

1340 POSSESSION OF A SWITCHBLADE KNIFE — § 941.24

[INSTRUCTION WITHDRAWN]

COMMENT

Wis JI-Criminal 1240 was originally published in 1974 and revised in 1987, 1995, and 2007. Its withdrawal was approved by the Committee in February 2016.

This instruction was withdrawn because the statute prohibiting possession of a switchblade knife was repealed by 2015 Wisconsin Act 149. [Effective Date: February 8, 2016.] Act 149 also created § 941.231 Carrying a concealed knife, which applies only to those who are prohibited from possessing a firearm under § 941.29 – e.g., convicted felons. See Wis JI-Criminal 1336.

Shortly before the enactment of Act 149, the Wisconsin Court of Appeals found that § 941.24 violated the constitutional right to bear arms in self defense when applied to a person who possessed a switchblade in his home. State v. Herrmann, 2015 WI App 97, 366 Wis.2d 312, 873 N.W.2d 257.