

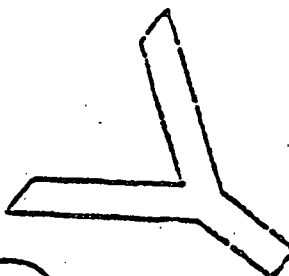


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SPRINGFIELD

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FILE NO. S-1386

CRIMINAL LAW AND PROCEDURE:  
Legality of Metal Knuckles  
Made For Use As a Belt Buckle



Honorable Ronald C. Dozier  
State's Attorney  
McLean County  
104 West Front Street, Room 102  
Bloomington, Illinois 61701

Dear Mr. Dozier:

You have asked my opinion whether a certain item, one of which you have sent for my inspection, is a set of metal knuckles, possession or selling of which is a criminal offense in Illinois. This item is sold as a belt buckle but is in the size and shape of a set of metal knuckles. It is my opinion that the item comes within the prohibition of subparagraph 24-1(a)(1) of the Criminal Code of 1961 (Ill. Rev. Stat. 1977, ch. 38, par. 24-1(a)(1):

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" \* \* \* (a) A person commits the offense of unlawful use of weapons when he knowingly:

(1) Sells, manufactures, purchases, possesses or carries any bludgeon, black-jack, slung-shot, sand-club, sand-bag, metal knuckles or any knife, commonly referred to as a switch-blade knife \* \* \* .

\* \* \*

"

Few judicial definitions of the term "metal knuckles" exist. Webster's Third New International Dictionary defines "brass knuckles" as "a set of four metal finger rings or guards attached to a transverse piece and worn over the front of the doubled fist for use as a weapon," and both Black's and Ballentine's law dictionaries note that the term "brass knuckles" is often still used to describe metal knuckles even though they may not be made of brass.

An examination of the object in question shows that it is a single piece cast from a rigid metal, weighing just under half a pound and measuring approximately 4 3/8 inches long and 2 3/4 inches wide. It contains four large holes appropriate for the insertion of fingers as well as a straight piece which, if the item were used as metal knuckles, would be inside the user's clenched fist and would allow a blow to be struck with greater force. It is, in every sense

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of the term, a set of metal knuckles. Its only adaptation to use as a belt buckle is the addition of a short projection near the front of the item as held in a fist, which would fit into a large belt hole. It was manufactured with the knowledge that it could easily be used for metal knuckles, as is shown by the disclaimer cast into the metal:

"For Nostalgic Purpose Only.  
Soft Metal - Use Only As Buckel [sic].  
Not Intended For Other Use."

Notwithstanding the claim that the item is of soft metal, it can only with difficulty be nicked with a knife, and obviously could break human bones if used in a fight.

The only question presented by these facts is whether metal knuckles cease to be metal knuckles while being used as a belt buckle. The statute, quoted above, makes no exemption of items listed in subparagraph (a) (1) if they are "antiques" or otherwise used for lawful purposes; on the contrary, the clear intent of the General Assembly was to make manufacture, sale or possession of any of those items per se illegal regardless of the way in which they are used. That intent is shown by the immediately succeeding subparagraph (a) (2), which provides that a person is guilty of unlawful use of weapons who:

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"(2) Carries or possesses with intent to use the same unlawfully against another, a dagger, dirk, billy, dangerous knife, razor, stiletto, broken bottle or other piece of glass, stun gun or taser or any other dangerous or deadly weapon or instrument of like character; \* \* \* ."  
(Emphasis added.)

The Illinois Supreme Court interpreted the statute this way in People v. Sullivan (1970), 46 Ill. 2d 399, 402-03:

" \* \* \*

\* \* \* [S]imple possession of a hunting knife is not criminal. The legislature has specifically named the weapons, the simple possession of which is per se unlawful. Subsection (a) (1) of the unlawful use of weapons statute prohibits the possession of a switchblade knife, sawed-off shotgun, brass knuckles, black-jack, etc., but as to a hunting knife proof of intent to use it unlawfully against another is essential. \* \* \* "

Courts of other States have interpreted statutes prohibiting sale or possession of metal knuckles similarly. A particularly strong statement was made by a California Appellate Court in People v. Ferguson (1933), 129 Cal. App. 300, 18 P. 2d 741, 742:

" \* \* \*

Firearms have their legitimate uses; hence the law regulates their use and prescribes who shall be prohibited their possession. But there is impressed upon slung-shots, sandbags, black-jacks, and metal knuckles the indubitable indicia of criminal purpose. To every person of ordinary intelligence these instruments are known to be the

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tools of the brawl fighter and cowardly assassin and of no beneficial use whatever to a good citizen or to society. The Legislature may take note of and act upon such common facts. \* \* \*

\* \* \*

To the same effect, see People v. Vaines (1945), 310 Mich. 500, 17 N.W. 3d 729, 731.

To be sure, an Illinois Appellate Court in People v. Whitfield (1972), 8 Ill. App. 3d 210, reversed a conviction for possession of metal knuckles of a defendant who had a spiked leather wrist band apparently intended for decorative purposes. The reversal was based on the court's conclusion that the wrist band was not a set of metal knuckles:

\* \* \*

It is our opinion that brass knuckles or metal knuckles are clear and precise terms describing a particularly designed weapon the possession of which the legislature specifically intended to prohibit as contraband. The fact that defendant's wrist band could be held in a clenched fist, and could inflict serious injury if used for that purpose, does not make it metal knuckles any more than it would a number of other dangerous instruments that might be held in the fist. \* \* \*

\* \* \*

8 Ill. App. 3d at 212.

That holding is inapplicable here, since the object in question is undoubtedly a set of metal knuckles whether or not it can

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be or is used as a decorative or "nostalgic" belt buckle.  
I conclude that sale of the item in Illinois violates the  
Criminal Code provision cited above.

Very truly yours,

A T T O R N E Y   G E N E R A L