

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

COUNCIL OF THE CITY OF PHILADELPHIA
PUBLIC HEARING AND PUBLIC MEETING
BEFORE COUNCIL COMMITTEE ON PUBLIC SAFETY

- - -
Room 400, City Hall
Philadelphia, Pennsylvania
Tuesday, May 9, 2000
3:15 p.m.
- - -

BILL 000149 - An ordinance amending Title 10 of
the Philadelphia Code, entitled "Regulation of
Individual Contact and Activity," by adding a new
Section 10-828, entitled "Prohibition on the Sale
of Box Cutters and Similar Utility Knives to
Persons Under the Age of Eighteen," all under
certain terms and conditions

PRESENT: COUNCILMAN ANGEL L. ORTIZ, Chair
COUNCILMAN DARRELL L. CLARKE
COUNCILMAN DAVID COHEN
COUNCILMAN JAMES L. KENNEY
COUNCILMAN FRANK RIZZO

- - -

VINCENT VARALLO ASSOCIATES, INC.
Registered Professional Reporters
Eleven Penn Center, Suite 600
Philadelphia, PA 19103
(215) 561-2220

1 5/09/00 PUBLIC SAFETY - BILL 000149

2 I N D E X

3
4 Page
5 Otis Haigler, Jr. 3
6 Legislative and Regulatory Affairs Manager, L&I

7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

1 5/09/00 PUBLIC SAFETY - BILL 000149

2 P R O C E E D I N G S

3 COUNCILMAN ORTIZ: Good afternoon.

4 Hello, hello.

5 Seeing Councilwoman Donna Miller coming
6 in and Councilman Darrell Clarke and Councilman
7 Kenney, the Committee on Public Safety has a
8 quorum for a hearing on Bill 000149. Will the
9 clerk read the title the of the bill, please.

10 THE CLERK: An ordinance amending Title
11 10 of the Philadelphia Code, entitled "Regulation
12 of Individual Contact and Activity," by adding a
13 new Section 10-828, entitled "Prohibition on the
14 Sale of Box Cutters and Similar Utility Knives to
15 Persons Under the Age of Eighteen," all under
16 certain terms and conditions.

17 COUNCILMAN ORTIZ: We have around 30,
18 45 witnesses, so I will ask each witness to please
19 make their statements as short as possible. We
20 have a long day here, so I will ask the first
21 witness, Mr. Otis Haigler, to summarize if you can
22 the long testimony that he has for us.

23 MR. HAIGLER: Thank you. Good day,
24 Councilman Ortiz and members of the committee. I
25 am Otis Haigler, Jr., Legislative and Regulatory

1 5/09/00 PUBLIC SAFETY - BILL 000149
2 Affairs Manager for the Department of Licenses and
3 Inspections. Today, I am here to provide
4 testimony on Bill 000149, which, if enacted, will
5 prohibit the sale of box cutters or similar
6 utility knives to persons under the age of 18.

7 The Department of Licenses and
8 Inspections has absolutely no objection to the
9 enactment of this bill, and is prepared to enforce
10 the provisions of the bill, the Department,
11 currently through our Business Regulatory
12 Enforcement Division, enforces similar provisions
13 of the Philadelphia Code to restrict the access of
14 materials or items by minors which may cause harm
15 to the public or themselves. The two specific
16 sections of the Code, which is a precedence for
17 our enforcement of this bill, is Section 9-622,
18 restricting the sale of cigarettes and other
19 tobacco products, and Section 9-618, restricting
20 the sale of spray paint and indelible markers to
21 minors under the age of 18.

22 As with both of these sections, the
23 proprietor of the establishment is required to
24 restrict the ready access of the item to the
25 general public and to require proof of age prior

1 5/09/00 PUBLIC SAFETY - BILL 000149

2 to the sale of the item. Violators of the
3 Philadelphia Code sections, as outlined, are
4 subject to fines, as described in the respective
5 Code section.

6 This concludes my testimony. I will be
7 happy to answer any questions at this time.

8 Thank you.

9 COUNCILMAN ORTIZ: Yes. One question.
10 This, in essence, will not prohibit the sales of
11 these knives; it will just restrict by age. So
12 you can have 'em in your store, right?

13 MR. HAIGLER: That's correct, that's
14 correct.

15 COUNCILMAN ORTIZ: And when we say
16 "utility knives," could you describe what type of
17 knives these are, in terms of length and. . .

18 MR. HAIGLER: Not the specifics, but
19 they are used generally for architectural
20 purposes, purposes related to construction and
21 carpentry work, that kind of thing. I don't know
22 the particular length. They vary in length and
23 size dimensions.

24 COUNCILMAN ORTIZ: Any other questions?

25 Councilman Kenney.

1 5/09/00 PUBLIC SAFETY - BILL 000149

2 COUNCILMAN KENNEY: Thank you.

3 Mr. Haigler, how are you?

4 MR. HAIGLER: Hello.

5 COUNCILMAN KENNEY: Good. Does the
6 Department undertake, once we've passed this bill,
7 any type of notification to hardware stores and
8 similar type commercial operations that this is,
9 in fact, is now prohibited? Is there any mailing
10 or notification that's given? I mean, I'm sure it
11 will be covered in some element of the press.

12 I know it's difficult for some of these
13 shop people to know -- I think they should have
14 common sense not to do it in the first place, but
15 how do we actually formally inform them that this
16 is now, in fact, an illegal activity?

17 MR. HAIGLER: At times, when we have a
18 listing of establishments to send out
19 notifications to, the Commissioner does attempt to
20 do that. We also release press releases
21 announcing new provisions, new laws that have been
22 enacted. The Department can avail itself of many
23 avenues to do this. We can also publicize it in
24 the newspapers, as a public service announcement,
25 that a new law was enacted.

1 5/09/00 PUBLIC SAFETY - BILL 000149

2 So we can avail ourselves of many
3 avenues to do this.

4 COUNCILMAN KENNEY: And will we do this
5 -- will the Department do this in this particular
6 case?

7 MR. HAIGLER: I would suspect so. I
8 can't speak for the Commissioner, but I would
9 suspect so, I would expect it's no problem.

10 COUNCILMAN KENNEY: Okay, thank you.

11 COUNCILMAN ORTIZ: The committee has
12 now been joined by Councilman Frank Rizzo and
13 Councilman David Cohen.

14 Councilman Rizzo?

15 COUNCILMAN RIZZO: Thank you,
16 Mr. Chairman.

17 Could you describe -- when we use the
18 word "similar utility knives," what presently is
19 L&I's oversight on actual folding knives and other
20 knives that would fall into this category? If you
21 go to a sporting store, you can buy, I would
22 assume, a folding pocket knife. And I remember,
23 as a kid growing up, that there was something
24 about the blade was six inches.

25 And do we have regulations on the books

1 5/09/00 PUBLIC SAFETY - BILL 000149

2 right now that control -- other than box cutters,
3 other than utility knives, where are we presently
4 with conventional knives that are available over
5 the counter?

6 MR. HAIGLER: Well, from an L&I
7 standpoint, I don't believe we have anything where
8 we would regulate that too closely, but maybe from
9 a police standpoint, a law enforcement standpoint,
10 there may be some requirements that they have to
11 enforce restrictions on weapons. Considering some
12 of these may be considered weapons, they may have
13 certain restrictions that they can enforce.

14 But from an L&I's standpoint, as far as
15 my knowledge is concerned, this is the first time
16 I've ever seen anything related to box cutters and
17 utility knives or any other knives in general.

18 COUNCILMAN RIZZO: My point being,
19 we're regulating box cutters and utility knives,
20 and the obvious is, we're not regulating what we
21 commonly know as a knife or as a -- is a
22 switchblade knife illegal?

23 MR. HAIGLER: I believe it is, from a
24 penal standpoint.

25 COUNCILMAN ORTIZ: Right. A minor

1 5/09/00 PUBLIC SAFETY - BILL 000149

2 cannot go into a store and buy a switchblade
3 knife, right.

4 COUNCILMAN RIZZO: I don't even think
5 they're allowed to sell them.

6 But my point is, we're regulating a box
7 cutter, we're regulating a utility knife; what
8 about the conventional knife?

9 MR. HAIGLER: Well, that's within
10 Council's prerogative if they would like to do
11 that, but. . .

12 COUNCILMAN CLARKE: It's my
13 understanding of the Code that you cannot purchase
14 -- a minor cannot purchase a knife from a
15 specific size of the blade.

16 COUNCILMAN ORTIZ: Right.

17 COUNCILMAN CLARKE: And that's
18 currently on the books.

19 COUNCILMAN ORTIZ: Yes.

20 COUNCILWOMAN CLARK: So what we're
21 asking now in this legislation is that that also
22 includes box cutters, because currently, that's
23 not regulated.

24 COUNCILMAN ORTIZ: Correct.

25 COUNCILMAN CLARKE: And individuals are

1 5/09/00 PUBLIC SAFETY - BILL 000149

2 purchasing box cutters as a replacement for
3 knives, which were already prohibited to be
4 purchased by minors, and that's why we're doing
5 box cutters now.

6 COUNCILMAN RIZZO: Okay, that's good to
7 know, because I was just wondering why we would be
8 regulating this. So this is an add-on to an
9 existing bill -- to an existing law to further
10 enhance the ability for young people to get knives
11 and -- okay.

12 MR. HAIGLER: And, again, this is
13 related to Title 9, which deals with the
14 regulation for business and business activity.
15 And what you may be talking about as far as the
16 actual knife may come under another title, such as
17 Title 18, which is the Crimes Code.

18 COUNCILMAN RIZZO: Are you satisfied
19 with the language "similar utility knives?" Do
20 you think that's going to create a problem of
21 enforcement of -- do we need to be more specific,
22 or do you think "similar" is good enough?

23 MR. HAIGLER: I think, based on the
24 general definition for "box cutters" and "utility
25 knives," I don't think the inspectors would have

1 5/09/00 PUBLIC SAFETY - BILL 000149

2 any problems with discerning what falls into the
3 category of "box cutters" or "utility knives."

4 COUNCILMAN RIZZO: Well, if we already
5 have an existing law that limits knives, you just
6 said something that L&I doesn't enforce --

7 MR. HAIGLER: That's with respect to
8 generally -- with knives in general. Again, that
9 may not be -- that may not fall under the criteria
10 of L&I's enforcement; it may be an enforcement
11 criteria for the Police Department.

12 COUNCILMAN RIZZO: Not to belabor this,
13 but why would you want to enforce this if this is
14 an add-on to an existing bill and not enforce
15 what's already on there?

16 MR. HAIGLER: What's already on --

17 COUNCILMAN RIZZO: What Councilman
18 Clarke just described as a prohibition against the
19 sale of -- are you telling me that L&I is going to
20 involve themselves actively in the enforcement of
21 the box cutter and utility knives and not other
22 knives?

23 COUNCILMAN ORTIZ: This is an amendment
24 to the Philadelphia Code, not to the Criminal
25 Code.

1 5/09/00 PUBLIC SAFETY - BILL 000149

2 COUNCILMAN RIZZO: Right.

3 COUNCILMAN ORTIZ: This is -- this
4 falls under the purview of L&I, and as such, in
5 terms of this type of material, it does fall in
6 the purview of them to be able to regulate it.

7 COUNCILMAN RIZZO: Okay. Thanks.

8 COUNCILMAN ORTIZ: Councilman Clarke?

9 COUNCILMAN CLARKE: Thank you,
10 Mr. Chairman.

11 Mr. Haigler, I have one quick question
12 that's somewhat unrelated to this particular bill,
13 but talking about this in general. When the
14 Police Department arrests someone who has an
15 illegal knife or a minor that has something that
16 they shouldn't have, do they notify the Department
17 of Licenses and Inspections as to where that
18 person purchased it?

19 MR. HAIGLER: I have no knowledge of
20 that. I really don't know, I really have no
21 knowledge of that. We could look that up; I
22 really don't know.

23 COUNCILMAN CLARKE: Yeah. I was always
24 interested in, you know, the follow-up and the
25 interrogation if the person has -- you know, if

1 5/09/00 PUBLIC SAFETY - BILL 000149

2 particularly a minor has a gun or if a minor has
3 some illegal knife. A, do the police attempt to
4 find out where that person got that particular
5 knife or gun or whatever? And, B, if they find
6 out, do they notify the Department of Licenses and
7 Inspections for that department to then go and
8 enforce the Code on the sale from that particular
9 establishment? That's what I was always
10 interested in.

11 MR. HAIGLER: Yeah. I can't -- I
12 really can't speak for the notification in the
13 requirements of the Police Department; I really
14 have no knowledge of what their procedures are
15 regarding --

16 COUNCILMAN ORTIZ: I think we can ask
17 the Commissioner to let us know. In fact, I will
18 inquire from the Commissioner and see what it is
19 they do in that case.

20 COUNCILMAN CLARKE: Thank you. Thank
21 you, Mr. Chairman.

22 COUNCILMAN ORTIZ: Any further
23 questions?

24 (No further questions.)

25 COUNCILMAN ORTIZ: Seeing none, thank

1 5/9/00 - PUBLIC SAFETY - PUBLIC MEETING

2 you, Mr. Haigler, for your interesting and
3 insightful testimony.

4 Are there any more witnesses on this
5 bill?

6 (No response.)

7 COUNCILMAN ORTIZ: Don't rush to the
8 witness table as of yet.

9 Seeing none, this committee now moves
10 from the hearing to the meeting side. And seeing
11 that we have a quorum present with Mr. Kenney, Mr.
12 Cohen, Mr. Clarke, Mr. Rizzo, Mrs. Donna Miller, I
13 will ask for a motion on the bill, on Bill No.
14 000149.

15 COUNCILMAN COHEN: Mr. Chairman, I move
16 to report the bill out with a favorable
17 recommendation and with a request for a suspension
18 of the rules.

19 (Duly seconded.)

20 COUNCILMAN ORTIZ: Are there any nays
21 on this bill?

22 Are there yeas on this bill?

23 The yeas having it, Bill No. 000149
24 will be reported out of committee with a favorable
25 recommendation and a recommendation that the rules

1 5/9/00 - PUBLIC SAFETY - PUBLIC MEETING
2 of Council be suspended so as to permit first
3 reading in the next session of City Council.

4 The controversy of the box cutters
5 hereby ends today.

6 (Adjourned at 3:23 p.m.)

7 - - -

8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

C E R T I F I C A T E

I HEREBY CERTIFY that the foregoing
proceedings of the Council of the City of
Philadelphia of Tuesday, May 9, 2000, were
reported fully and accurately by me, and that this
is a correct transcript of same.

RE: COUNCIL COMMITTEE ON PUBLIC SAFETY
BILL NO. 000149

_____,
JOSEPHINE CARDILLO,
Registered Professional Reporter