



AN ACT PROHIBITING THE CONFISCATION OF PRIVATELY OWNED FIREARMS WITHIN THE STATE FOLLOWING THE DECLARATION OF AN EMERGENCY OR DISASTER; AND PROVIDING FOR ENFORCEMENT.

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

**Section 1. Confiscation of firearm by government prohibited -- private right of action -- costs and expenses.** (1) Following a declaration of an emergency or disaster pursuant to Title 10, chapter 3, a peace officer or other person acting or purporting to act on behalf of the state or a political subdivision of the state may not take a confiscation action.

(2) After a violation of subsection (1) has occurred, the party injured by a confiscation action may bring an action for damages in a court having jurisdiction.

(3) A party awarded damages pursuant to this section must also be awarded the party's costs and expenses in bringing the action, including reasonable attorney fees.

(4) (a) As used in this section, "confiscation action" means the intentional deprivation by a person in Montana of a privately owned firearm.

(b) The term does not include the taking of a firearm from a person:

- (i) in self-defense;
- (ii) possessing a firearm while the person is committing a felony or misdemeanor; or
- (iii) who may not lawfully possess the firearm because of a prior criminal conviction.

**Section 2. Codification instruction.** [Section 1] is intended to be codified as an integral part of Title 10, chapter 3, and the provisions of Title 10, chapter 3, apply to [section 1].

- END -

I hereby certify that the within bill,  
SB 0309, originated in the Senate.

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Secretary of the Senate

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President of the Senate

Signed this \_\_\_\_\_ day  
of \_\_\_\_\_, 2019.

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Speaker of the House

Signed this \_\_\_\_\_ day  
of \_\_\_\_\_, 2019.

SENATE BILL NO. 309

INTRODUCED BY BALYEAT, HENDRICK, KOOPMAN, BUTCHER, BOGGIO, EVERETT, WELLS, LANGE,  
CURTISS, BALES, O'HARA, J. PETERSON, BECK, LEWIS, W. JONES, OLSON, CAMPBELL, WARD,  
BLASDEL, JENT, STOKER, JORE, JACKSON, PERRY, O'NEIL, RICE, MURPHY, MCGILLVRAY,  
WINDY BOY, HEINERT, ESSMANN, HIMMELBERGER, NOONEY, TAYLOR

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