

HOUSE BILL NO. 448

INTRODUCED BY K. KERNS

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A BILL FOR AN ACT ENTITLED: "AN ACT ENACTING THE INTERSTATE FIREARM FREEDOM COMPACT AS AN INTERSTATE COMPACT AND AUTHORIZING THE GOVERNOR TO EXECUTE AND ENTER INTO THE COMPACT WITH OTHER STATES."

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

**NEW SECTION. Section 1. Authority to join Interstate Firearm Freedom Compact -- supplemental agreements.** (1) The governor of the state of Montana is authorized for and in the name of the state of Montana to join with other states in the Interstate Firearm Freedom Compact.

(2) The governor of the state of Montana is authorized to negotiate and execute supplemental agreements as may be necessary and proper to fully carry into effect the terms and provisions of the Interstate Firearm Freedom Compact as set forth in [section 2].

**NEW SECTION. Section 2. Text of compact.** The Interstate Firearm Freedom Compact reads as follows:

The governor is authorized and directed to enter into a compact on behalf of this state with any of the United States lawfully joined in the compact in a form substantially as follows:

Article I

Findings and Declaration of Policy

(1) Section 4 U.S.C. 112 gives congressional consent "to any two or more states to enter into agreements or compacts for cooperative effort and mutual assistance in the prevention of crime and in the enforcement of their respective criminal laws and policies and to establish such agencies, joint or otherwise, as they may deem desirable for making effective such agreements and compacts".

(2) Pursuant to their police powers to protect public health, safety, welfare, and morals, the party states have enacted or anticipate enacting laws or constitutional provisions to protect and guarantee the right and freedom to own, keep, bear, manufacture, transfer, and sell firearms, ammunition, and related accessories.

(3) The party states have enacted or anticipate enacting laws that make it a crime in their states for



1 anyone to interfere with the enjoyment of the rights and freedoms guaranteed by their respective firearms  
2 freedom laws.

3 (4) The party states find it necessary and deem it desirable for making effective their respective current  
4 or anticipated firearms freedom criminal laws, as well as this agreement and compact, to do the following:

5 (a) prohibit any governmental agent from depriving any resident of any party state of the rights and  
6 freedoms guaranteed under its respective current or anticipated firearms freedom laws;

7 (b) prohibit any governmental agent from penalizing any resident of any party state for exercising the  
8 rights and freedoms guaranteed under its respective current or anticipated firearms freedom laws;

9 (c) cooperate with each other and give each other mutual assistance in the prevention of crimes under  
10 the firearms freedom criminal laws of any party state; and

11 (d) cooperate with each other and give each other mutual assistance in the criminal prosecution of  
12 anyone who violates the firearms freedom criminal laws of any party state.

13 Article II

14 Definitions

15 As used in this compact, unless the context clearly indicates otherwise the following definitions apply:

16 (1) "Firearms freedom laws" means any state law or constitutional provision that protects and guarantees  
17 the freedom or right to own, keep, bear, manufacture, transfer, or sell firearms, ammunition, and related  
18 accessories.

19 (2) "Firearms freedom criminal laws" means any state law that makes it a crime for anyone to interfere  
20 with anyone's enjoyment of the freedoms or rights protected and guaranteed by the state's respective firearms  
21 freedom laws.

22 (3) "State" means a state of the United States.

23 Article III

24 Terms

25 Notwithstanding any state or federal law to the contrary:

26 (1) Each party state shall give full faith and credit to the firearms freedom criminal laws and firearms  
27 freedom laws of every party state.

28 (2) A governmental agent may not deprive residents of party states of the rights and freedoms protected  
29 under their respective state's firearms freedom criminal laws and guaranteed by their respective state's firearms  
30 freedom laws.

1 (3) Governmental agents may not penalize residents of party states for exercising the rights and  
 2 freedoms protected under their respective state's firearms freedom criminal laws and guaranteed by their  
 3 respective state's firearms freedom laws.

4 (4) The party states shall cooperate with each other and give each other mutual assistance in the  
 5 prevention of crimes under the firearms freedom criminal laws of any party state.

6 (5) The party states shall cooperate with each other and give each other mutual assistance in the  
 7 criminal prosecution of any person who violates the firearms freedom criminal laws of any party state.

#### 8 Article IV

#### 9 Enforcement

10 Notwithstanding any state or federal law to the contrary:

11 (1) The chief law enforcement officer of each party state shall enforce this agreement and compact.

12 (2) A taxpaying resident of any party state has standing in the courts of any party state to require the  
 13 chief law enforcement officer of any party state to enforce this agreement and compact.

#### 14 Article V

#### 15 Compact Administrator and Interchange of Information

16 (1) The governor of each party state or the governor's designee is the compact administrator. The  
 17 compact administrator shall:

18 (a) maintain an accurate list of all party states;

19 (b) consistent with subsections (3) and (4), transmit in a timely fashion to other party states citations of  
 20 all current firearms freedom laws and current firearms freedom criminal laws of the compact administrator's  
 21 respective state;

22 (c) receive and maintain a complete list of the firearms freedom laws and firearms freedom criminal laws  
 23 of each party state.

24 (2) The compact administrator of each party state shall furnish to the compact administrator of each party  
 25 state any information or documents that are reasonably necessary to facilitate the administration of this compact.

26 (3) Within 10 days after executing this agreement and compact and thereafter on the close of each of  
 27 their respective succeeding legislative sessions, the party states shall notify each other in writing and by  
 28 appropriate citation of each of their current firearms freedom laws, which must be deemed within the subject  
 29 matter of this agreement and compact, unless the compact administrator of one or more party states gives  
 30 specific notice in writing to all other party states within 60 days of the notice that it objects to the inclusion of the

1 law or laws in this agreement and compact.

2 (4) Within 10 days after executing this agreement and compact and thereafter on the close of each of  
3 their respective succeeding legislative sessions, the party states shall notify each other in writing and by  
4 appropriate citation of each of their current firearms freedom criminal laws, which must be deemed within the  
5 subject matter of this agreement and compact, unless the compact administrator of one or more party states gives  
6 specific notice in writing to all other party states within 60 days of the notice that it objects to the inclusion of the  
7 law or laws in this agreement and compact.

8 Article VI

9 Entry Into Effect and Withdrawal

10 (1) This compact is deemed accepted when at least two states deliver a notice of confirmation, which  
11 is duly executed by their respective authorized representative and which acknowledges complete agreement to  
12 the terms of this compact, to each other's governor, the office of the clerk of the United States house of  
13 representatives, the office of the secretary of the United States senate, the president of the United States senate,  
14 and the speaker of the United States house of representatives. Thereafter, the compact is deemed accepted by  
15 any state when a respective notice of confirmation, which is duly executed by the state's respective authorized  
16 representative and which acknowledges complete agreement to the terms of this compact, is delivered to each  
17 party state's compact administrator, the office of the clerk of the United States house of representatives, the office  
18 of the secretary of the United States senate, the president of the United States senate, and the speaker of the  
19 United States house of representatives.

20 (2) Any party state may withdraw from this compact by enacting a joint resolution declaring its withdrawal  
21 and delivering notice of the withdrawal to each other party state. A withdrawal does not affect the validity or  
22 applicability of the compact to states remaining party to the compact.

23 Article VII

24 Construction and Severability

25 (1) This compact must be liberally construed so as to effectuate its purposes.

26 (2) This compact is not intended to and may not:

27 (a) prevent any party state from adopting firearms freedom laws that increase the freedom of any person  
28 or association of people to own, keep, bear, manufacture, transfer, or sell firearms, ammunition, and related  
29 accessories;

30 (b) prevent any person or association of people from enjoying or enforcing private property rights;

1 (c) authorize any party state to obtain, accumulate, or share personal or other identifying information  
2 concerning any person or association of people that owns, keeps, bears, manufactures, transfers, or sells  
3 firearms, ammunition, or related accessories;

4 (d) authorize any party state to obtain, accumulate, or share identifying information concerning firearms,  
5 ammunition, or related accessories;

6 (e) authorize any party state to regulate or prohibit the private ownership, possession, manufacture,  
7 transfer, or sale of firearms, ammunition, or related accessories.

8 (3) This compact is intended to operate as the law of the nation with respect to the party states under  
9 4 U.S.C. 112, to supersede any inconsistent state and federal law, and to establish vested rights in favor of  
10 residents of the party states in the enjoyment of the rights and freedoms protected by their respective firearms  
11 freedom criminal laws and guaranteed by their respective firearms freedom laws.

12 (4) If any phrase, clause, sentence, or provision of this compact is declared in a final judgment by a court  
13 of competent jurisdiction to be contrary to the constitution of the United States or is otherwise held invalid, the  
14 validity of the remainder of this compact is not affected.

15 (5) If the applicability of any phrase, clause, sentence, or provision of this compact to any government,  
16 agency, person, or circumstance is declared in a final judgment by a court of competent jurisdiction to be contrary  
17 to the constitution of the United States or is otherwise held invalid, the validity of the remainder of this compact  
18 and the applicability of the remainder of this compact to any government, agency, person, or circumstance is not  
19 affected.

20 (6) If this compact is held to be contrary to the constitution of any party state, the compact remains in  
21 full force and effect as to the remaining party states and in full force and effect as to the affected party state as  
22 to all severable matters.

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- END -