



SPONSOR: Sen. Wilson & Rep. D. Short
Sens. Hocker, Lawson, Pettyjohn, Richardson; Rep.
Dukes

DELAWARE STATE SENATE
152nd GENERAL ASSEMBLY

SENATE BILL NO. 323

AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO KNIVES

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

1 Section 1. Amend Chapter 2, Title 11 of the Delaware Code by making deletions as shown by strike through and
2 insertions as shown by underline as follows:

3 § 222. General definitions.

4 (6) "Deadly weapon" includes a "firearm", as defined in paragraph (13) of this section, a bomb, a knife of any sort
5 (other than an ordinary pocketknife carried in a closed position), ~~switchblade knife~~, billy, blackjack, bludgeon, metal
6 knuckles, slingshot, razor, bicycle chain or ice pick or any "dangerous instrument", as defined in paragraph (5) of this
7 section, which is used, or attempted to be used, to cause death or serious physical injury. For the purposes of this definition,
8 an ordinary pocketknife shall be a folding knife having a blade not more than 3 inches in length.

9 Click here to type or paste freeform text.

10 Section 2. Amend Subchapter VII, Chapter 5, Title 11 of the Delaware Code by making deletions as shown by
11 strike through and insertions as shown by underline and renumbering and redesignating as appropriate as follows:

12 ~~§ 1446. Unlawfully dealing with a switchblade knife; unclassified misdemeanor.~~

13 ~~A person is guilty of unlawfully dealing with a switchblade knife when the person sells, offers for sale or has in~~
14 ~~possession a knife, the blade of which is released by spring mechanism or by gravity.~~

15 ~~Unlawfully dealing with a switchblade knife is an unclassified misdemeanor.~~

SYNOPSIS

This Act removes prohibitions in Title 11 of the Delaware code regarding owning or possessing certain types of folding knives that may be opened with one hand. So-called "switch blade knives", which are more appropriately called automatic knives, allow for easy deployment often by depressing a button. Such cutting implements are lawfully used as tools by many working in the trades, and are also popular amongst outdoor, hunting, and camping enthusiasts. Currently, despite common and myriad lawful purposes, such knives are treated as deadly weapons in Delaware and therefore subject otherwise law-abiding Delawareans engaging in law-abiding activities to criminal prosecution in the justice system. Removing the prohibitions would permit individuals to lawfully use such tools but would still subject them to prosecution for deadly weapons related offenses where an individual uses such an automatic knife in the course of an attack or assault aimed at causing death or serious injury.

Author: Senator Wilson