

Senate Fiscal Agency
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Senate Bill 1181 (as enrolled)
Sponsor: Senator Joanne G. Emmons
Committee: Judiciary

Date Completed: 5-9-00

RATIONALE

Knives made from conchoidal fracturing (i.e., the breaking of stone) are manufactured using the ancient method of flintknapping, which requires working a piece of stone from opposing bilateral edges in order to shape and thin the stone into the desired blade or tool. In conchoidal fracturing, the stone conducts a shock wave in each direction, so the stone breaks evenly. This method necessarily results in the formation of a double-edged knife or tool. Evidently, stone knives are too fragile to be used violently, but they can be functional to hunters in cleaning game. In addition, conchoidally fractured knives and other implements (e.g., arrowheads), are bought and sold at art shows by knife enthusiasts and collectors of artifacts. Although there apparently is no problem involving the use of conchoidally fractured knives to commit crimes, under current law the possession of these brittle stone knives is prohibited because they meet the definition of a dangerous weapon under the Michigan Penal Code. As such, they cannot legally be carried or transported, and violators are subject to a five-year felony penalty. Some people believe that knives made by conchoidal fracturing should be exempt from the Penal Code's definition of dangerous weapon so that enthusiasts of this manufacturing process and the artifacts that were made using that process can pursue their interest without violating the law.

CONTENT

The bill would amend the Michigan Penal Code to specify that under Chapter XXXVII of the Code, which deals with firearms and other dangerous weapons, "double-edged nonfolding stabbing instrument" would not include a knife, tool, implement, arrowhead, or artifact manufactured from stone by means of conchoidal fracturing. The exemption would not apply to an item being transported in a vehicle, unless it was in a container and not accessible to the driver.

(Section 227 of the Penal Code, in Chapter XXXVII,

prohibits a person from carrying a dagger, dirk, stiletto, double-edged nonfolding stabbing instrument, or any other dangerous weapon that is not adapted and carried as a hunting knife, concealed on or about a person's body or in an operated or occupied vehicle, except in the person's dwelling, place of business, or land owned by that person (MCL 750.227). That offense is a felony punishable by up to five years' imprisonment or a maximum fine of \$2,500.)

MCL 750.222a

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

Although they technically are double-edged, nonfolding stabbing instruments, conchoidally fractured knives are not used as weapons. They can be used by hunters to clean game, and also are found in the form of historical artifacts. Collecting and showing these artifacts, and manufacturing new stone knives by the ancient process, are hobbies pursued by enthusiasts of primitive hunting methods as well as scholars of history, archaeology, and anthropology. Stone knives and arrowheads are very fragile and are too brittle to be used violently. Conchoidally fractured knives should not be considered dangerous weapons, and their possession, manufacture, and use should be permitted under the law. The bill would allow stone knife enthusiasts to continue their hobbies without threat of legal action for mere possession or transport, which would be allowed in a vehicle as long as a knife was in a container and was inaccessible to the vehicle's driver.

Legislative Analyst: P. Affholter

FISCAL IMPACT

Senate Bill 1181 would have an indeterminate fiscal impact on State and local government.

In 1998, there were 1,407 people convicted of carrying a concealed weapon and 635 were convicted of attempted carrying a concealed weapon. There are no available data to indicate how many of these offenders were carrying a hunting knife or a tool, implement, or artifact manufactured from stone.

Fiscal Analyst: K. Firestone

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.