

VETO MESSAGE - No. 171

TO THE ASSEMBLY:

I am returning herewith, without my approval, the following bill:

Assembly Bill Number 5667-A, entitled:

"AN ACT to amend the penal law, in relation to the definition of a gravity knife"

NOT APPROVED

This bill would amend the penal law definition of "gravity knife" to include only those knives with blades that release from their handle solely by the force of gravity. In so doing, this bill would legalize all folding knives, with the exception of relics from World War II.

Last year, the Legislature passed a similar bill (A.9042-A/S.6483-A) which I was constrained to veto. In my veto message (No. 299 of 2016), I explain the two fundamental reasons why the bill could not become law. First, the respected opinion of the State's law enforcement community was uniform in its opposition to the wholesale legalization of readily deployable knives at a time when, despite a reduction in gun-involved violence, crimes involving knives was on the rise. Second, the bill's definitional change of "gravity knife" would have resulted in greater confusion among law enforcement and knife owners, which would have amplified an already disparate level of prosecutions across the State. Unfortunately, numerous attempts to reach an agreement with the Legislature to address those concerns proved unsuccessful.

This year, the Legislature again sought to address concerns raised by the current law's treatment of "gravity knives." Unfortunately, while the bill did succeed in removing any ambiguity in the definition of "gravity knife," by limiting the universe of knives to only those knives whose blade release solely by the force of gravity, it did so in a way that would essentially legalize all folding knives. In so doing, the Legislature has gone far beyond the innocent laborers carrying these knives for legitimate purposes and has grossly disregarded the concerns of law enforcement.

To address these concerns, the Executive again attempted to reach a three-way agreement with the Legislature. This agreement would have refined the definition of "gravity knife," reduced the potential criminal penalty for possession of these knives from a misdemeanor or felony to, at worst, a violation, and would have provided a legal exemption for those who carry these knives for work. In addition, to ensure workers intent only on making an honest day's living no longer face arrest, the New York Police Department agreed to train its police officers to identify individuals falling within the new law's exemption in a uniform manner. Unfortunately, an agreement with both houses of the Legislature could not be reached.

Based upon the continued concerns expressed by law enforcement and the Legislature's unwillingness to adopt the modifications outlined above, I am constrained to veto this bill.

The bill is disapproved.

(signed) ANDREW M. CUOMO