**KNIFE LEGISLATION AND HANDLING AT AIRPORTS**

**IN**

**BRAZIL**

# Weapons Act

*1.1 Which knives are considered weapons under your local law?*

At the outset, it should be noted that there is no federal law dealing specifically with knives in Brazil, only firearms and ammunition.

The handling of knife issues is mostly based on doctrinal understandings and court decisions.

Jurists understand that, for criminal law, a weapon is any instrument, normally intended for attack or defense (proper weapon) or any other means to be employed in such circumstances (improper weapon).

Thus, the proper weapon is the one created for the injury. Proper weapons are: i) Firearm (revolver and other fire guns); ii) Melee weapon (attack knife, sword); and iii) Explosives (bombs, grenades and alike).

On the other hand, improper weapon is understood as any instrument created for a different purpose, but under a certain circumstance is used for committing an offense. We have as examples kitchen knives, iron bars, fireworks, scissors, among others.

In addition, the Misdemeanors Act (Lei das Contravenções Penais - LCP) provides in its art. 19 the following:

Art. 19. Bringing a weapon out of the house without permission from the authority:

*Penalty - simple imprisonment, from fifteen days to six months, or a fine of two hundred thousand contos de réis (currency that ceased to exist in Brazil several decades ago), or both cumulatively.*

The LCP is very old (from 1941) and there is no legal definition as to what type or size of knife can be considered a weapon. Thus, Article 19 of the LCP mentioned above is very difficult to apply, given the lack of proper further regulation.

Some Brazilian States have decided to create local laws establishing their own rules on the type of knife to be considered a weapon. In Rio de Janeiro, for example, local law provides that knives or similar instruments with a blade of 10 cm or more are considered a weapon unless circumstances warrant the use of such objects as working tools or utensils.

There are rules about knives in airports, which will be covered in the proper chapter below.

Bearing in mind the above clarifications, we will proceed with the answers to the remaining questions.

*1.2 Is there a legal requirement to have a legitimate/justifiable reason for carrying and/or transporting a knife in the public? If so, for what kind of knives (lock knife, folding knife [depending on a special blade length or not?], fixed knife or any knife)?*

As we mentioned in answer 1.1, there is no federal law dealing with this matter. Thus, the analysis shall be done on case by case basis, according to the context of each specific case.

In the State of Rio de Janeiro (used as an example only), local law provides that it is possible to carry knives with blades of 10 cm or more when circumstances warrant the use of these objects as working tools or utensils. There is no distinction regarding the type of knife.

*1.3 How must these concerned knives of point 1.2 be carried or transported in the public (e.g. in a closed or locked container)?*

There are no specific federal rules on this matter.

Rio de Janeiro law states that knives can be carried inside suitcases, purses or alike.

*1.4 Are there any public places which may be restricted by an authority (on certain days or at certain times) for carrying any knives or other dangerous tools (e.g. railway station, airport, market places, football stadium, event halls etc.)?*

There is no general rule in Brazil. As mentioned earlier, some states have local rules.

With respect to airports, please check our answers in chapter 2 below.

*1.5 How is the blade length measured (only the cutting blade or including the blade shank)?*



There is no such definition in Brazil.

Rio de Janeiro law only makes reference to blades of 10cm or more, but it does not bring any additional detail.

*1.6 Are there any further dangerous objects which also fall under the Weapons Act?*

Our federal law provides rules for firearms only. Definition of dangerous objects is brought by jurists and Court decisions, as mentioned in answer 1.

*1.7 Are there any exceptions?*

Not applicable.

*1.8 What are the consequences for a legal offense?*

As mentioned in item 1.1., Article 19 of the LCP is difficult to apply, given the lack of further regulation.

In Rio de Janeiro, possession of a melee weapon is subject to a fine.

*1.9 Are there any legislative developments? If so what do they concern?*

There is a bill proposing to regulate the understanding of melee weapons, but it has been awaiting voting in Congress for years.

# Airports

* 1. *According to the Official Journal of the European Union laying down detailed measures for the implementation of the common basic standards in aviation security, any pointed or sharp objects which may cause serious injury, including a knife with a blade more than 6cm are not allowed to be taken into the security restricted areas or on board of an aircraft.* 
     1. *Are there any further national regulations to be considered in this respect?*

In Brazil, the most recent regulation issued by the National Aviation Agency (ANAC) is Resolution 515, from May/19. It basically repeats the international rules regarding objects that are not allowed to be taken into the security restricted areas or on board of an aircraft, including knives with blades more than 6cm long and any other pointed or sharp objects.

* + 1. *If your country is outside the EU, what are the corresponding local regulations?*

ANAC Resolution 515, of May 8, 2019.

* 1. *May the airports/airlines in your country issue any further (stricter) regulations for forbidden items?*

No, but the authorities have been very strict in the inspections and it is not unusual to see them creating difficulties even for pocket knives with small blades.

* 1. *May a pair of scissors or a saw be included in a pocket knife with a blade of max. 6cm? If so, is the size of the pair of scissors or the length of the saw of relevance?*

In principle, it is possible to include a pair of scissors or a saw in a pocket knife. The length of said objects shall also respect the limit of 6cm.

* 1. *What is considered as a sharp object besides knives?*

Objects designed for cutting, such as axes, cleavers, razors, swords, saws, work tools such as drills, screwdrivers, etc.

* 1. *Are there any further aviation security regulations with respect to the Victorinox (pocket) knives to be observed?*

Nothing specific to the Victorinox pocket knives.

* 1. *Are there any changes intended in the near future? If so what do they concern?*

No intended changes in the near future.

Ibach, Switzerland, 3 December 2019

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