

1 HOUSE BILL NO. 392

2 INTRODUCED BY J. KNOX

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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."

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

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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."

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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].

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