

HOUSE BILL NO. 477

INTRODUCED BY M. FUNK

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A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE OFFICE OF PUBLIC INSTRUCTION TO DEVELOP MODEL FIREARMS SAFETY TRAINING POLICIES AND PROCEDURES; CREATING THE OFFENSE OF LEAVING A FIREARM ACCESSIBLE TO A CHILD; REQUIRING LICENSED FIREARM DEALERS TO PROMINENTLY POST A NOTICE OF THE OFFENSE OF LEAVING A FIREARM ACCESSIBLE TO A CHILD; PROVIDING A PENALTY; AMENDING SECTION 20-7-132, MCA; AND PROVIDING AN APPLICABILITY DATE."

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

**Section 1.** Section 20-7-132, MCA, is amended to read:

**"20-7-132. Firearms safety education.** (1) The office of public instruction shall develop and maintain model school district policies and procedures for firearms safety education. The model policies and procedures must be reviewed periodically by a qualified person or committee for consistency with generally accepted principles of youth firearms safety education.

(2) The trustees of a district are encouraged to establish and maintain a firearms safety education course. The trustees may adopt a course of instruction developed by the department of fish, wildlife, and parks, a law enforcement agency, or a firearms association as its firearms safety education course. Instructors from the department of fish, wildlife, and parks, a law enforcement agency, or a firearms association or a person recognized by the trustees as having expertise in firearms safety education may be used to provide the instruction."

**NEW SECTION. Section 2. Leaving firearm accessible to child.** (1) Except as provided in subsection (2), a person commits the offense of leaving a firearm accessible to a child if:

- (a) a child gains access to a readily dischargeable firearm;
- (b) the child discharges the firearm and causes death or serious bodily injury to the child or another person; and
- (c) the person negligently:



- 1 (i) failed to secure the firearm; or
- 2 (ii) left the firearm in a place where the person knew or should have known that a child would gain
- 3 access to the firearm.

4 (2) A person is not guilty under this section if a child gained access to a firearm:

- 5 (a) for hunting, sporting, or other lawful purposes while under the supervision of a person 18 years of age
- 6 or older;
- 7 (b) to provide self-defense or defense of another person or property; or
- 8 (c) by unlawfully entering or remaining in or upon a vehicle, occupied structure, or premises pursuant to
- 9 45-6-201.

10 (3) A person convicted of the offense of leaving a firearm accessible to a child shall be punished by a  
11 fine of up to \$1,000.

12 (4) As used in this section:

- 13 (a) "Readily dischargeable firearm" means a firearm that is loaded with ammunition, whether or not a
- 14 round is in the chamber.
- 15 (b) "Secure" means to take steps that a reasonable person would take to prevent the access to a readily
- 16 dischargeable firearm by a child, including but not limited to:
- 17 (i) placing a firearm in a locked container;
- 18 (ii) temporarily rendering the firearm inoperable by a trigger lock or other means; or
- 19 (iii) storing any ammunition for the firearm in a location separate from the firearm's location.

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21 **NEW SECTION. Section 3. Firearms dealer to provide notice to public -- sign required.** A licensed  
22 firearm dealer shall prominently display a sign on the premises notifying the public of the offense of leaving a  
23 firearm accessible to a child and the penalty for violating [section 2]. The printing on the sign must be in block  
24 letters not less than 1 inch in height.

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26 **NEW SECTION. Section 4. Codification instruction.** [Sections 2 and 3] are intended to be codified  
27 as an integral part of Title 45, chapter 8, part 3, and the provisions of Title 45, chapter 8, part 3, apply to [sections  
28 2 and 3].

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30 **NEW SECTION. Section 5. Applicability.** [This act] applies to offenses committed on or after [the

1 effective date of this act].

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