

1 _____ BILL NO. _____

2 INTRODUCED BY _____
3 (Primary Sponsor)

4 A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING MEMBERS OF THE MONTANA LEGISLATURE
5 TO CARRY A LAWFULLY POSSESSED AND CONCEALED HANDGUN ON STATE PROPERTY OPEN TO
6 THE PUBLIC; AMENDING SECTIONS 45-8-317, 45-8-328, AND 45-8-351, MCA; AND PROVIDING AN
7 IMMEDIATE EFFECTIVE DATE."

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

10
11 NEW SECTION. **Section 1. Legislator possession of handguns on state property.** (1) Except as
12 provided in subsection (2), a senator or representative currently serving as a member of the state legislature
13 may carry a lawfully possessed and concealed handgun on any portion of state property open to the public.

14 (2) This section does not apply to a state prison as defined in 53-30-101.

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16 **Section 2.** Section 45-8-317, MCA, is amended to read:

17 **"45-8-317. Exceptions.** (1) Section 45-8-316 does not apply to:

- 18 (a) any peace officer of the state of Montana or of another state who has the power to make arrests;
- 19 (b) any officer of the United States government authorized to carry a concealed weapon;
- 20 (c) a person in actual service as a member of the national guard;
- 21 (d) a person summoned to the aid of any of the persons named in subsections (1)(a) through (1)(c);
- 22 (e) a civil officer or the officer's deputy engaged in the discharge of official business;
- 23 (f) a probation and parole officer authorized to carry a firearm under 46-23-1002;
- 24 (g) a person issued a permit under 45-8-321 or a person with a permit recognized under 45-8-329;
- 25 (h) an agent of the department of justice or a criminal investigator in a county attorney's office;
- 26 (i) a person who is outside the official boundaries of a city or town or the confines of a logging,
- 27 lumbering, mining, or railroad camp or who is lawfully engaged in hunting, fishing, trapping, camping, hiking,
- 28 backpacking, farming, ranching, or other outdoor activity in which weapons are often carried for recreation or

1 protection;

2 (j) the carrying of arms on one's own premises or at one's home or place of business; or

3 (k) the carrying of a concealed weapon in the state capitol by a legislative security officer who has
4 been issued a permit under 45-8-321 or with a permit recognized under 45-8-329; or

5 (l) a senator or representative of the state legislature carrying a handgun as provided in [section 1].

6 (2) With regard to a person issued a permit under 45-8-321, the provisions of 45-8-328 do not apply
7 to this section."

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9 **Section 3.** Section 45-8-328, MCA, is amended to read:

10 **"45-8-328. Carrying concealed weapon in prohibited place -- penalty.** (1) Except for legislative
11 security officers authorized to carry a concealed weapon in the state capitol as provided in 45-8-317(1)(k), a
12 person commits the offense of carrying a concealed weapon in a prohibited place if the person purposely or
13 knowingly carries a concealed weapon in:

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

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

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

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

21 (c) a room in which alcoholic beverages are sold, dispensed, and consumed under a license issued
22 under Title 16 for the sale of alcoholic beverages for consumption on the premises.

23 (2) The provisions of subsection (1)(a) do not apply to a senator or representative currently serving as
24 a member of the state legislature who carries a handgun in compliance with [section 1].

25 ~~(2)(3)~~ It is not a defense that the person had a valid permit to carry a concealed weapon. A person
26 convicted of the offense shall be imprisoned in the county jail for a term not to exceed 6 months or fined an
27 amount not to exceed \$500, or both."

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