

ADVISORY MEMORANDUM REGARDING THE SIKH PRACTICE OF WEARING CEREMONIAL SWORDS

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As part of their sacred religious beliefs, Sikhs are required to wear a ceremonial sword, or Kirpan. The Kirpan can be anywhere from a few inches in length to over three feet long and is usually kept sheathed except on some ceremonial religious occasions. To suggest a Kirpan is merely a weapon is offensive to Sikhs. Viewing Kirpan as having potential to be used as actual weapons, law enforcement and other authorities have expressed public safety concerns.

Penal Code section 12020 prohibits the carrying of a concealed dirk or dagger. Yet, the law provides a "safe haven"; a knife that is carried in a sheath and worn openly suspended from the waist is not in violation of that code section. Thus, a Sikh who wears a sheathed Kirpan openly suspended from his waist is not in violation of section 12020. Sikhism does not mandate how the Kirpan is to be worn by the devotee.

A Sikh who does not wear his Kirpan openly, in a sheath, or suspended from his waist may be in violation of section 12020 if the nature of the Kirpan is that it is "capable of ready use as a stabbing weapon that may inflict great bodily injury or death. A Sikh is not in violation if the Kirpan cannot be removed from its sheath without difficulty or is not capable of ready use. Similarly, a Sikh is not in violation if the blade is dulled or rounded such that it may not be capable of inflicting great bodily injury or death.

Conclusion: A Sikh who carries a Kirpan (ceremonial sword) that is substantially concealed and is capable of ready use as a deadly stabbing weapon is in violation of Penal Code section 12020. Yet, that section describes how Kirpans may be worn lawfully. Constitutional principles require that we work sensitively to allow Sikhs to comply with the demands of their religion as we implement Penal Code section 12020.

George W. Kennedy,
District Attorney,
Santa Clara County,
California, USA