

HOUSE BILL NO. 304

INTRODUCED BY K. KERNS

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A BILL FOR AN ACT ENTITLED: "AN ACT REVISING CONCEALED WEAPONS LAWS; PROVIDING THAT THE OFFENSE OF CARRYING A CONCEALED WEAPON DOES NOT APPLY TO A PERSON WHO IS ELIGIBLE TO POSSESS A HANDGUN UNDER STATE OR FEDERAL LAW; AND AMENDING SECTION 45-8-317, MCA."

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

Section 1. Section 45-8-317, MCA, is amended to read:

"45-8-317. Exceptions. (1) Section 45-8-316 does not apply to:

- (a) any peace officer of the state of Montana or of another state who has the power to make arrests;
- (b) any officer of the United States government authorized to carry a concealed weapon;
- (c) a person in actual service as a member of the national guard;
- (d) a person summoned to the aid of any of the persons named in subsections (1)(a) through (1)(c);
- (e) a civil officer or the officer's deputy engaged in the discharge of official business;
- (f) a probation and parole officer authorized to carry a firearm under 46-23-1002;
- (g) a person eligible to possess a handgun under state or federal law, a person issued a permit under 45-8-321, or a person with a permit recognized under 45-8-329;
- (h) an agent of the department of justice or a criminal investigator in a county attorney's office;
- (i) a person who is outside the official boundaries of a city or town or the confines of a logging, lumbering, mining, or railroad camp or who is lawfully engaged in hunting, fishing, trapping, camping, hiking, backpacking, farming, ranching, or other outdoor activity in which weapons are often carried for recreation or protection;
- (j) the carrying of arms on one's own premises or at one's home or place of business; or
- (k) the carrying of a concealed weapon in the state capitol by a legislative security officer who has been issued a permit under 45-8-321 or with a permit recognized under 45-8-329.

(2) With regard to a person issued a permit under 45-8-321, the provisions of 45-8-328 do not apply to this section."

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