

HOUSE BILL NO. 477

INTRODUCED BY M. FUNK

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; ALLOWING THE OFFICE TO CHARGE A FEE FOR PROVISION OF CERTAIN RESOURCES; AND~~ 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)(A) 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.

(B) THE OFFICE OF PUBLIC INSTRUCTION MAY CHARGE A DISTRICT A FEE OF UP TO \$5 FOR RESOURCES MADE AVAILABLE PURSUANT TO SUBSECTION (1)(A).

(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~~

1 person; and

2 ~~\_\_\_\_\_ (c) the person negligently:~~

3 ~~\_\_\_\_\_ (i) failed to secure the firearm; or~~

4 ~~\_\_\_\_\_ (ii) left the firearm in a place where the person knew or should have known that a child would gain~~

5 ~~access to the firearm.~~

6 ~~\_\_\_\_\_ (2) A person is not guilty under this section if a child gained access to a firearm:~~

7 ~~\_\_\_\_\_ (a) for hunting, sporting, or other lawful purposes while under the supervision of a person 18 years of age~~

8 ~~or older;~~

9 ~~\_\_\_\_\_ (b) to provide self-defense or defense of another person or property; or~~

10 ~~\_\_\_\_\_ (c) by unlawfully entering or remaining in or upon a vehicle, occupied structure, or premises pursuant to~~

11 ~~45-6-201.~~

12 ~~\_\_\_\_\_ (3) A person convicted of the offense of leaving a firearm accessible to a child shall be punished by a~~

13 ~~fine of up to \$1,000.~~

14 ~~\_\_\_\_\_ (4) As used in this section:~~

15 ~~\_\_\_\_\_ (a) "Readily dischargeable firearm" means a firearm that is loaded with ammunition, whether or not a~~

16 ~~round is in the chamber.~~

17 ~~\_\_\_\_\_ (b) "Secure" means to take steps that a reasonable person would take to prevent the access to a readily~~

18 ~~dischargeable firearm by a child, including but not limited to:~~

19 ~~\_\_\_\_\_ (i) placing a firearm in a locked container;~~

20 ~~\_\_\_\_\_ (ii) temporarily rendering the firearm inoperable by a trigger lock or other means; or~~

21 ~~\_\_\_\_\_ (iii) storing any ammunition for the firearm in a location separate from the firearm's location.~~

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23 ~~\_\_\_\_\_ NEW SECTION. Section 3. Firearms dealer to provide notice to public -- sign required. A licensed~~

24 ~~firearm dealer shall prominently display a sign on the premises notifying the public of the offense of leaving a~~

25 ~~firearm accessible to a child and the penalty for violating [section 2]. The printing on the sign must be in block~~

26 ~~letters not less than 1 inch in height.~~

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28 ~~\_\_\_\_\_ NEW SECTION. Section 4. Codification instruction. [Sections 2 and 3] are intended to be codified~~

29 ~~as an integral part of Title 45, chapter 8, part 3, and the provisions of Title 45, chapter 8, part 3, apply to [sections~~

30 ~~2 and 3].~~

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2 ~~NEW SECTION. Section 5. Applicability. [This act] applies to offenses committed on or after [the~~  
3 ~~effective date of this act].~~

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