

REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this Act”, meaning Pub. L. 85-623, which enacted sections 1241 to 1244 of this title and amended section 1716 of Title 18, Crimes and Criminal Procedure.

EFFECTIVE DATE

Section 6 of Pub. L. 85-623 provided that: “This Act [enacting this chapter and amending section 1716 of Title 18, Crimes and Criminal Procedure] shall take effect on the sixtieth day after the date of its enactment [Aug. 12, 1958].”

SHORT TITLE OF 1986 AMENDMENT

Pub. L. 99-570, title X, §10001, Oct. 27, 1986, 100 Stat. 3207-166, provided that: “This title [enacting section 1245 of this title, amending section 1716 of Title 18, Crimes and Criminal Procedure, and enacting provisions set out as a note under section 1245 of this title] may be cited as the ‘Ballistic Knife Prohibition Act of 1986’.”

SHORT TITLE

Pub. L. 85-623, Aug. 12, 1958, 72 Stat. 562, which enacted this chapter, is popularly known as the “Federal Switchblade Act”.

§ 1242. Introduction, manufacture for introduction, transportation or distribution in interstate commerce; penalty

Whoever knowingly introduces, or manufactures for introduction, into interstate commerce, or transports or distributes in interstate commerce, any switchblade knife, shall be fined not more than \$2,000 or imprisoned not more than five years, or both.

(Pub. L. 85-623, §2, Aug. 12, 1958, 72 Stat. 562.)

§ 1243. Manufacture, sale, or possession within specific jurisdictions; penalty

Whoever, within any Territory or possession of the United States, within Indian country (as defined in section 1151 of title 18), or within the special maritime and territorial jurisdiction of the United States (as defined in section 7 of title 18), manufactures, sells, or possesses any switchblade knife, shall be fined not more than \$2,000 or imprisoned not more than five years, or both.

(Pub. L. 85-623, §3, Aug. 12, 1958, 72 Stat. 562.)

§ 1244. Exceptions

Sections 1242 and 1243 of this title shall not apply to—

- (1) any common carrier or contract carrier, with respect to any switchblade knife shipped, transported, or delivered for shipment in interstate commerce in the ordinary course of business;
- (2) the manufacture, sale, transportation, distribution, possession, or introduction into interstate commerce, of switchblade knives pursuant to contract with the Armed Forces;
- (3) the Armed Forces or any member or employee thereof acting in the performance of his duty;
- (4) the possession, and transportation upon his person, of any switchblade knife with a blade three inches or less in length by any individual who has only one arm; or
- (5) a knife that contains a spring, detent, or other mechanism designed to create a bias to-

ward closure of the blade and that requires exertion applied to the blade by hand, wrist, or arm to overcome the bias toward closure to assist in opening the knife.

(Pub. L. 85-623, §4, Aug. 12, 1958, 72 Stat. 562; Pub. L. 111-83, title V, §562, Oct. 28, 2009, 123 Stat. 2183.)

AMENDMENTS

2009—Par. (5). Pub. L. 111-83 added par. (5).

§ 1245. Ballistic knives

(a) Prohibition and penalties for possession, manufacture, sale, or importation

Whoever in or affecting interstate commerce, within any Territory or possession of the United States, within Indian country (as defined in section 1151 of title 18), or within the special maritime and territorial jurisdiction of the United States (as defined in section 7 of title 18), knowingly possesses, manufactures, sells, or imports a ballistic knife shall be fined as provided in title 18, or imprisoned not more than ten years, or both.

(b) Prohibition and penalties for possession or use during commission of Federal crime of violence

Whoever possesses or uses a ballistic knife in the commission of a Federal crime of violence shall be fined as provided in title 18, or imprisoned not less than five years and not more than ten years, or both.

(c) Exceptions

The exceptions provided in paragraphs (1), (2), and (3) of section 1244 of this title with respect to switchblade knives shall apply to ballistic knives under subsection (a) of this section.

(d) “Ballistic knife” defined

As used in this section, the term “ballistic knife” means a knife with a detachable blade that is propelled by a spring-operated mechanism.

(Pub. L. 85-623, §7, as added Pub. L. 99-570, title X, §10002, Oct. 27, 1986, 100 Stat. 3207-167; amended Pub. L. 100-690, title VI, §6472, Nov. 18, 1988, 102 Stat. 4379.)

AMENDMENTS

1988—Subsec. (a). Pub. L. 100-690, §6472(1), substituted “in or affecting interstate commerce, within any Territory or possession of the United States, within Indian country (as defined in section 1151 of title 18), or within the special maritime and territorial jurisdiction of the United States (as defined in section 7 of title 18), knowingly possesses, manufactures, sells, or imports” for “knowingly possesses, manufactures, sells, or imports”.

Subsec. (b). Pub. L. 100-690, §6472(2), struck out “or State” after “Federal”.

EFFECTIVE DATE

Section 10004 of Pub. L. 99-570 provided that: “The amendments made by this title [enacting this section, amending section 1716 of Title 18, Crimes and Criminal Procedure, and enacting provisions set out as a note under section 1241 of this title] shall take effect 30 days after the date of enactment of this title [Oct. 27, 1986].”

CHAPTER 30—HAZARDOUS SUBSTANCES

Sec.
1261. Definitions.