

HOUSE BILL NO. 494

INTRODUCED BY S. BERGLEE

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A BILL FOR AN ACT ENTITLED: "AN ACT REVISING CONCEALED WEAPONS LAWS; PROVIDING THAT A PERSON WITH A VALID PERMIT TO CARRY A CONCEALED WEAPON MAY CARRY THE WEAPON INTO A RESTAURANT WHERE ALCOHOL IS NOT THE CHIEF ITEM OF SALE; AND AMENDING SECTION 45-8-328, MCA."

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

**Section 1.** Section 45-8-328, MCA, is amended to read:

**"45-8-328. Carrying concealed weapon in prohibited place -- penalty.** (1) Except for legislative security officers authorized to carry a concealed weapon in the state capitol as provided in 45-8-317(1)(k), a person commits the offense of carrying a concealed weapon in a prohibited place if the person purposely or knowingly carries a concealed weapon in:

(a) portions of a building used for state or local government offices and related areas in the building that have been restricted;

(b) a bank, credit union, savings and loan institution, or similar institution during the institution's normal business hours. It is not an offense under this section to carry a concealed weapon while:

(i) using an institution's drive-up window, automatic teller machine, or unstaffed night depository; or

(ii) at or near a branch office of an institution in a mall, grocery store, or other place unless the person is inside the enclosure used for the institution's financial services or is using the institution's financial services.

(c) a room in which alcoholic beverages are sold, dispensed, and consumed under a license issued under Title 16 for the sale of alcoholic beverages for consumption on the premises. It is not an offense under this subsection (1)(c) to carry a concealed weapon while patronizing a restaurant where alcoholic beverages are not the chief item of sale.

(2) It is not a defense that the person had a valid permit to carry a concealed weapon. A person convicted of the offense shall be imprisoned in the county jail for a term not to exceed 6 months or fined an amount not to exceed \$500, or both."

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