SENATE JUDICIARY
Exhibit No. 11
Date 3-28-02
Bill No. HB 420

BILL SUMMARY -- HB 420

Montana-Made Firearms

(1) Establishes that a firearm, firearm accessory or ammunition made in Montana, that stays within the borders of Montana, does not fall under the interstate commerce clause of the U.S. Constitution. Therefore, its manufacturer and owner are not subject to federal regulation and licensing. (Section 4.)

(2) Authority for this is derived from the 2nd, 9th and 10th amendments to the U.S. Constitution, and from Article 2, Section 12 of the Montana Constitution. (Section 2.)

(3) Exceptions include fully-automatic weapons, explosive ammunition, shotguns larger that 10 gauge, and firearms too large to be carried by a single individual (canons, etc.) (Section 5.) Important definitions are included in Section 3.

(4) Qualifying firearms must bear the stamp "Made in Montana." (Section 6.)

COMMENTS: This bill stimulates a home-grown industry that is very appropriate to the State of Montana, while more generally establishing the proper limits of the federal commerce clause, to the possible benefit other Montana industries as well. At present, becoming a firearms or ammunition manufacturer requires a difficult process of federal licensing – prohibitively regulatory (through the BATF) and costly to small scale operations. A second license (FFL) is also required to sell. Federal excise taxes would be as high as 21%. This bill would allow small and start-up enterprises to move forward, create new jobs, etc. Thus, this is a true "economic development" bill, is pro-gun, pro-business and pro-Montana.