

1 HOUSE BILL NO. 392  
2 INTRODUCED BY J. KNOX  
3

4 A BILL FOR AN ACT ENTITLED: "AN ACT DEFINING A CITIZEN OF MONTANA FOR THE PURPOSE OF THE  
5 UNITED STATES CONSTITUTION AND THE MONTANA CODE ANNOTATED; AND AMENDING SECTIONS  
6 1-1-402 AND 1-1-405, MCA."

7  
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
9

10 **NEW SECTION. Section 1. Citizen defined for purposes of U.S. constitution and state statutes.**

11 (1) This section applies to the 14th amendment to the United States constitution and to the Montana Code  
12 Annotated.

13 (2) A person is a citizen of the state of Montana if:

14 (a) the person is born in and subject to the jurisdiction of the United States; and

15 (b) the person is a resident of the state of Montana as provided in 1-1-215.

16 (3) For the purposes of this section, "subject to the jurisdiction of the United States" has the meaning  
17 that it bears in section 1 of the 14th amendment to the United States constitution, namely that the person is a child  
18 of at least one parent who owes no allegiance to any foreign sovereignty or a child without citizenship or  
19 nationality in any foreign country. For the purposes of this section, a person who owes no allegiance to any  
20 foreign sovereignty is a United States citizen or national, an immigrant accorded the privilege of residing  
21 permanently in the United States, or a person without citizenship or nationality in any foreign country.

22 (4) In addition to the criteria of citizenship described under subsections (2) and (3), a person is a citizen  
23 of the state of Montana if:

24 (a) the person is naturalized in the United States; and

25 (b) the person is a resident of the state of Montana as provided in 1-1-215,

26 (5) Citizenship of the state of Montana does not confer upon the person any right, privilege, immunity,  
27 or benefit under law.

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29 **Section 2.** Section 1-1-402, MCA, is amended to read:

30 **"1-1-402. Citizens defined.** The Except as provided in [section 1], citizens of the state are:

- 1 (1) all persons born in this state and residing within it, except the children of transient aliens;
- 2 (2) all persons born out of this state who are citizens of the United States and residing within this state."

3

4 **Section 3.** Section 1-1-405, MCA, is amended to read:

5 **"1-1-405. Persons not citizens.** ~~Persons~~ Except as provided in [section 1], persons in this state not its  
6 citizens are either:

7 (1) citizens of other states; or

8 (2) aliens."

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10 **NEW SECTION. Section 4. Codification instruction.** [Section 1] is intended to be codified as an  
11 integral part of Title 1, chapter 1, part 4, and the provisions of Title 1, chapter 1, part 4, apply to [section 1].

12

- END -

Amendments to House Bill No. 392  
1st Reading Copy

Requested by Representative James Knox

For the House Federal Relations, Energy, and Telecommunications  
Committee

Prepared by Todd Everts  
February 16, 2011 (8:36am)

1. Page 1, line 18.

**Following:** "sovereignty"

**Insert:** ", excluding an Indian nation in the United States,"

- END -