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Sponsor Testimony

Senate Bill 156

Ohio House Government Oversight Committee

February 17th, 2022

Chair Wilkin, Vice-Chair White, Ranking Member Brown, and members of the House Government Oversight Committee, thank you for the opportunity to provide sponsor testimony on SB156, a bill which further addresses the right for Ohioans to keep and carry knives.

Sub. SB 156 builds upon SB140 of the 133rd General Assembly, which was enacted into law on April 12th, 2021.

SB140 made two common sense changes to Ohio law:

1) Recognized that “deadly weapon or ‘weapon’ does NOT include any knife razor or cutting instrument if the instrument was not used as a weapon”¹

2) Allowed items such as switchblades to be manufactured and sold in Ohio.

This made sense as the vast majority of knives and razors etc. are used as tools and are critical to the performance of certain jobs. However, knives can also be used in self-defense and the issue of a patchwork of confusing local ordinances remains. What is legal to carry and possess in one town may be a serious crime to possess in another. This patchwork of laws is confusing, unreasonable, difficult to enforce and nearly impossible for the average citizen to follow.

This has been a problem in other states as well and we have seen a recent trend across this country to address the issue. States are starting to enact Knife Preemption Laws ensuring both citizens and law enforcement know the law and ensure consistent enforcement throughout the state. States recently enacting Knife Preemption Laws include:

2010 Arizona

2011 New Hampshire and Utah

2012 Georgia

2013 Alaska, Kansas and Tennessee

2015 Oklahoma and Texas

2016 Wisconsin

2019 Montana

2020 West Virginia

It should be noted that no adverse issues have arisen with the passage of knife law preemption in these states nor has there been any effort to repeal preemption. Another interesting fact is that 48 of the 50 United States have firearms preemption.

¹ https://search-prod.lis.state.oh.us/solarapi/v1/general_assembly_133/bills/sb140/PH/04?format=pdf

With the utmost respect that Ohio is a “Home Rule State,” SB156 addresses this issue by way of clarifying that our fundamental individual right to keep and bear arms includes knives.

Recognizing the fact that knives can also be used as arms, Sub SB156 simply adds two words “and knives” to the section of code addressing our constitutionally protected right to keep and bear arms. Section 9.68 reads “A) The individual right to keep and bear arms, being a fundamental individual right that predates the United States Constitution and Ohio Constitution, and being a constitutionally protected right in every part of Ohio, the General Assembly finds the need to provide uniform laws throughout the state regulating the ownership, possession, purchase, other acquisition, transport, storage, carrying, sale, other transfer, manufacture, taxation, keeping and reporting of loss or theft of firearms, their components, and their ammunition ...” and Sub SB156 would add here the words “and knives”.

While knives certainly are used primarily as tools, they can also be used as arms in self-defense and should be recognized as such. This is a simple, straightforward and commonsense change.

At this time I would like to recognize and thank Representative Al Cutrona for his leadership on this important issue and for his stewardship, as the sponsor of HB243, the companion legislation in the Ohio House.

I appreciate your thoughtful consideration of this legislation and would welcome any questions the committee might have at this time.