

1 HOUSE BILL NO. 631
2 INTRODUCED BY J. HINKLE

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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 UNLESS A COMPELLING
6 STATE INTEREST EXISTS; PROVIDING FOR A RIGHT TO A JUDICIAL PROCEEDING; PROVIDING FOR
7 AN AWARD OF ATTORNEY FEES AND COSTS; AND PROVIDING DEFINITIONS."

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

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11 NEW SECTION. Section 1. Short title. [Sections 1 through 3] may be cited as the "Gun Owners
12 Access to Justice Act".

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14 NEW SECTION. Section 2. Definitions. As used in [sections 1 through 3], unless the context clearly
15 indicates otherwise, the following definitions apply:

16 (1) "Burden" means to directly or indirectly constrain, inhibit, curtail, 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 penalties.

20 (2) "Compelling state interest" means a government interest of the highest magnitude that cannot
21 otherwise be achieved without burdening a person's right to bear arms.

22 (3) "Person" means an individual, association, partnership, corporation, estate, trust, foundation, or
23 other legal entity.

24 (4) "Right to bear arms" means the right defined by Article II, section 12, of the Montana
25 constitution.

26 (5) "State" means the state of Montana or any political 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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