

1 _____ BILL NO. _____

2 INTRODUCED BY _____
3 (Primary Sponsor)

4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE SECURE STORAGE OF FIREARMS;
5 PROVIDING FOR A VIOLATION IF FIREARMS ARE NOT SECURELY STORED; PROVIDING FOR A
6 VIOLATION IF A MINOR OR A PROHIBITED PERSON OBTAINS A FIREARM THAT SHOULD HAVE BEEN
7 SECURELY STORED; AND PROVIDING A PENALTY."

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

10
11 NEW SECTION. **Section 1. Secure storage of firearms -- penalty for violations.** (1) A person may
12 not store or keep a firearm in a premises unless the firearm is secured in a locked container, secured by a gun
13 lock, or secured by other means that render the firearm inaccessible or unusable to a person other than the
14 owner or an authorized user.

15 (2) It is a violation if:
16 (a) a person knows or reasonably should know that a minor, an at-risk person, or a prohibited person
17 is likely to gain access to a firearm belonging to the person or under the control of the person;

18 (b) a person fails to secure the firearm in a locked container, with a gun lock, or by other means to
19 render the firearm inaccessible or unusable by a person other than the owner or an authorized user; and

20 (c) a minor, an at-risk person, or a prohibited person obtains the firearm.

21 (3) For the purposes of this section, a firearm is considered lawfully stored or lawfully kept if it is
22 carried by or under the direct control of the owner or an authorized user.

23 (4) (a) A violation of subsection (1) must be punishable by a civil fine not to exceed \$500.

24 (b) Except as provided in subsection (4)(c), a violation of subsection (2) must be punishable by a civil
25 fine not to exceed \$1,000.

26 (c) If the violation of subsection (2) results in a minor, an at-risk person, or a prohibited person
27 obtaining and using the firearm to commit a crime or to injure themselves or others, the violation must be a
28 misdemeanor.

1 (5) As used in this section, the following definitions apply:

2 (a) "At-risk person" means a person who has made statements or exhibited behavior that indicates to
3 a reasonable person that there is a likelihood that the person is at risk of attempting suicide or causing harm to
4 the person's self or to others.

5 (b) "Firearm" means a weapon that is capable of, is designed to, or may readily be converted to be
6 capable of expelling a projectile by the action of an explosive.

7 (c) "Locked container" includes any secure container that is fully enclosed and locked by a padlock,
8 key lock, combination lock, or similar locking device.

9 (d) "Minor" means a person under 18 years of age who is not authorized to possess a firearm.

10 (e) "Prohibited person" means a person who is prohibited by 18 U.S.C. 922(g) or by state law from
11 possessing a firearm.

12
13 NEW SECTION. Section 2. Codification instruction. [Section 1] is intended to be codified as an
14 integral part of Title 45, chapter 8, part 3, and the provisions of Title 45, chapter 8, part 3, apply to [section 1].

15 - END -