenhouse staff, lawn care workers, tree trimmers, nursery and garden center staff all use knives daily.**

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The construction trades are heavily dependent on workmen using knives. They carry them from homes to job sites and back again daily ... millions of times each day. I am not an expert on the Hawaiian construction trades, but ask yourself how many of these people could keep Hawaii building and growing without all their necessary tools.

Carpenters, electricians, plumbers, auto mechanics, farm workers, greenhouse staff, lawn care workers, tree trimmers, nursery and garden center staff all use knives daily. Scientific research is significant in Hawaii where pocket knives are commonly used to procure samples. Then there are thousands of gardeners throughout the islands, many of whom carry a knife on their person. To bust every grandmother in her rose garden for carrying and using a pocket knife would be a social disaster beyond measure....

Knives are man's oldest tools. We don't ban automobiles or cameras or computers because they have become more complex in mechanism and materials, more sophisticated in design, more aesthetically rich, and focused on ever-narrower market niches. We don't ban baseball bats or golf clubs because they can cause

physical injury.

Ideally, AKTI's position is that knife possession of any sort should be permitted. AKTI's ideal law would read ... A knife is illegal only if it is carried with the intent to assault or harm another person. However, I recognize that Hawaii already bans switchblades (and I have attached your current knife statute).

AKTI and AKTI members urge you to withdraw your bill since, as it is written, it would be a broad-brush attack on millions of law-abiding Hawaiian citizens and visitors. Its economic impact on several vital industries would be disastrous, especially given our current economic climate.

Sincerely,

David D. Kowalski  
Communications Coordinator  
American Knife & Tool Institute  
715-209-7389 (cell)

### Current Hawaii Knife Statute ...

§134-52 Switchblade knives; prohibitions; penalty. (a) Whoever knowingly manufactures, sells, transfers, possesses, or transports in the State any switchblade knife, being any knife having a blade which opens automatically (1) by hand pressure applied to a button or other device in the handle of the knife, or (2) by operation of inertia, gravity, or both, shall be guilty of a misdemeanor.

(b) Whoever knowingly possesses or intentionally uses or threatens to use a switchblade knife while engaged in the commission of a crime shall be guilty of a class C felony.

## Hawaii Senator Agrees to Bury Bill

January 29, 2009

Dear Mr. Kowalski,

In Hawaii, only legislators can introduce legislation. When a constituent has an idea he/she would like introduced, they need to approach a legislator to act on their behalf. It is Senator Ihara's duty

to introduce ideas his constituents request. If you would note, he introduced this particular bill "by request". That indicates that he is simply responding to a request that he perform his legislative duty. He has no intention of requesting that this bill be heard. Without a hearing, the bill cannot become law.

Should you have any further question, please do not hesitate to contact me.

Heather Bolan, Office Manager  
Senator Les Ihara, Jr.

January 29, 2009

Ms. Heather Bolan  
Office Manager  
Hawaii Senator Les Ihara, Jr.

Hello Heather Bolan:

Thank you for explaining Senator Ihara's responsibility to constituents and the process of initiating bills in Hawaii.

I hope my response can be forwarded to the constituent(s) so they might better understand the vast negative consequences of their broad anti-knife proposal directed at innocent, law-abiding citizens.

We certainly hope the Senator will not reverse himself and be persuaded to push Bill S 126. AKTI will continue to monitor the legislation and I can tell you the outpouring of support for our position expressed to me has been significant. You may get additional feedback on the bill from our individual members and member companies.

For individuals the cost of defending your innocence in court can amount to thousands of dollars, job loss and public stigma. Unfortunately, the foundation of our legal system (innocent until proven guilty) has been eroded by the very strong marketing of "they wouldn't have been arrested if they weren't guilty of something" mindset.

For law-abiding, responsible corporate citizens, attempting to attach a stigma to a needed tool is unfortunate. We need to replace our widespread search for making scapegoats of entire industries and citizen groups with vigorous prosecution of those who use or intend to use weapons in the commission of a crime.

Once again, thank you for your prompt response.

David D. Kowalski - AKTI

# Join AKTI and You Could WIN TWICE

Kershaw Knives offers this one-of-a-kind SpecBump for  
**a members-only drawing!**

Join AKTI or renew your membership between May 15 and  
December 31, 2009 and your name is entered in the  
drawing (held January 1, 2010).

Become a member or  
renew at  
[www.akti.org](http://www.akti.org)



Your membership allows AKTI to  
hire lobbyists for our successful  
state program.



Knife is a one-of-a-kind assisted-opener with special  
steel configuration.

Blade Steels.....	ATS-34/ZDP-189 stainless steel
Handle.....	Polished G-10
Lock.....	Stud-Lock®
Liner.....	410 stainless steel
Blade.....	3-5/8 in. (9.2cm)
Handle.....	4-15/16 in. (12.5cm)
Weight.....	5.4 oz.
Includes fleece lined zipper pouch.	

Courts in at least four states and Canada  
have ruled that assisted-openers are not  
switchblades.

Assisted-openers do not have a button on the handle (as  
shown on this cutaway view) and they have a bias toward  
closure. *Photos courtesy of Kershaw Knives.*

**Join AKTI Today!**

**Help us win the fight for your knife rights!**

# AKTI means AKTIon!

AKTI has saved  
more than **25 million**  
knife owners!

- 2009** AKTI bill would protect nearly 11 million Texas knife owners.
- 2009** AKTI response tables anti-folder bill, saves 2 million Hawaii knife owners.
- 2008** AKTI bill saves 2 million South Carolina knife owners.
- 2007** AKTI bill saves 1 million Arkansas knife owners.
- 2004** AKTI opposed New York City retailer knife busts.
- 2003** AKTI bill saves 6 million Floridians; clarifies “ballistic knife” definition.
- 2002** AKTI saves 2 million Boston knife owners and visitors; opposes 2-1/2” blade-length standard.
- 2000** AKTI saves 12 million Californians; 653k exempts one-hand openers in switchblade statute.

Become a “Grassroots Supporter”

AKTI victories proved YOUR EMAILS and letters to lawmakers ARE POWERFUL.

That’s why we need you as a free “Grassroots Supporter.”

Help us save your individual knife rights!

**Sign up today! Go to [www.akti.org](http://www.akti.org)**

# We need you as a "Grassroots" Supporter !!!

## Your emails and letters to lawmakers are powerful !!!

AKTI's position is that law-abiding citizens should be able to carry knives without threat of arrest or the arbitrary enforcement of vague laws. If they are carrying a knife with the intent to harm another or actually use a knife to commit a crime, they should be prosecuted. Knives are tools; people use knives properly or improperly.

AKTI has fought for the knife rights of individual knife owners across the country for nearly 11 years. Bills we introduced produced huge legislative victories that have helped at least 25 million knife owners in California, Florida, Arkansas and South Carolina. We are now working on a bill that would save nearly 11 million Texans who carry and use knives every day.

These significant victories don't happen without a strong lobbying effort and key phone calls, emails and letters from knife owners. That's why we need your help to continue AKTI's amazing success story.

We need you to become a "Grassroots" Supporter willing to contact lawmakers via email for important committee and legislative votes.

Lawmakers respond to emails. And because speed of response is often critical, we'll communicate with you the same way. Of course, we will also encourage you to phone or mail letters to your lawmakers so your voice can be heard.

**As an AKTI Grassroots Supporter, you will receive ...**

- 1) **Regular electronic updates** on knife rights issues across the country.
- 2) **Requests to contact lawmakers** on knife issues important to knife owners in various states and at the federal level.
- 3) **AKTI emails sent to you clearly marked as AKTI Updates** so you can quickly spot them, route them through your spam filters, save them and act on them.

Don't let this day go by without joining this powerful group that will change knife laws.

You also have our promise not to sell your name or email address to any outside marketers or to share our list with any other entity.

**There is no fee to become a Grassroots Supporter, but your donations are always appreciated.**

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**Your voice will be heard!**  
*You will make a difference!*

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### Join on the AKTI Website

Go to ... [www.akti.org](http://www.akti.org)

Click on Join Today at the top of the home page. Then scroll down to "Grassroots Supporter" under Membership Categories. When you click on Sign Up Today at the end of the description, you will be connected to an online form where you can provide information about yourself. Click Submit.

Now you're ready to start receiving electronic news from AKTI! Now you're ready to help us fight for your knife rights!

## YES, I will join AKTI and help support responsible knife use!

**Give generously! Your membership dues help...**

- 1) **Fight for your knife rights...as we did in South Carolina, Arkansas, California, Boston, Florida, wherever AKTI is needed!**
- 2) **Communicate regularly with knife users and the editors of more than 50 outdoor publications!**
- 3) **Help lawmakers and law enforcement with solid information...such as the knife measuring protocol.**

**Consider supporting AKTI with a Life Membership.**

Name \_\_\_\_\_

Company \_\_\_\_\_ Title \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Phone ( ) \_\_\_\_\_ E-Mail \_\_\_\_\_

- Check here if this is a renewal.
- Platinum Associate - \$1,000/yr
- Gold Associate - \$500/yr
- Silver Associate - \$200/yr
- Annual Ambassador Member (Individual) - \$35/yr
- Life Membership (Individual) - \$750
- Premier Member - \$2,000/yr (Voting Membership)
- Retailer Associate - \$100/yr

I support AKTI with an additional contribution of \$ \_\_\_\_\_

Check # \_\_\_\_\_ Enclosed for \$ \_\_\_\_\_

Visa/Mastercard Charge: \_\_\_\_\_ Exp: \_\_\_\_\_

Signed \_\_\_\_\_ Date: \_\_\_\_\_

Check here if you prefer to keep your information confidential.

*Note: Since the American Knife and Tool Institute, Inc. has filed as a 501(c)(6) not for profit tax status, dues may be deductible as a business expense, but not as a charitable contribution.*

## AKTI TEXAS Bills Filed 3/13/2009

AKTI's Texas effort has begun in earnest. Our two bills were filed on March 13, 2009 (full text below).

In bill text the following has special meaning ... underline denotes added text and ~~struck-out text denotes deleted text~~

2009 TX S 2411

AUTHOR: Deuell

VERSION: Introduced

VERSION DATE: 03/13/2009

By: Deuell S.B. No. 2411

A BILL TO BE ENTITLED AN ACT relating to the definition of a switchblade knife for purposes of the offense of prohibited weapons.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 46.01(11), Penal Code, is amended to read as follows:

(11) "Switchblade knife" means any knife that has a blade that folds, closes, or retracts into the handle or sheath, and that—

~~(A)~~ opens automatically by pressure applied to a button or other device located on the handle; or

(B) opens or releases a blade from the handle or sheath by the force of gravity or by the application of centrifugal force. The term does not include a knife that has a spring, detent, or other mechanism designed to create a bias toward closure and that requires exertion applied to the blade by hand, wrist, or arm to overcome resistance and open the knife.

SECTION 2. The change in law made by this Act applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is covered by the law in effect when the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense was occurred before that date.

SECTION 3. This Act takes effect September 1, 2009.

Note: An identical House bill, H.B. No. 4456, authored by Representative Joe Driver, was filed on the same date.

# AKTI Files TX S 2411 and TX H 4456 To Protect the Knife Rights of Nearly 11 Million Texas Knife Owners and Visitors

The American Knife & Tool Institute (AKTI) filed companion bills in the Texas Senate and House on March 13, 2009. See AKTI Texas Bills sidebar.

AKTI took this action to rescue more than 11 million law-abiding knife owners from possible unfair, arbitrary and discretionary arrest for carrying knives they have been using for decades for hunting,

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**The threat of arrest, confiscation and prosecution for a knife offense is so serious that sportsmen with discretionary dollars could forsake Texas as a destination.**

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fishing and on the job. Our bills will also clarify the situation for prosecutors and law enforcement.

An appellate court case in the San Antonio district in late 2007 wrongly interpreted, AKTI contends, the current language in the Texas statutes on knife possession. Specifically, the case broadly and incorrectly applied language in the switchblade statute in such a way that all folding knives could be considered illegal to possess and carry in the state.

One-hand openers and assisted-openers are not switchblades under current Texas law, AKTI contends. Neither type of knife opens by releasing a button on the handle. They both have a bias toward closure and/or a detent in the handle. AKTI's new bill language very clearly makes that distinction.

Since Texas was named the #1 state in the U.S. Fish & Wildlife Service 2006 National Survey of Fishing, Hunting and Wildlife-Associated Recreation, any statute that broadly limits knife possession in the state could easily target mil-

lions of hunters and fishers. The FWS Survey indicates that Texas received \$6.228 Billion in economic impact from those groups in 2006. Since the majority of hunters and fishers carry knives to skin game and fillet fish, residents and non-residents who pursue those activities with a knife in their possession would become de facto criminals if the Texas knife statute is not clarified.

The threat of arrest, confiscation and prosecution for a knife offense is so serious that sportsmen with discretionary dollars could forsake Texas as a destination. And millions of Texans who use knives on the job every day are put at risk. So are millions of other legitimate, law-abiding knife owners who use them when camping, hiking, biking, canoeing, kayaking, or working in the rose garden.

Lives are actually put at risk without the clarification that the AKTI bills provide. If the AKTI bills are not passed police officers, firemen, EMTs and first responders would be denied use of knives that can be operated with one hand. If you're prying the metal wreckage of a car frame off an accident victim, you may only have one hand available to cut the seat belt and free the victim before fire engulfs the scene.

AKTI recognizes this risk to an estimated 11 million people in the state and visitors who use and carry knives on a daily basis.

AKTI hired Mark Seale of the Texas Advocacy Group in October 2008 to present our suggested clarifications to the Texas Legislature in 2009.

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**To put the burden of proof of intent on the knife owner effectively makes them guilty until they can prove they are innocent.**

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We urge you to become an AKTI Grassroots Supporter. Go to our website at ... [www.akti.org](http://www.akti.org) ... where instructions on the home page will tell you how to sign up. There is no charge to become a Grassroots Supporter. We simply ask for your name and email address so we can provide the most up-to-date information possible.

For further information, contact:

David D. Kowalski  
AKTI Communications Coordinator  
715-209-7389 (cell)

# AKTI.org

## What's New?

### \*Defense Attorneys

List of defense attorneys who will consult with your attorney on knife cases.

### \*Expert Witnesses

When a case goes to trial, your defense attorney may need an expert witness. Here is a list of knife experts who may be qualified to testify.

### \*Knives Save Lives!

Files of manufacturers are filled with letters from users who had a knife they could reach when their life was in danger. Here are their stories!

# Texas Knife Facts

**Texas Population\*** 23.9 Million Percent Total U.S. Population 7.81%

**Knife Ownership/Use** 10.75 Million

## Texas Knife Sales\*\*

Total U.S. Knife Sales 2007 \$986.87 Million

**Total Texas Knife Sales** \$77.074 - \$117.93 Million

**Texas Sales of Folding Knives, Assisted-Openers, and One-Hand-Openers** \$61.66 - \$94.34 Million

*Note: California purchased an estimated \$117.93 Million in sporting knives of all models in 2007. For many U.S. companies, Texas is considered to be the largest market in the U.S., rivaling California (hence the range given above).*

*Assisted-opening knives and one-hand-opening knives (all models) are estimated at 80 percent of all models of knives sold in U.S.*

## Economic Impact of Hunting and Fishing\*\*\*

**Texas (2006)** \$6.228 Billion

AKTI estimates that 90% of hunters and fishermen carry knives, often the same knives they carry every day. **Out-of-state sportsmen and sportswomen, in particular, are unfairly targeted by knife laws that conflict with knife laws in their home states. The Texas definition of "switchblade" wrongly expanded in the Thomas case conflicts with the federal and all other state definitions.** Hunters and fishermen with discretionary dollars can travel to multiple states where they can bypass Texas, which now makes them de-facto criminals for carrying folding knives, one-hand-opening and assisted-opening knives.

Footnotes:

**Texas Population\*** ... Texas, California and U.S. population statistics are from Wikipedia and are estimated for July 1, 2007.

**Texas Knife Sales\*\*** ... These are based on the 2007 Report - AKTI State of the Sporting Knife Industry.

**Economic Impact of Hunting and Fishing\*\*\*** ... The U.S. Fish & Wildlife Service published its 2006 National Survey of Fishing, Hunting and Wildlife-Associated Recreation in the fall 2007. The survey is done every 5 years and ranks Texas #1.

AKTI has effectively worked with lawmakers to pass pro-knife bills in California, Florida, Arkansas and South Carolina.

**AKTI has protected responsible knife owners since 1998.**



22 Vista View Ln  
Cody, WY 82414-9606 USA

Phone/Fax: (307) 587-8296  
E-Mail: [akti@akti.org](mailto:akti@akti.org)  
Web site: [www.akti.org](http://www.akti.org)

**Forums:** go to [www.akti.org](http://www.akti.org); click on News & Info or go to [www.bladeforums.com](http://www.bladeforums.com) or [www.knifeforums.com](http://www.knifeforums.com)

## Compliments of...

# We Need Your Financial Support to Pass AKTI Texas Bills That Would Protect Owners of Assisted-Openers and One-Hand-Openers

**The 2007 appellate court verdict in the *Thomas case* (*Thomas v. State* 2007 WL 4403585 ... Tex. App. San Antonio) put all one-handers and all assisted-openers in jeopardy in Texas. We need your support to pay for the AKTI lobbyist hired in October 2008 to guide our bills through the 2009 legislative session. Please go to [www.akti.org](http://www.akti.org) to make a contribution. Help us in Texas so AKTI can consider your state next.**



Hundreds of models of one-hand-openers and assisted-openers such as this Kershaw LEAK 1660 ST could be banned in Texas if AKTI's bills do not pass. *Photo courtesy of Kershaw Knives.*