

HOUSE BILL NO. 496

INTRODUCED BY M. MENAHAN

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A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING A LAW ENFORCEMENT AGENCY TO DESTROY CERTAIN FIREARMS IN POSSESSION OF THE AGENCY THAT WERE NOT PURCHASED BY THE AGENCY FOR ITS USE IF THE FIREARMS WERE USED IN A CRIME OF VIOLENCE; AMENDING SECTION 46-5-313, MCA; AND PROVIDING A RETROACTIVE APPLICABILITY DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 46-5-313, MCA, is amended to read:

"46-5-313. Firearm not to be destroyed. ff (1) Except as provided in subsection (2), if a firearm possessed by a law enforcement agency was not purchased by the agency for agency use, if it is legal for a private person to own and possess the firearm, and if the legal owner cannot be determined by the agency, the agency may not destroy the firearm and shall sell the firearm to a licensed dealer. The proceeds of the sale must be deposited in the general fund of the governmental entity of which the agency is a part.

(2) Subsection (1) does not apply to a firearm used in a crime of violence, as defined in 45-8-302."

NEW SECTION. **Section 2. Retroactive applicability.** [This act] applies retroactively, within the meaning of 1-2-109, to firearms in the possession of a law enforcement agency before October 1, 2011.

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