

EXHIBIT 28
DATE 3/19/07
SB 309



NATIONAL RIFLE ASSOCIATION OF AMERICA
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STATE & LOCAL AFFAIRS DIVISION
BRIAN JUDY, MONTANA STATE LIAISON

January 29, 2007

TO: Members, Senate Judiciary Committee
FROM: Brian Judy, NRA – ILA State Liaison
RE: Senate Bill 309 – **SUPPORT**

.....

On behalf of the more than 27,000 Montana members of the National Rifle Association, I urge your support for Senate Bill 309, the “Emergency Powers” legislation.

Recent events in the New Orleans area during the aftermath of Hurricane Katrina demonstrate that the right to keep and bear arms is especially important during a state of emergency. The very basis of the Second Amendment is the empowerment of individuals with the right to self-protection; and when is self-protection more critical than during a time of disaster when law enforcement resources are stretched beyond their limits.

Senate Bill 309 is a very simple bill that would protect law-abiding Montana citizens from experiencing the blatant violation of their constitutional rights that occurred in New Orleans in the wake of Hurricane Katrina where law-abiding citizens were stripped of their firearms by a few overzealous government officials. NRA was forced to file a lawsuit to stop this egregious violation of the rights of people who were only trying to protect their families and property.

This bill would simply clarify that, during any state of emergency, no government official shall impose restrictions on the lawful possession, transfer, sale, transport, storage, display or use of firearms or ammunition.

Help ensure that New Orleans-style tyranny will never happen in Montana by voting to support Senate Bill 309!

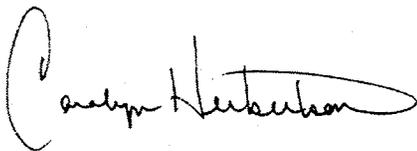
(Subject of Letter)

Date

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Thank you for your time and attention to this matter, and should you have any questions or comments, I look forward to hearing from you.

Sincerely,

A handwritten signature in cursive script, appearing to read "Carolyn L. Herbertson". The signature is written in black ink and is positioned to the right of a large, stylized initial "C" that is partially enclosed by a circular flourish.

Carolyn L. Herbertson
Montana State Liaison
National Rifle Association Institute for Legislative Action
State and Local Affairs Division

cc: Ms. Susan Recce, Director, NRA Conservation Wildlife and National Resources
Mr. Randy Kozuch, Director, NRA State and Local Affairs Division

SB309 Gun Confiscation Prohibition (Sen. Joe Balyeat)

I represent SD34 – I’m also on the Board of Directors of the MSSA. This bill prohibits the confiscation of firearms in declared emergencies – except for normal police actions where probable cause exists. Why do we need the bill?

Confiscation happened after Katrina in New Orleans; much of it was done by imported police from outside the area who were unfamiliar with local customs, local laws, and local concerns. Many Montanans are very concerned that this sort of gun confiscation doesn’t happen here, especially with non-resident imported authorities. And unfortunately, we’ve already had incidents which are bordering on similarity to the Katrina experience --ranchers near Columbus were apparently required to remove guns from vehicles and leave them at checkpoints when passing roadblocks and returning to their homes in fire areas.

Of course, one of the issues here is when, how and if weapons confiscated en mass with no probable cause are ever returned to their rightful owners.

MT has constitutional language touching broadly on these issues:

ARTICLE II

Section 12 – Right to Bear Arms. *The right of any person to keep or bear arms in defense of his own home, person, and property; or in aid of the civil power when thereto legally summoned, shall not be called into question....*

Section 33 -- Importation of Armed Men. *No armed person or persons or armed body of men shall be brought into this state for the preservation of peace, or the suppression of violence, except upon the application of the legislature...*

While MT has constitutional language touching broadly on these issues; statutory law is somewhat silent. As this committee well knows, it is the responsibility of the legislature to flesh out or make application of constitutional provisions with statutory details.

SB309 is not intended to interfere with normal police actions where there is probable cause. As amended in the Senate, I believe the bill strikes the necessary balance to not impede normal police operations where weapon confiscation is required, yet protects our second amendment rights in emergencies. You can see the bill has a lot of co-sponsors; men and women in both legislative chambers; and legislators from both sides of the aisle; both parties.

When I approached one Senator, he read the title and said, “Prohibit confiscation of guns in emergencies... well, of course, when do you most need a weapon? --- in emergencies.”

With that, I’ll sit and let proponents with more expertise than me explain the mechanics of the bill; listen to opponents if any; and I reserve the right to close.

Amendments to Senate Bill No. 50
3rd Reading Copy

Requested by Representative Ken Peterson

For the House Judiciary Committee

Prepared by David Niss
March 13, 2007 (12:10pm)

1. Title, line 7.
Strike: "UNDER" through "JUVENILE"
Insert: "ON"
2. Title, line 8.
Following: "PROBATION"
Insert: "OR PAROLE"
Strike: "A DEPARTMENT OR YOUTH COURT"
Insert: "AN"
3. Title, line 9.
Following: "VOLUNTEER"
Insert: "OF THE SUPERVISING AUTHORITY"
4. Page 1, line 17.
Strike: "Definition"
Insert: "Definitions"
5. Page 1, line 23.
Following: "or"
Insert: "or"
6. Page 1, lines 24 and 25.
Strike: "under the supervision of the department of corrections"
Insert: "on probation or parole"
7. Page 1, line 26.
Strike: "department of corrections"
Insert: "supervising authority"
8. Page 1, lines 27 through 30.
Strike: "; or" on line 27 through "VICTIM" on line 30
9. Page 2, line 1.
Strike: "Subsections (1) (b) (v) and (1) (b) (vi) do"
Insert: "Subsection (1) (b) (v) does"
10. Page 2, line 2.
Following: "officer"
Insert: "of a supervising authority"

OVER

11. Page 2.

Following: line 7

Insert: "(4) As used in 45-5-503 and this section, the following definitions apply:

(a) "Parole" has the meaning provided in 46-1-202.

(b) "Probation" means release by a court without imprisonment of a defendant found guilty of a crime and subject to the supervision of a supervising authority.

(c) "Supervising authority" includes a court, including a youth court, a county, or the Montana department of corrections."

12. Page 2, line 23.

Strike: "under the supervision of the department of corrections"

Insert: "on probation or parole"

13. Page 2, line 24.

Strike: "department of corrections"

Insert: "supervising authority"

14. Page 2, lines 25 through 28.

Strike: ";" on line 25 through "VICTIM" on line 28

15. Page 2, line 29.

Strike: "(iii)"

Insert: "(ii)"

16. Page 2, line 30.

Strike: "Subsections (5)(a)(i) and (5)(a)(ii) do"

Insert: "Subsection (5)(a)(i) does"

17. Page 3, line 1.

Following: "officer"

Insert: "of the supervising authority"

- END -