

## FIREARMS GENERALLY/CONCEALED WEAPONS

### LEGISLATOR NOTICE

The Legislative Services Division is required to offer a brief history on the subject matter of a bill draft request prior to drafting. (5-4-105, MCA; [Chapter 309, Laws of 2017](#)) The history must include related legislation introduced over the last five sessions and hyperlinks to the bill, hearing information, and fiscal notes. The links below open to the introduced bill. The other information is available by selecting the Additional Bill Links hyperlink at the top of the bill and then the link “Status of this Bill.”

**Legislation can be complex and this history is not intended to be exhaustive. Please contact the drafter of the requested bill for more information.**

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### Background Materials and Research

**Topic Summary:** Most of the bills introduced regarding firearms deal with the topic of concealed weapons including the permitting process for carrying a concealed weapon. These statutes are found generally in [45-8-301 et seq., MCA](#). Other bills dealing with issues such as use of suppressors while hunting etc. . . are also included.

### Introduced Legislation

#### 2017

[House Bill 184](#) – Chapter Number Assigned -- AN ACT REVISING LAWS REGARDING HEALTH CARE PRACTITIONER GUNSHOT OR STAB WOUND REPORTING REQUIREMENTS; ELIMINATING THE REQUIREMENT THAT A PRACTITIONER SUBMIT A WRITTEN REPORT TO LAW ENFORCEMENT WITHIN 24 HOURS AFTER TREATING OR OBSERVING A WOUND; AMENDING SECTION 37-2-302, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

[House Bill 246](#) – Vetoed by Governor -- AN ACT AUTHORIZING A PERSON TO CARRY A FIREARM ON UNITED STATES POSTAL SERVICE PROPERTY; PROVIDING THAT FEDERAL LAWS PROHIBITING FIREARMS ON POSTAL SERVICE PROPERTY ARE NOT ENFORCEABLE; AMENDING SECTION 45-8-317, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

[House Bill 251](#) – Chapter Number Assigned -- AN ACT REMOVING CERTAIN WEAPONS FROM THE LIST OF WEAPONS IN CONCEALED WEAPONS LAWS; REVISING THE DEFINITION OF "CONCEALED WEAPON"; AND AMENDING SECTIONS 45-8-315 AND 45-8-316, MCA.

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[House Bill 262](#) – Vetoed by Governor -- AN ACT REVISING CONCEALED WEAPONS LAWS; PROVIDING THAT THE OFFENSE OF CARRYING A CONCEALED WEAPON DOES NOT APPLY TO A PERSON WHO IS ELIGIBLE TO POSSESS A HANDGUN UNDER STATE OR FEDERAL LAW; AND AMENDING SECTION 45-8-317, MCA.

[House Bill 273](#) – Chapter Number Assigned -- AN ACT REVISING CONCEALED WEAPONS LAWS; PROVIDING THAT PERMANENT LAWFUL RESIDENTS WHO ARE NOT CITIZENS OF THE UNITED STATES MAY APPLY FOR A PERMIT TO CARRY A CONCEALED WEAPON; AMENDING SECTION 45-8-321, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

[House Bill 280](#) – Vetoed by Governor -- AN ACT AUTHORIZING MEMBERS OF THE MONTANA LEGISLATURE TO CARRY A LAWFULLY POSSESSED AND CONCEALED HANDGUN ON STATE PROPERTY OPEN TO THE PUBLIC; AMENDING SECTIONS 45-8-317, 45-8-328, AND 45-8-351, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

[House Bill 385](#) – Died in Process -- A BILL FOR AN ACT ENTITLED: "AN ACT CREATING THE MONTANA SCHOOL SAFETY ACT; ALLOWING A SCHOOL DISTRICT EMPLOYEE WITH A VALID CONCEALED WEAPONS PERMIT TO CARRY A CONCEALED HANDGUN IN A SCHOOL; PROHIBITING A SCHOOL DISTRICT FROM SPENDING PUBLIC FUNDS TO IMPLEMENT THE ACT; PROVIDING DEFINITIONS; PROVIDING A REMEDY; AND AMENDING SECTIONS 45-8-328, 45-8-351, AND 45-8-361, MCA."

[House Bill 480](#) – Died in Standing Committee -- A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING CRIMINAL LAWS; PROVIDING A PROCEDURE FOR PEOPLE WHO HAVE LOST THEIR RIGHT TO POSSESS A FIREARM DUE TO A DETERMINATION OF A MENTAL DISEASE OR DEFECT TO REGAIN THEIR RIGHT TO POSSESS A FIREARM; REQUIRING A DISTRICT COURT GRANTING A PETITION TO RESTORE A PERSON'S RIGHT TO POSSESS A FIREARM OR MAKING ANY TYPE OF FINDING THAT A PERSON SUFFERS FROM A MENTAL DISEASE OR DEFECT OR IS AN INCAPACITATED PERSON TO FORWARD A COPY OF THE ORDER TO THE DEPARTMENT OF JUSTICE; REQUIRING THE DEPARTMENT OF JUSTICE TO UPDATE THE FEDERAL BUREAU OF INVESTIGATION AND THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM; AND AMENDING SECTIONS 44-2-206 AND 53-21-166, MCA."

[House Bill 494](#) – Vetoed by Governor -- AN ACT REVISING CONCEALED WEAPONS LAWS; PROVIDING THAT A PERSON WITH A VALID PERMIT TO CARRY A CONCEALED WEAPON MAY CARRY THE WEAPON INTO A RESTAURANT WHERE ALCOHOL IS NOT THE CHIEF ITEM OF SALE; AND AMENDING SECTION 45-8-328, MCA.

[Senate Bill 99](#) – Vetoed by Governor -- AN ACT PROHIBITING THE ENFORCEMENT OF A POTENTIAL FEDERAL BAN ON FIREARMS, MAGAZINES, AND AMMUNITION; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

2015

[House Bill 250](#) – Chapter Number Assigned -- AN ACT CLARIFYING THAT SOUND REDUCTION DEVICES MAY BE USED ON FIREARMS WHILE HUNTING WILDLIFE; AMENDING SECTION 87-6-401, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

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[House Bill 298](#) -- AN ACT REVISING CONCEALED WEAPONS LAWS; PROVIDING THAT THE OFFENSE OF CARRYING A CONCEALED WEAPON DOES NOT APPLY TO A PERSON WHO IS ELIGIBLE TO POSSESS A HANDGUN UNDER STATE OR FEDERAL LAW; AND AMENDING SECTION 45-8-317, MCA.

[House Bill 371](#) – Missed Deadline for General Bill Transmittal -- A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING CONCEALED WEAPONS LAWS; REVISING THE OFFENSE OF CARRYING A CONCEALED WEAPON IN PROHIBITED PLACES; REVISING LAWS REGARDING LOCAL GOVERNMENT REGULATION OF FIREARMS; PROVIDING THAT A PERSON WITH A VALID PERMIT TO CARRY A CONCEALED WEAPON MAY CARRY THE WEAPON INTO A RESTAURANT WHERE ALCOHOL IS NOT THE CHIEF ITEM OF SALE; PROVIDING THAT IT IS A DEFENSE IF THE PERSON HAS A VALID PERMIT TO CARRY A CONCEALED WEAPON OR THE PERSON IS A PEACE OFFICER AND HAS THE POWER OF ARREST; AND AMENDING SECTIONS 45-8-328 AND 45-8-351, MCA."

[House Bill 450](#) – Vetoed by Governor -- AN ACT ALLOWING THE USE OF SOUND REDUCTION DEVICES WHILE HUNTING MOUNTAIN LIONS AND WOLVES; AMENDING SECTION 87-6-401, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

[House Bill 457](#) -- Missed Deadline for Referendum Proposal Transmittal -- A BILL FOR AN ACT ENTITLED: "AN ACT SUBMITTING TO THE QUALIFIED ELECTORS OF MONTANA AN AMENDMENT TO ARTICLE II, SECTION 12, OF THE MONTANA CONSTITUTION TO CONFORM THE EXISTING MONTANA CONSTITUTION TO MODERN CULTURE BY REMOVING LANGUAGE REGARDING CONCEALED WEAPONS INITIALLY USED IN THE 1884 MONTANA TERRITORIAL CONSTITUTION; AND PROVIDING AN EFFECTIVE DATE."

[House Bill 530](#) – Missed Deadline for General Bill Transmittal -- A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING CRIMINAL LAWS; PROVIDING A PROCEDURE FOR PEOPLE WHO HAVE LOST THEIR RIGHT TO POSSESS A FIREARM DUE TO A DETERMINATION OF A MENTAL DISEASE OR DEFECT TO REGAIN THEIR RIGHT TO POSSESS A FIREARM; REQUIRING A DISTRICT COURT GRANTING A PETITION TO RESTORE A PERSON'S RIGHT TO POSSESS A FIREARM OR ANY TYPE OF FINDING THAT A PERSON SUFFERS FROM A MENTAL DISEASE OR DEFECT OR IS AN INCAPACITATED PERSON TO FORWARD A COPY OF THE ORDER TO THE DEPARTMENT OF JUSTICE; REQUIRING THE DEPARTMENT OF JUSTICE TO UPDATE THE FEDERAL BUREAU OF INVESTIGATION AND THE NATIONAL CRIMINAL BACKGROUND CHECK SYSTEM; AND AMENDING SECTIONS 44-2-206 AND 53-21-166, MCA."

[House Bill 533](#) – Vetoed by Governor -- AN ACT REVISING CONCEALED WEAPONS LAWS; REVISING THE DEFINITION OF "CONCEALED WEAPON"; PROVIDING THAT A PERSON COMMITS THE OFFENSE OF CARRYING A CONCEALED WEAPON IF THE PERSON ALSO ATTEMPTS TO COMMIT A CRIMINAL OFFENSE OR CARRIES A CONCEALED WEAPON DURING THE COMMISSION OF A CRIMINAL OFFENSE; PROVIDING AN EXCEPTION TO THE OFFENSE OF CARRYING A CONCEALED WEAPON IN A PROHIBITED PLACE FOR ON-DUTY OR OFF-DUTY LAW ENFORCEMENT OFFICERS, SECURITY GUARDS, AND EMPLOYEES WHO POSSESS A CONCEALED WEAPONS PERMIT AND CARRY THE CONCEALED WEAPON IN A BUSINESS OR BUILDING WITH THE WRITTEN CONSENT OF THE OWNER OR MANAGER IN CERTAIN CASES; PROVIDING THAT A RESTAURANT OR A RESTAURANT-PORION OF BUSINESS IS NOT A PROHIBITED PLACE FOR PURPOSES OF CARRYING A CONCEALED WEAPON IN CERTAIN CASES; AND AMENDING SECTIONS 45-8-315, 45-8-316, AND 45-8-328, MCA.

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[House Bill 539](#) -- Missed Deadline for Revenue Bill Transmittal -- A BILL FOR AN ACT ENTITLED: "AN ACT CREATING THE OFFENSE OF CARELESS HANDLING OF A FIREARM; AND PROVIDING PENALTIES."

[House Bill 598](#) -- (H) Missed Deadline for Referendum Proposal Transmittal -- A BILL FOR AN ACT ENTITLED: "AN ACT CREATING THE GUN OWNERS ACCESS TO JUSTICE ACT; PROVIDING THAT THE RIGHT TO BEAR ARMS MAY NOT BE RESTRICTED UNLESS THERE IS A COMPELLING STATE INTEREST TO DO SO; PROVIDING FOR A RIGHT TO A JUDICIAL PROCEEDING; PROVIDING FOR THE AWARD OF ATTORNEY FEES AND COSTS TO THE PREVAILING PARTY; PROVIDING THAT THE PROPOSED ACT BE SUBMITTED TO THE QUALIFIED ELECTORS OF MONTANA; AND PROVIDING AN EFFECTIVE DATE."

[Senate Bill 50](#) -- Chapter Number Assigned -- AN ACT REVISING OFFENSES RELATED TO THE VISUAL OBSERVATION OR RECORDATION OF A PERSON WITHOUT THE PERSON'S KNOWLEDGE; AMENDING SECTION 45-5-223, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

[Senate Bill 131](#) -- Chapter Number Assigned -- AN ACT REVISING LAWS REGARDING CONCEALED WEAPONS PERMIT RENEWALS BY PROVIDING THAT FINGERPRINTING DOES NOT HAVE TO BE REPEATED WHEN PERMITS ARE RENEWED AND ESTABLISHING A TIME PERIOD FOR THE SHERIFF TO DETERMINE WHETHER A RENEWAL PERMIT WILL BE GRANTED; AND AMENDING SECTIONS 45-8-322 AND 45-8-323, MCA.

[Senate Bill 295](#) -- Vetoed by Governor -- AN ACT ELIMINATING A STATE LIMITATION ON THE USE OF SOUND REDUCTION DEVICES ON FIREARMS; AMENDING SECTIONS 87-1-201, 87-1-301, AND 87-6-401, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

### 2013

[House Bill 304](#) -- Vetoed by Governor -- AN ACT REVISING CONCEALED WEAPONS LAWS; PROVIDING THAT THE OFFENSE OF CARRYING A CONCEALED WEAPON DOES NOT APPLY TO A PERSON WHO IS ELIGIBLE TO POSSESS A HANDGUN UNDER STATE OR FEDERAL LAW; AND AMENDING SECTION 45-8-317, MCA.

[House Bill 358](#) -- Died in Process -- A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING CONCEALED WEAPONS LAWS; REVISING THE OFFENSE OF CARRYING A CONCEALED WEAPON IN PROHIBITED PLACES; REVISING LAWS RESTRICTING LOCAL GOVERNMENT REGULATION OF FIREARMS; PROVIDING THAT IT IS A DEFENSE IF THE PERSON HAS A VALID PERMIT TO CARRY A CONCEALED WEAPON OR THE PERSON IS A PEACE OFFICER AND HAS THE POWER OF ARREST; AND AMENDING SECTIONS 45-8-328 AND 45-8-351, MCA."

[Senate Bill 37](#) -- Died in Standing Committee -- A BILL FOR AN ACT ENTITLED: "AN ACT DESIGNATING AS CONFIDENTIAL CRIMINAL JUSTICE INFORMATION CERTAIN INFORMATION ON AN APPLICATION FOR A PERMIT TO CARRY A CONCEALED WEAPON; AND AMENDING SECTION 45-8-322, MCA."

[Senate Bill 133](#) -- Died in Standing Committee -- A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING CRIMINAL INVESTIGATORS EMPLOYED BY THE OFFICE OF THE STATE PUBLIC DEFENDER TO CARRY A CONCEALED WEAPON IF THEY HAVE A VALID CONCEALED WEAPONS PERMIT; ALLOWING CERTAIN PERSONS TO CARRY A CONCEALED WEAPON IN PROHIBITED PLACES; DELETING THE

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PROVISION PROVIDING THAT IT IS NOT A DEFENSE THAT THE PERSON HAD A VALID PERMIT TO CARRY A CONCEALED WEAPON; AND AMENDING SECTION SECTIONS 45-8-317 AND 45-8-328, MCA."

[Senate Bill 210](#) – Died in Process -- A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING AN EXCEPTION TO THE OFFENSE OF CARRYING A CONCEALED WEAPON FOR LEGISLATORS IN THE STATE CAPITOL WHO HAVE BEEN ISSUED A CONCEALED WEAPON PERMIT; AND AMENDING SECTIONS 45-8-317, 45-8-328, AND 45-8-351, MCA."

### 2011

[House Bill 174](#) – Died in Process -- A BILL FOR AN ACT ENTITLED: "AN ACT REPEALING A STATE LIMITATION ON THE USE OF SOUND REDUCTION DEVICES ON FIREARMS; REPEALING SECTION 87-3-123, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

[House Bill 384](#) – Died in Standing Committee -- A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE LAW RELATED TO THE OFFENSE OF CARRYING A CONCEALED WEAPON IN A PROHIBITED PLACE; PROVIDING THAT IT IS A DEFENSE IF THE PERSON HAS A VALID PERMIT TO CARRY A CONCEALED WEAPON OR THAT THE PERSON IS A PEACE OFFICER ON DUTY AND HAS THE POWERS OF ARREST; AND AMENDING SECTION 45-8-328, MCA."

[House Bill 442](#) – Died in Standing Committee -- A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING DENIAL AND REVOCATION OF A PERMIT TO CARRY A CONCEALED WEAPON IF AN INDIVIDUAL IS CONVICTED OF DISORDERLY CONDUCT AND CRIMINAL TRESPASS TO PROPERTY OR FELONY DUI; AMENDING SECTION 45-8-321, MCA; AND PROVIDING AN APPLICABILITY DATE."

[House Bill 496](#) – Died in Standing Committee -- A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING A LAW ENFORCEMENT AGENCY TO DESTROY CERTAIN FIREARMS IN POSSESSION OF THE AGENCY THAT WERE NOT PURCHASED BY THE AGENCY FOR ITS USE IF THE FIREARMS WERE USED IN A CRIME OF VIOLENCE; AMENDING SECTION 46-5-313, MCA; AND PROVIDING A RETROACTIVE APPLICABILITY DATE."

[Senate Bill 279](#) – Chapter Number Assigned -- AN ACT PROVIDING AN EXCEPTION TO THE OFFENSE OF CARRYING A CONCEALED WEAPON FOR LEGISLATIVE SECURITY STAFF IN THE STATE CAPITOL WHO HAVE BEEN ISSUED A CONCEALED WEAPON PERMIT; PROVIDING THAT A LOCAL ORDINANCE MAY NOT PROHIBIT LEGISLATIVE SECURITY STAFF WITH A CONCEALED WEAPON PERMIT FROM CARRYING A CONCEALED WEAPON IN THE STATE CAPITOL; AND AMENDING SECTIONS 45-8-317, 45-8-328, AND 45-8-351, MCA.

### 2009

[House Bill 228](#) – Chapter Number Assigned -- AN ACT PRESERVING AND CLARIFYING LAWS RELATING TO THE RIGHT OF SELF-DEFENSE AND THE RIGHT TO BEAR ARMS; AMENDING SECTIONS 45-3-103, 45-8-321, AND 46-6-502, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

[House Bill 271](#) – Vetoed by Governor -- AN ACT REVISING THE LAW RELATED TO THE OFFENSE OF CARRYING A CONCEALED WEAPON; PROVIDING THAT THE LAW DOES NOT APPLY TO A PERSON

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WHO IS ELIGIBLE TO POSSESS A HANDGUN UNDER STATE OR FEDERAL LAW; AND AMENDING SECTION 45-8-317, MCA.

[House Bill 381](#) – Died in Process -- A BILL FOR AN ACT ENTITLED: "AN ACT CREATING THE OFFENSES OF WRONGFUL ENFORCEMENT OF CERTAIN FEDERAL FIREARMS LAWS, REGULATIONS, OR ORDERS; AND PROVIDING A PENALTY."

[House Bill 448](#) – Died in Standing Committee -- A BILL FOR AN ACT ENTITLED: "AN ACT ENACTING THE INTERSTATE FIREARM FREEDOM COMPACT AS AN INTERSTATE COMPACT AND AUTHORIZING THE GOVERNOR TO EXECUTE AND ENTER INTO THE COMPACT WITH OTHER STATES."