

1976 WL 30706 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

March 12, 1976

*1 Chief J. O. Freeman
Airport Police Department
Columbia Metropolitan Airport
West Columbia, South Carolina 29169

Dear Chief Freeman:

In response to your request for a definition of the word 'dirk', as used in Sections 16-145, 16-145.1, 1962 Code of Laws of South Carolina, as amended, I have researched the subject and can find no pertinent South Carolina law on this matter. However, there is authority from other jurisdictions, interpreting the word 'dirk'; for examples, 'any straight stabbing weapon or a weapon fitted primarily for stabbing', [People v. Syed Shah](#), 205 P. 2d 1081, 1083; 'a straight knife, primarily fitted for stabbing', [People v. Ruiz](#), 263 P. 836, 837.

There is additional case law which interprets the word as meaning a knife primarily designed as a weapon (emphasis added), as opposed to a knife which could be perverted to a dangerous use. (See [People v. Cricuoli](#), 141 N.Y.S. 855, 857) Thus, as the California Court held in [People v. Forrest](#), 432 P. 2d 374, an oversized pocket knife, not primarily designed for stabbing, was not a dirk, since the knife folded like a pocket knife and the blade when opened did not lock into place. (Emphasis added).

In conclusion, when a knife, such as a pocket knife, has many possible uses, some of which are clearly innocent and utilitarian, and also has a characteristic which would substantially limit its effectiveness as a stabbing instrument, it cannot be held to be a weapon primarily fitted for stabbing. A switchblade knife, however, with a blade that locks into place when opened, would fall into the definition of a straight knife primarily designed as a weapon, and would be clearly within the statutory meaning of 'dirk'.

Very truly yours,

Susan Z. Hitt
Law Clerk

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