

Federal Court Overturns NYS Nunchuck Ban

by Neil H. Greenberg, Esq



Nunchucks are now Legal in NYS as the result of a recent Federal Court ruling. (photo by holoholand)

From 1974, and until December 14, 2018, “Chuka Sticks” also known as Centrifugal Force Sticks. (commonly known as Nunchucks) were illegal to possess in the State of New York. The Nunchucks were defined in **New York State Penal Law 265.00(14)**, as: *“any device designed primarily as a weapon, consisting of two or more lengths of a rigid material joined together by a thong, rope or chain in such a manner as to allow free movement of a portion of the device while held in the hand and capable of being rotated in such a manner as to inflict serious injury upon a person by striking or choking”*.

In fact, New York had a complete ban on the possession of nunchucks by private citizens. Possession of nunchucks subjected the martial artist (that is correct- despite the misguided belief of many a martial art practitioner that there was a martial artist classroom exception) to being convicted of the Class A Misdemeanor of “Criminal Possession of A Weapon”, punishable by a fine and/or up to one year in prison.

Why were nunchucks lumped together with other weapons that were illegal to possess, such as, an electronic dart gun, electronic stun gun, switchblade knife, pilum ballistic knife, metal knuckle knife, cane sword, blackjack, bludgeon, plastic knuckles, metal knuckles, shirken or “Kung Fu star, etc.?”

The true story behind the banning of nunchucks in New York, unbelievable as it may seem, is as follows: the ban on nunchucks arose as the result of the success of martial arts movies, including the classic Bruce Lee movies. In the 1970s members of the New York State legislature, exposed to the martial art movies, concluded that gang members and muggers would live the fantasy of the martial arts movies by roaming the streets of New York, nunchucks in hand,

preying upon and inflicting serious injuries to an innocent and defenseless public. You were warned. Unbelievable, right? The New York Lawmakers were so fearful of nunchucks that not even a qualified martial arts instructor would be allowed to legally keep nunchucks in their martial arts school, or locked away safely at home. You were warned. Even more unbelievable, right?

On December 14, 2018, not only were nunchucks welcomed back into the martial arts schools and permitted to be owned and possessed in New York homes, they could be legally carried by people in New York State as the result of a lawsuit filed in the United States District Court, Eastern District by martial arts practitioner and lawyer, James Maloney. Mr. Maloney, representing himself, filed the lawsuit to challenge the legality of his arrest in the year 2000, which was based upon a charge of his possessing nunchucks. Mr. Maloney, creator of a Karate style that he has named, “Shafan Ha Lavan” claimed the law prevented him from teaching his children his method of self-defense that relied, in part, on the use of nunchucks. He sought a declaration that New York State’s 1974 ban on the possession of nunchucks, was unconstitutional as being violative of his Second Amendment right to bear arms.

U.S. District Court Judge Pamela K. Chen agreed. Judge Chen made findings that included that nunchucks are commonly used by law abiding citizens for self-defense and as part of martial arts training and, therefore, the banning of nunchucks runs afoul of the Second Amendment (based in part on a prior Federal Court ruling that the Second Amendment supersedes state laws).

Of particular interest to martial arts practitioners will be that despite the fact that Mr. Maloney only sought a decision declaring that he could keep and use his nunchucks in his home, Judge Chen not only agreed and granted him the relief that he sought, Judge Chen also declared that the portion of the New York State Law that banned nunchucks to be unconstitutional.

If an afterlife exists, Bruce Lee is smiling approvingly as he ponders: Mr. Maloney’s indomitable spirit; the judicial wisdom of Judge Chen and the rebirth of martial arts practitioners training hard to reach the level of Bruce Lee’s ability to whirl nunchucks with mystical speed, agility and accuracy.



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