



CHIEF DEFENDERS ASSOCIATION OF NEW YORK

October 17, 2017

PRESIDENT

Mark S. Williams, Cattaraugus

PRESIDENT-ELECT

Justine "Tina" Luongo, New York

SECRETARY

Sandra J. McCarthy, Rensselaer

TREASURER

Jay L. Wilber, Broome

PAST PRESIDENTS

Lisa Schreibersdorf, Kings
Timothy P. Donaher, Monroe

MEMBERS OF THE BOARD

Robert N. Convissar, Erie
Robert S. Dean, New York
Norman Effman, Wyoming
Stan Germán, New York
Susan R. Horn, Onondaga
Rick Jones, New York City
Leanne Lapp, Ontario
Kent Moston, Nassau
Laurette D. Mulry, Suffolk
Justine Olderman, Bronx
David C. Schopp, Erie
Thomas G. Soucia, Franklin
David Squirrel, Putnam
John C. Turi, Rensselaer

The Honorable Andrew M. Cuomo
Governor of New York State
New York State Capitol Building
Albany, New York 12224

Re: Support for S4769A (Savino) / A5667A (Quart)

Dear Governor Cuomo:

As the President of the Chief Defenders Association of New York, I respectfully urge you to sign S4769A (Savino) / A5667A (Quart) into law. This bill narrows the definitions of switchblade knives and gravity knives to exclude ordinary folding knives that are commonly sold on-line and in hardware stores to workmen and artisans, and which only specially trained law enforcement officers are able, often only after several tries, to flick open by exertion.

Existing Law

Currently, possession of a switchblade or a gravity knife is encompassed by Penal Law § 265.01 (1), which makes possession of a switchblade or a gravity knife a "strict liability" crime. Under current case law, a person may be guilty of a misdemeanor for possessing a commonly-sold folding knife, even if that knife is not meant to be opened by the force of gravity, and even though the possessor is unaware that the knife could be opened in that manner.

Proposed Amendment

This bill would amend the statutory definitions of "gravity knives" to exclude ordinary folding knives which are not meant to be opened by exertion, but can be opened with exertion only by specially-trained law enforcement agents.

Chief Defenders Association of New York
PO Box 1126 | Albany, NY 12201
(518) 407-5720 | CDANYoffice@gmail.com
www.cdany.info

Justification

True switchblade and gravity knives, banned in New York in the 1950's, have been extinct for some time, sold as antiques, if at all. However, various folding and utility knives commonly sold on the internet and in other states by reputable retailers such as Home Depot may be flicked open by skilled police officers by the use of centrifugal force—even if the objects were not meant to be opened in such a fashion and regular users would not know how to do so. Indeed until 2010, such utility knives were openly sold in New York by Home Depot and other retailers to laborers and home improvement “do-it-your-selfers.” In 2010, pursuant to threatened prosecution by New York County prosecutor Cyrus R. Vance, Jr., New York retailers stopped selling these items. They are still openly sold in New Jersey and on-line through retailers such as Amazon.com. In New York City, and in particular New York County, artisans and laborers caught with these knives have been prosecuted for misdemeanors and, if they have any type of prior conviction, for felonies and sent to prison. Even possession within one’s own home is illegal. Under current case law, it is irrelevant whether the possessor is aware that the tool has the characteristics of a gravity or switchblade knife.

This bill would rectify this injustice by amending the definitions of such knives to exclude common folding knives.

Conclusion

The Chief Defenders Association of New York SUPPORTS this legislation for the reasons stated above and respectfully urges you to sign it immediately.

Very truly yours,

Mark S. Williams, President
Chief Defenders Association of New York