

1 HOUSE BILL NO. 384

2 INTRODUCED BY K. KERNS

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4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE LAW RELATED TO THE OFFENSE OF CARRYING
5 A CONCEALED WEAPON IN A PROHIBITED PLACE; PROVIDING THAT IT IS A DEFENSE IF THE PERSON
6 HAS A VALID PERMIT TO CARRY A CONCEALED WEAPON OR THAT THE PERSON IS A PEACE OFFICER
7 ON DUTY AND HAS THE POWERS OF ARREST; AND AMENDING SECTION 45-8-328, MCA."

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

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11 **Section 1.** Section 45-8-328, MCA, is amended to read:

12 **"45-8-328. Carrying concealed weapon in prohibited place -- penalty.** (1) A person commits the
13 offense of carrying a concealed weapon in a prohibited place if the person purposely or knowingly carries a
14 concealed weapon in:

15 (a) portions of a building used for state or local government offices and related areas in the building that
16 have been restricted;

17 (b) a bank, credit union, savings and loan institution, or similar institution during the institution's normal
18 business hours. It is not an offense under this section to carry a concealed weapon while:

19 (i) using an institution's drive-up window, automatic teller machine, or unstaffed night depository; or

20 (ii) at or near a branch office of an institution in a mall, grocery store, or other place unless the person
21 is inside the enclosure used for the institution's financial services or is using the institution's financial services.

22 (c) a room in which alcoholic beverages are sold, dispensed, and consumed under a license issued
23 under Title 16 for the sale of alcoholic beverages for consumption on the premises.

24 (2) It is ~~not~~ a defense that ~~the~~ a person ~~had~~ has a valid permit to carry a concealed weapon or that a
25 person is a peace officer on duty and has the powers of arrest.

26 (3) A person convicted of the offense shall be imprisoned in the county jail for a term not to exceed 6
27 months or fined an amount not to exceed \$500, or both."

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