

OPINION NO. 69-019**Syllabus:**

1. The so-called "Karate Stick," the use of which may endanger life or cause great bodily harm, is a dangerous weapon under the provisions of Section 2923.01 of the Revised Code.

2. The manufacture, sale or exposure for sale of the so-called "Karate Stick" is prohibited under the provisions of Section 2923.02 of the Revised Code.

To: Robert M. Chiramonte, Superintendent, State Highway Patrol, Columbus, Ohio
By: Paul W. Brown, Attorney General, February 13, 1969

You have requested my opinion as to whether the "Karate Stick" can be classified as a dangerous weapon, and if arrest action can be taken against an individual found to be carrying the instrument "* * *concealed on or about his person* * *" under Sections 2923.01 and 2923.02 of the Ohio Revised Code.

Section 2923.01, Revised Code, provides in pertinent part:

"No person shall carry a pistol, bowie knife, dirk, or other dangerous weapon concealed on or about his person.* * *"

As my predecessor commented in Opinion No. 68-022, Opinions of the Attorney General for 1968, which was issued on July 25, 1968:

"The definition which appears to have been accepted for some years is that a dangerous weapon is one likely to produce death or great bodily harm. As the court stated in United States v. Williams, 2 Fed. 61, 65:

"Whether a particular weapon is a deadly or dangerous one is generally a question of law. Sometimes owing to the equivocal character of the instrument - as a belaying pin - or the manner and circumstances of its use, the question becomes one of law and fact, to be determined by the jury under the direction of the court. But where it is practicable for the court to declare a particular weapon dangerous or not, it is its duty to do so. A dangerous weapon is one likely to produce death or great bodily injury.* * *"

"See also United States v. Reeves, 38 Fed.

404, 407 and State v. Cavender, 243 PAC (Or) 766.

"In Price v. United States, 156 Fed. 950, 952 (CA9) it was stated:

"A dangerous weapon is one likely to produce death or great bodily injury. United States v. Williams (CC) 2 Fed. 64. Or perhaps it is more accurately described as a weapon which in the manner in which it is used or attempted to be used may endanger life or inflict great bodily harm."

In the descriptive information which you attached to your request it is stated with respect to the instrument in question that, "It is more versatile than the mace or riot stick and may result in serious injury or even death to the unsuspecting or uninformed officer." Your description appears to fall with the accepted definition of a dangerous weapon.

Your second question goes to the prohibition of manufacture and sale of certain weapons under the admonition set forth in Section 2923.02 of the Revised Code which provides in part:

"No person shall manufacture, sell or expose for sale, any weapon known or designated as brass knuckles, billy, slung shot, sandbag, blackjack, or other weapon of similar character."

The phrase "*** or other weapon of similar character" would appear to apply to the weapon which you have described.

It is, therefore, my opinion and you are hereby advised that:

1. The so-called "Karate Stick," the use of which may endanger life or cause great bodily harm, is a dangerous weapon under the provisions of Section 2923.01 of the Revised Code.
2. The manufacture, sale or exposure for sale of the so-called "Karate Stick" is prohibited under the provisions of Section 2923.02 of the Revised Code.