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May 22, 2019

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

Re: S4863 (Savino) / A5944 (Quart) – Gravity Knife Legislation

Dear Governor Cuomo:

The New York State Association of Criminal Defense Lawyers strongly supports your signature on bill S4863 (Savino) / A5944 (Quart), which was unanimously passed by both houses of the New York State Legislature. This bill would entirely remove references to gravity knives in various provisions of the penal law relating to firearms and other dangerous weapons. Such a change would eliminate potential confusion and shield those individuals who did not intend to possess a dangerous weapon by purchasing or otherwise using the tools associated with their trade or hobby.

True gravity knives have been extinct for some time, sold as antiques if at all. In modern times, New York law enforcement officers often use the law to arrest and prosecute individuals in possession of pocketknives, utility knives, box cutters, and other items that are commonly used in many professions. Skilled police officers flick open folding and utility knives commonly sold on the internet or in other states by reputable retailers such as Home Depot – even if the objects were not meant to be opened in such a fashion and regular users would not know how to do so. As a result, the law has been used by the police in New York City to arrest thousands of honest workers, hobbyists, and ordinary people. The same is true across the entire state. The proposed legislation would clarify existing language in the penal law to ensure that construction and related trades workers, outdoor sports enthusiasts, hunters, artisans, and ordinary people do not face criminal charges for carrying commonly used tools.

The prosecution of union electricians, licensed contractors, movers and other workers for no reason other than possession of common tools harms working New Yorkers. New York must join other states in removing gravity knives from its definition of a dangerous weapon to ensure that working people with no wrong intent are not prosecuted for doing their jobs. We would therefore urge you to sign this bill into law.

Respectfully submitted,

Lori Cohen, Esq.
NYSACDL President