

## 4-105. TRANSFER OF SWITCHBLADE OR SHOOTING KNIFE.

## (A) PROHIBITED.

A PERSON MAY NOT SELL, BARTER, DISPLAY, OR OFFER TO SELL OR BARTER:

(1) A KNIFE OR A PENKNIFE HAVING A BLADE THAT OPENS AUTOMATICALLY BY HAND PRESSURE APPLIED TO A BUTTON, SPRING, OR OTHER DEVICE IN THE HANDLE OF THE KNIFE, COMMONLY CALLED A SWITCHBLADE KNIFE OR A SWITCHBLADE PENKNIFE; OR

(2) A DEVICE THAT IS DESIGNED TO PROPEL A KNIFE FROM A METAL SHEATH BY MEANS OF A HIGH-COMPRESSION EJECTOR SPRING, COMMONLY CALLED A SHOOTING KNIFE.

## (B) PENALTY.

A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 12 MONTHS OR A FINE OF NOT LESS THAN \$50 AND NOT EXCEEDING \$500 OR BOTH.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 27, § 339.

In the introductory language of subsection (a) of this section, the former reference to a "firm or corporation or the agent of either" is deleted as included in the defined term "person".

Also in subsection (a) of this section, the former phrase "whether a licensed dealer or not" is deleted as unnecessary. It is unclear what type of licensed dealer this section referred to and, assuming that the reference was intended to apply to firearms dealers, laws regulating firearms dealers provide no exceptions to sell this kind of weapon.

In subsection (a)(1) of this section, the former reference to "operating in a similar manner" is deleted as unnecessary because of the addition of the term "penknife" before the description of how the knife or penknife operates.

In subsection (b) of this section, the former phrase "or any agent" is deleted as included in the defined term "person".

Also in subsection (b) of this section, the reference to being guilty "of a misdemeanor" is added to state expressly that which was only implied in the former law. In this State, any crime that was not a felony at common law and has not been declared a felony by statute is considered to be a misdemeanor. See *State v. Canova*, 278 Md. 483, 490 (1976); *Bowser v. State*, 136 Md. 342, 345 (1920); *Dutton v. State*, 123 Md. 373, 378 (1914); and *Williams v. State*, 4 Md. App. 342, 347 (1968).

Defined term: "Person" § 1-101