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SENATE JUDICIARY
EXHIBIT NO. 1
DATE 3/6/13
BILL NO. HB302

Sheriffs & Peace Officers Association

Montana Sheriffs and Peace Officers Association Position on Gun Legislation.

Adopted February 7, 2013 by the Board of Directors

The Montana Sheriffs & Peace Officers Association (MSPOA) is committed to public safety, and each of our members has taken an oath to uphold and protect the Constitution of the State of Montana and the United States Constitution, including the Second Amendment.

The MSPOA believes in the Second Amendment of the United States Constitution, which guarantees the right of the people to keep and bear arms and that this right shall not be infringed. It is important to note that no legislation affecting this right has been introduced.

As our state and country continue to discuss and debate gun control legislation, the position of our association remains steadfast: the MSPOA will not waver in our defense of the Constitution and will stand to preserve our constituents' right to possess firearms and the protections insured by the other nine amendments contained in the Bill of Rights.

The MSPOA feels that any legislation that takes away constitutional protections, including gun rights, from law-abiding citizens will not alleviate or eliminate the threat from violent or mentally ill individuals. In fact, it would expose our law-abiding neighbors to violence with fewer resources to counter them with.

America has endured violent assaults of children and adults at the hands of criminals who have used firearms as well as other weapons. The MSPOA does not believe that it is the fault of the weapon, but that of the often mentally disturbed individual who wields it. The MSPOA has long supported the efforts of the mental health community and will continue to do so.

As professional peace officers, elected and sworn to uphold both the State and U.S. Constitutions, we additionally believe in the importance of the division of power and roles of each of the three branches of government, at both the state and federal level. MSPOA feels that now is the time to discuss violence in its totality, not simply as an issue of "gun" violence. Violence is a result of a breakdown on many fronts: family, gangs, drugs, lack of proper mental health treatment, and the proliferation of violence in media, just to name a few. The discussion must include stakeholders from all disciplines who are dedicated to and willing to address the myriad and complex issues related to the safety of our communities and our country.

The MSPOA remains committed to the safety of the citizens of the State of Montana. We will dedicate our efforts toward active participation in the legislative process and the protection of the rights of the people of our state. We welcome and encourage our neighbors' active participation in this process as well. As Congress and the Montana legislature debate issues surrounding violence, the Second Amendment, and gun rights, the MSPOA will insure that our voices will be heard.

February 10, 2013

To: Chairman Kerns and Members of House Judiciary Committee.
Fr: Jim Smith, MSPOA

Re: Testimony for HB 302, 303. Also for HB 304, 358. Previous Bills.

1997. HB 429. Intro'd by Rep. Wells. Effectively eliminated the Carrying Concealed Weapon (CCW) Permit requirement by greatly expanding the number of individual exempted from the requirement to obtain a concealed weapon permit. HB 429 was tabled in House Judiciary.

1997-1999. 'Consensus Group' works on revisions to CCWs. Information attached.

1999. SB 186. Intro'd by Sen. Wells. Revisions to CCW Law. Identified 'prohibited places' (basically included banks, bars and public buildings). Signed by Governor.

1999. HB 459. Intro'd by Rep. Bob Clark. CCW Reciprocity Agreement with other states. Signed by Governor.

2001. HB 202. Intro'd by Rep. Davies. CCW & public employees. Tabled in House Judiciary Committee.
2001. SB 18. Intro'd by Sen. O'Neill. Drivers License Application Firearms Purchase Check. Missed Transmittal.

2003. SB 184. Intro'd by Rep. Butcher. Lifetime CCW permits. Tabled in House FWP Committee.

2005. HB 693. Intro'd by Rep. Wells. Citizen Right to Self Defense. Died On House Floor.

2007. HB 340. Intro'd by Rep. Wells. Citizen Right to Self Defense. Tabled in Senate Judiciary.

2009. HB 228. Intro'd by Rep. Kerns. Citizen Self Defense and Firearm Rights. Signed by Governor.

2011. SB 114. Intro'd by Sen. Hinkle. Federal Law Enforcement Oficers Should Communicate with Local Sheriffs before taking Official Action in a County. Vetoed by Governor.

2011. HB 271. Intro'd by Rep. Kerns. Exception to concealed weapon offense if eligible to obtain permit. Vetoed by Governor.

2011. HB 381. Intro'd by Rep. Kerns. Criminalize enforcement of certain federal firearm laws. Died in process.

2011. HB 384. Intro'd by Rep. Kerns. Revise carrying concealed weapon in prohibited places. Died in standing committee.