

By: Senator(s) Fillingane

To: Judiciary, Division A

SENATE BILL NO. 2426

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



19                   (b) It is not a violation of this section for a  
20 convicted felon to possess a knife or other bladed instrument if  
21 used solely as an eating or cooking utensil.

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

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

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

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

42                           (i) The circumstances that led to imposition of  
43 the firearms disability under 18 USC<sup>s</sup>, Section 922(d)(4);



- 44                   (ii) The person's mental history;  
45                   (iii) The person's criminal history; and  
46                   (iv) The person's reputation.

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

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

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

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

