

AMENDED IN SENATE JANUARY 16, 2008

AMENDED IN SENATE JANUARY 7, 2008

AMENDED IN SENATE APRIL 9, 2007

SENATE BILL

No. 1033

**Introduced by Senator Runner
(Coauthor: Senator Negrete McLeod)**

February 23, 2007

An act to amend Section 12001.1 of the Penal Code, relating to undetectable knives, *and declaring the urgency thereof, to take effect immediately.*

LEGISLATIVE COUNSEL'S DIGEST

SB 1033, as amended, Runner. Undetectable knives.

Existing law provides that any person who commercially manufactures or causes to be commercially manufactured, knowingly imports into the state for commercial sale, keeps for commercial sale, or offers or exposes for commercial sale, any undetectable knife is guilty of a misdemeanor. Existing law provides that these provisions do not apply to the manufacture or importation of undetectable knives for sale to a law enforcement or military entity.

This bill would additionally provide that any person who knowingly exports out of this state for commercial, dealer, wholesaler, or distributor sale, or who offers or exposes for dealer, wholesaler, or distributor sale any undetectable knife is guilty of a misdemeanor. This bill would require a valid agency, department, or unit purchase order to exempt from these provisions the manufacture or importation of undetectable knives for sale to a law enforcement or military entity. Because this bill

would expand the definition of a crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: ~~majority~~^{2/3}. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 12001.1 of the Penal Code is amended
2 to read:

3 12001.1. (a) Any person in this state who commercially
4 manufactures or causes to be commercially manufactured, or who
5 knowingly imports into the state for commercial sale, or who
6 knowingly exports out of this state for commercial, dealer,
7 wholesaler, or distributor sale, or who keeps for commercial sale,
8 or offers or exposes for commercial, dealer, wholesaler, or
9 distributor sale, any undetectable knife is guilty of a misdemeanor.
10 As used in this section, an “undetectable knife” means any knife
11 or other instrument with or without a handguard that is capable of
12 ready use as a stabbing weapon that may inflict great bodily injury
13 or death that is commercially manufactured to be used as a weapon
14 and is not detectable by a metal detector or magnetometer, either
15 handheld or otherwise, that is set at standard calibration.

16 (b) Notwithstanding any other provision of law, commencing
17 January 1, 2000, all knives or other instrument with or without a
18 handguard that is capable of ready use as a stabbing weapon that
19 may inflict great bodily injury or death that are commercially
20 manufactured in this state that utilize materials that are not
21 detectable by a metal detector or magnetometer, shall be
22 manufactured to include materials that will ensure they are
23 detectable by a metal detector or magnetometer, either handheld
24 or otherwise, that is set at standard calibration.

25 (c) This section shall not apply to the manufacture or importation
26 of undetectable knives for sale to a law enforcement or military

1 entity with a valid agency, department, or unit purchase order, nor
2 shall this section apply to the subsequent sale of these knives to a
3 law enforcement or military entity.

4 (d) This section shall not apply to the manufacture or importation
5 of undetectable knives for sale to federal, state, and local historical
6 societies, museums, and institutional collections which are open
7 to the public, provided that the undetectable knives are properly
8 housed and secured from unauthorized handling, nor shall this
9 section apply to the subsequent sale of the knives to these societies,
10 museums, and collections.

11 SEC. 2. No reimbursement is required by this act pursuant to
12 Section 6 of Article XIII B of the California Constitution because
13 the only costs that may be incurred by a local agency or school
14 district will be incurred because this act creates a new crime or
15 infraction, eliminates a crime or infraction, or changes the penalty
16 for a crime or infraction, within the meaning of Section 17556 of
17 the Government Code, or changes the definition of a crime within
18 the meaning of Section 6 of Article XIII B of the California
19 Constitution.

20 *SEC. 3. This act is an urgency statute necessary for the*
21 *immediate preservation of the public peace, health, or safety within*
22 *the meaning of Article IV of the Constitution and shall go into*
23 *immediate effect. The facts constituting the necessity are:*

24 *In order to protect the citizens of this state at the earliest possible*
25 *time, it is necessary for this act to take effect immediately.*