

By: Representative Gipson

To: Judiciary B

HOUSE BILL NO. 482

1 AN ACT TO AMEND SECTION 97-37-5, MISSISSIPPI CODE OF 1972, TO  
2 PROHIBIT CONVICTED FELONS FROM POSSESSION OF CERTAIN KNIVES; AND  
3 FOR RELATED PURPOSES.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

5 **SECTION 1.** Section 97-37-5, Mississippi Code of 1972, is  
6 amended as follows:

7 97-37-5. (1) It shall be unlawful for any person who has  
8 been convicted of a felony under the laws of this state, any other  
9 state, or of the United States to possess any firearm or any bowie  
10 knife, dirk knife, butcher knife, switchblade knife, or any other  
11 knife or bladed instrument having a blade in excess of three (3)  
12 inches in length, metallic knuckles, blackjack, or any muffler or  
13 silencer for any firearm or any other deadly weapon unless such  
14 person has received a pardon for such felony, has received a  
15 relief from disability pursuant to Section 925(c) of Title 18 of  
16 the United States Code, or has received a certificate of  
17 rehabilitation pursuant to subsection (3) of this section.  
18 Provided, however, that possession of a knife or other bladed



19 instrument as described herein shall not be prohibited hereby when  
20 used as an eating or cooking utensil.

21 (2) Any person violating this section shall be guilty of a  
22 felony and, upon conviction thereof, shall be fined not more than  
23 Five Thousand Dollars (\$5,000.00), or committed to the custody of  
24 the State Department of Corrections for not less than one (1) year  
25 nor more than ten (10) years, or both.

26 (3) A person who has been convicted of a felony under the  
27 laws of this state may apply to the court in which he was  
28 convicted for a certificate of rehabilitation. The court may  
29 grant such certificate in its discretion upon a showing to the  
30 satisfaction of the court that the applicant has been  
31 rehabilitated and has led a useful, productive and law-abiding  
32 life since the completion of his sentence and upon the finding of  
33 the court that he will not be likely to act in a manner dangerous  
34 to public safety.

35 (4) (a) A person who is discharged from court-ordered  
36 mental health treatment may petition the court which entered the  
37 commitment order for an order stating that the person qualifies  
38 for relief from a firearms disability.

39 (b) In determining whether to grant relief, the court  
40 must hear and consider evidence about:

41 (i) The circumstances that led to imposition of  
42 the firearms disability under 18 \* \* \* USCS, Section 922(d)(4);

43 (ii) The person's mental history;



44 (iii) The person's criminal history; and

45 (iv) The person's reputation.

46 (c) A court may not grant relief unless it makes and  
47 enters in the record the following affirmative findings:

48 (i) That the person is no longer likely to act in  
49 a manner dangerous to public safety; and

50 (ii) Removing the person's disability to purchase  
51 a firearm is not against the public interest.

52 **SECTION 2.** This act shall take effect and be in force from  
53 and after July 1, 2017.

