

1 HOUSE BILL NO. 258
2 INTRODUCED BY J. HINKLE

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4 A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING THE ENFORCEMENT OF ANY FEDERAL BAN ON
5 OR REGULATION OF FIREARMS, MAGAZINES, AMMUNITION, AMMUNITION COMPONENTS, OR
6 FIREARM ACCESSORIES; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

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10 NEW SECTION. Section 1. Short title. [Sections 1 through 4] may be cited as the "Montana Federal
11 Firearm, Magazine, and Ammunition Ban Enforcement Prohibition Act".

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13 NEW SECTION. Section 2. Declaration of authority. [Sections 1 through 4] are done under the
14 authority of the 2nd and 10th amendments to the United States constitution, Article II, section 12, of the
15 Montana constitution, Montana's compact with the United States, and Printz v. U.S., 521 U.S. 898 (1997).

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17 NEW SECTION. Section 3. Definitions. As used in [sections 1 through 4], the following definitions
18 apply:

19 (1) "Federal ban" means a federal law, executive order, rule, regulation, or a new and more restrictive
20 interpretation of an existing law that infringes upon, calls in question, or prohibits, restricts, or requires individual
21 licensure for or registration of the purchase, ownership, possession, transfer, or use of any firearm, any
22 magazine or other ammunition feeding device, or other firearm accessory.

23 (2) "Firearm" means any self-loading rifle, pistol, revolver, or shotgun or any manually loaded rifle,
24 pistol, revolver, or shotgun.

25 (3) "Peace officer" has the meaning provided in 45-2-101, except that [sections 1 through 4] do not
26 apply to federal employees.

27 (4) "Political subdivision" means a city, town, county, consolidated government, or other political
28 subdivision of the state.

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NEW SECTION. Section 4. Prohibition of enforcement. (1) A peace officer, state employee, or employee of a political subdivision is prohibited from enforcing, assisting in the enforcement of, or otherwise cooperating in the enforcement of a federal ban on firearms, magazines, or ammunition and is also prohibited from participating in any federal enforcement action implementing a federal ban on firearms, magazines, or ammunition.

(2) An employee of the state or a political subdivision may not expend public funds or allocate public resources for the enforcement of a federal ban on firearms, magazines, or ammunition.

~~(3) [Sections 1 through 4] do not apply to:~~
~~(a) the possession or use of a fully automatic firearm that will fire continuously with only one pull of the trigger;~~
~~(b) the enforcement of any federal or state law prohibiting a person with a violent felony conviction from possessing a firearm;~~
~~(c) the enforcement of any federal or state law prohibiting a person convicted of a misdemeanor offense of domestic violence from possessing a firearm; or~~
~~(d) the enforcement of a current order of protection issued pursuant to Title 40, chapter 15, prohibiting a person from possessing a firearm.~~

~~(4)(3)~~ Nothing in this section may be construed to prohibit or otherwise limit a peace officer, state employee, or employee of a political subdivision from cooperating ~~in an action that does not have the,~~ communicating, or collaborating with a federal agency if the primary purpose of enforcing is not:

- (a) law enforcement activity related to a federal ban; or
- (b) the investigation of a violation of a federal ban.

NEW SECTION. Section 5. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

NEW SECTION. Section 6. Codification instruction. [Sections 1 through 4] are intended to be

Amendment - 1st Reading - Requested by: Jedediah Hinkle

67th Legislature

Drafter: Toni Henneman, 406-444-3593

HB 258.1.5

1 codified as an integral part of Title 45, chapter 7, and the provisions of Title 45, chapter 7, apply to [sections 1
2 through 4].

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4 NEW SECTION. **Section 7. Effective date.** [This act] is effective on passage and approval.

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- END -

DRAFT