

OFFICE OF THE GOVERNOR
STATE OF MONTANA

STEVE BULLOCK
GOVERNOR



MIKE COONEY
LT. GOVERNOR

May 3, 2019

The Honorable Corey Stapleton
Secretary of State
State Capitol
Helena, MT 59601

Dear Secretary Stapleton:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby veto House Bill 325 (HB 325), "AN ACT REVISING FIREARMS LAWS TO SECURE THE RIGHT TO KEEP AND BEAR ARMS AND TO PREVENT A PATCHWORK OF RESTRICTIONS BY LOCAL GOVERNMENTS ACROSS THE STATE AND PROVIDING THAT LOCAL GOVERNMENTS MAY NOT REGULATE THE CARRYING OF CONCEALED WEAPONS; AND AMENDING SECTIONS 7-1-111 AND 45-8-351, MCA."

House Bill 325 would end local decision-making about whether felons and the mentally ill can carry weapons in public. It would also end local decision-making about concealed weapons. Both changes are dramatic departures from Montana history. Neither is good policy.

Montana law already prohibits cities and towns from adopting regulations that restrict "the right to keep or bear arms." Section 7-1-111, MCA. But Montana, like other American jurisdictions throughout our country's history—and the English jurisdictions that preceded them—has long allowed these same cities and towns to adopt regulations around concealed weapons and the presence of weapons in certain public spaces. *See Peruta v. County of San Diego*, 824 F.3d 919 (9th Cir. 2016) (en banc) (discussing history of concealed weapons laws in England, Colonial America, and the early American Republic).

The Montana Constitution itself honors a distinction between the fundamental right to keep and bear arms, and a person's desire to conceal their weapon in public. Mont. Const. Article II, section 12. The 1889 Constitution before it maintained the same distinction. And for years, Montana laws around local control have likewise treated the two separately: prohibiting local governments from restricting the right to keep and bear arms, but permitting local governments to adopt their own reasonable rules around concealed weapons and the presence of weapons in certain public places. *See* §§ 7-1-111(9); 45-8-351, MCA.

House Bill 325 throws all that history away. Though the distinction between the right to bear arms and the desire to conceal them remains in the Constitution, HB 325 would strike it from Montana's local government statutes. The bill would also prevent local governments from adopting regulations around weapons in parks and schools. Bizarrely, the bill even bars local governments from

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regulations that would facilitate existing prohibitions on gun ownership by convicted felons and the mentally ill.

Ostensibly, the proponents say, this dramatic change in Montana law is to prevent a “patchwork of regulations” problem, in which different jurisdictions have different rules around regulated conduct. Yet this is the very essence of local control. In Montana, local decisions about the proper role of guns in public, or concealed weapons, have always been the norm. As far back as 1885, four years before Montana became a state, the Town of Glendive adopted an ordinance barring the possession of handguns in certain public spaces. *A Hard Won Life*, H. Norman Hyatt, p. 300 (2014).

Montana law already contains strong protections that totally prohibit localities from restricting our basic right to keep and bear arms. House Bill 325 does something else, eliminating local control over whether the mentally ill may bring guns into schools, or whether a local government can permit concealed weapons. These are decisions that Montanans have long entrusted to their local governments. I see no reason to reassign that power to decision-makers in Helena.

For these reasons, I veto HB 325.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Steve Bullock', with a long horizontal flourish extending to the right.

STEVE BULLOCK
Governor

cc: Legislative Services Division
Scott Sales, President of the Senate
Greg Hertz, Speaker of the House