Amendment - 1st Reading-white - Requested by: Jedediah Hinkle - (H) Judiciary						
	2023 8th Le	gislature 2023	I	Drafter: Rachel Weiss, 4	106-444-5367	HB0631.001.001
	1			HOUSE BILL NO	D. 631	
	2			INTRODUCED BY J	I. HINKLE	
	3					
	4	A BILL FOR AN ACT ENTITLED: "AN ACT CREATING THE GUN OWNERS ACCESS TO JUSTICE ACT;				
	5	PROVIDING THAT THE RIGHT TO BEAR ARMS MAY NOT BE RESTRICTED BY THE STATE UNLESS A				
	6	COMPELLING STATE INTEREST EXISTS; PROVIDING FOR A RIGHT TO A JUDICIAL PROCEEDING;				
	7	PROVIDING FO	OR AN AWARD OF AT	TORNEY FEES AND (	COSTS; AND PRO	VIDING DEFINITIONS."
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	9	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:				
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	11	<u>NEW S</u>	ECTION. Section 1.	Short title. [Sections 1	through 3] may b	e cited as the "Gun Owners
	12	Access to Justi	ce Act".			
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	14	<u>NEW S</u>	ECTION. Section 2.	Definitions. As used in	n [sections 1 throu	gh 3], unless the context clearly
	15	indicates otherwise, the following definitions apply:				
	16	(1)	"Burden" means to di	rectly or indirectly const	rain, inhibit, curtai	l, or deny a person's right to
	17	bear arms or to compel any action contrary to a person's right to bear arms. The term includes but is not limited				
	18	to withholding benefits, excluding the person from government programs, and assessing criminal, civil, or				
	19	administrative p	penalties.			
	20	(2)	"Compelling state inte	erest" means a governm	ent interest of the	highest magnitude that cannot
	21	otherwise be ac	chieved without burder	ing a person's right to b	ear arms.	
	22	(3)	"Person" means an ir	idividual, association, p	artnership, corpora	ation, estate, trust, foundation, or
	23	other legal entity.				
	24	(4)	"Right to bear arms" i	means the right defined	by Article II, section	on 12, of the Montana
	25	constitution.				
	26	(5)	"State" means the sta	te of Montana or any po	olitical subdivision	or local government,
	27	municipality, or instrumentality of the state as well as any person acting under color of state law.				
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		Legislative Services Division		- 1 -	A	uthorized Print Version – HB 631

## Amendment - 1st Reading-white - Requested by: Jedediah Hinkle - (H) Judiciary - 2023 68th Legislature 2023 Drafter: Rachel Weiss, 406-444-5367 HB0631.001.001

1 NEW SECTION. Section 3. Right to bear arms protected -- remedies. (1) The state may not 2 burden a person's right to bear arms unless the state proves that burdening the person's right to bear arms 3 furthers a compelling state interest and is the least restrictive means to further that interest. 4 (2) A person whose right to bear arms has been burdened by the state, or is likely to be burdened 5 by the state, in violation of subsection (1) may assert the violation or impending violation as a claim or defense 6 against the state in a judicial proceeding, regardless of whether the state is a party to the proceeding. The 7 person asserting the claim or defense may obtain appropriate relief, including but not limited to injunctive relief, 8 declaratory relief, and compensatory damages. 9 A person who prevails on a claim to enforce the person's rights under Article II, section 12, of (3) the Montana constitution or [sections 1 through 3] must be awarded reasonable attorney fees and costs. 10 11 12 NEW SECTION. Section 4. Codification instruction. [Sections 1 through 3] are intended to be codified as an integral part of Title 49, chapter 1, part 2, and the provisions of Title 49, chapter 1, part 2, apply 13 14 to [sections 1 through 3]. 15 16 NEW SECTION. Section 5. Severability. If a part of [this act] is invalid, all valid parts that are 17 severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, 18 the part remains in effect in all valid applications that are severable from the invalid applications. 19 - END -