



LEGAL UPDATE

UNCONSTITUTIONAL TO PROHIBIT POSSESSION OF SWITCHBLADES

Commonwealth v. Canjura, Supreme Judicial Court (August 27, 2024).

RELEVANT FACTS

Boston police responded to an altercation between a couple on July 3, 2020. Upon arrival, they found the defendant and his girlfriend. After speaking to the girlfriend and two witnesses, the defendant was arrested. During a search incident to arrest, officers found a firearm-shaped knife with a spring-assisted blade in the defendant's waistband. The defendant was charged with assault and battery on a family or household member and carrying a dangerous weapon.

The assault and battery charge was ultimately dismissed by the Commonwealth. The defendant conceded that the knife he possessed met the statutory definition of a switchblade: "a pocketknife having the blade spring-operated so that pressure on a release catch cause it to fly open." On appeal the defendant argued that MGL c 269 § 10(b) as it relates to switchblade knives is unconstitutional because it violates his rights guaranteed by the Second Amendment to bear arms for self-defense.

DISCUSSION

The Second Amendment provides:

A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

In prior cases, the United State Supreme Court (USSC) has interpreted the Second Amendment and found that the phrase "a well regulated Milita, being necessary to the security of a free

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State” does not mean that the rights guaranteed by the Second Amendment are dependent upon military service.

“Rather, the central component of the Second Amendment is the inherent right of self-defense, which guarantees to all Americans the right to bear commonly used arms in public subject to certain reasonable, well-defined restrictions.”

“Arms” encompass more than just firearms. In *Caetano v. Massachusetts*, 577 U.S. 411 (2016), the USSC found that stun guns are considered “arms” under the Second Amendment. When applying the analysis laid out in prior USSC decisions, the SJC found that switchblade knives are also arms for purposes of the Second Amendment. Because they are “arms,” carrying them is presumptively protected by the Second Amendment.

“Certainly, like handguns, switchblade knives are particularly suitable for self-defense because they are readily accessible, cannot easily be redirected or wrestled away, are easy to use, and can be held with one hand while the other hand uses a phone to summon help.”

For these reasons, the language of MGL c 269 § 10(b) which prohibits an individual from carrying a switchblade violates the Second Amendment. In a footnote the court noted that when confronted with a constitutional flaw in a statute, the Court will sever only the part that is problematic and leave the rest of the statute intact.

“As such, § 10(b) is invalidated only with respect to the prohibitions regarding switchblade knives.”