

SENATE BILL NO. 409
INTRODUCED BY R. BROWN

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT THE PROHIBITION ON CARRYING SWITCHBLADE KNIVES DOES NOT APPLY TO A PERSON WHO HAS A CONCEALED WEAPON PERMIT, MILITARY PERSONNEL WHILE IN THE LINE OF DUTY, LAW ENFORCEMENT OFFICERS WHILE IN THE LINE OF DUTY, OR EMERGENCY MEDICAL TECHNICIANS WHILE ENGAGED IN LICENSED FUNCTIONS; AND AMENDING SECTIONS 45-8-315 AND 45-8-331, MCA."

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

Section 1. Section 45-8-315, MCA, is amended to read:

"45-8-315. Definition. "Concealed weapon" means any weapon mentioned in 45-8-316 through 45-8-318 and 45-8-321 through 45-8-328 that is wholly or partially covered by the clothing or wearing apparel of the person carrying or bearing the weapon, except that for purposes of 45-8-321 through 45-8-328, concealed weapon means a handgun, a switchblade knife as described in 45-8-331, or a knife with a blade 4 or more inches in length that is wholly or partially covered by the clothing or wearing apparel of the person carrying or bearing the weapon."

Section 2. Section 45-8-331, MCA, is amended to read:

"45-8-331. Switchblade knives -- exceptions. (1) ~~Every~~ Except as provided in subsection (2), a person who carries or bears upon ~~his~~ the individual's person, who carries or bears within or on any motor vehicle or other means of conveyance owned or operated by ~~him~~ the person, or who owns, possesses, uses, stores, gives away, sells, or offers for sale a switchblade knife shall be punished by a fine not exceeding \$500, ~~or~~ by imprisonment in the county jail for a period not exceeding 6 months, ~~or~~ by both ~~such~~ fine and imprisonment.

(2) (a) A bona fide collector whose collection is registered with the sheriff of the county in which ~~said~~ the collection is located is ~~hereby exempted~~ exempt from the provisions of ~~this section~~ subsection (1).

(b) Subsection (1) does not apply to a person who has a concealed weapon permit as provided in 45-8-321 or 45-8-329, military personnel while in the line of duty, law enforcement officers while in the line of duty, or an emergency medical technician licensed pursuant to Title 50, chapter 6, while engaged in licensed functions.

(3) For the purpose of this section, a switchblade knife is defined as any knife which has a blade 1 1/2

inches long or longer ~~which~~ that opens automatically by hand pressure applied to a button, spring, or other device in the handle of the knife."

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