

1 HOUSE BILL NO. 504

2 INTRODUCED BY C. KNUDSEN, M. BLASDEL, J. ELLSWORTH, W. GALT, J. SCHILLINGER, B. TSCHIDA

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4 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LAWS RELATED TO FIREARMS,
5 WEAPONS, AND ACCESSORIES; PROVIDING THAT DURING A DECLARED EMERGENCY THE STATE
6 MAY NOT CONFISCATE, PROHIBIT, OR REGULATE FIREARMS, COMPONENTS, ACCESSORIES, OR
7 OTHER WEAPONS; PROVIDING BUSINESSES RELATED TO FIREARMS OR WEAPONS MAY NOT BE
8 RESTRICTED; PROVIDING EXCEPTIONS; AMENDING SECTION 10-3-114, MCA; AND PROVIDING AN
9 IMMEDIATE EFFECTIVE DATE."

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

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13 **Section 1.** Section 10-3-114, MCA, is amended to read:

14 **"10-3-114. Confiscation of firearm and certain actions by government prohibited -- private right**
15 **of action -- costs and expenses.** (1) Following a declaration of an emergency or disaster pursuant to this
16 chapter, a peace officer or other person acting or purporting to act on behalf of the state or a political
17 subdivision of the state may not take a confiscation action or:

18 (a) prohibit, regulate, or curtail the otherwise lawful possession, carrying, sale, transportation,
19 transfer, defensive use, or other lawful use of any:

20 (i) firearm, including any component or accessory;

21 (ii) ammunition, including any component or accessory;

22 (iii) ammunition-reloading equipment and supplies; or

23 (iv) personal weapons other than firearms;

24 (b) seize, commandeer, or confiscate in any manner, any:

25 (i) firearm, including any component or accessory;

26 (ii) ammunition, including any component or accessory;

27 (iii) ammunition-reloading equipment and supplies; or

28 (iv) personal weapons other than firearms;

1 (c) suspend or revoke a permit to carry a concealed weapon;

2 (d) refuse to accept an application for a permit to carry a concealed pistol, provided the application
3 has been properly completed under 45-8-321 through 45-8-324;

4 (e) unless the closing or limitation of hours applies equally to all forms of commerce within the
5 jurisdiction, close or limit the operating hours of any entity engaged in the lawful selling or servicing of any:

6 (i) firearm, including any component or accessory;

7 (ii) ammunition, including any component or accessory;

8 (iii) ammunition-reloading equipment and supplies; or

9 (iv) personal weapons other than firearms;

10 (f) close or limit the operating hours of any indoor or outdoor shooting range; or

11 (g) place restrictions or quantity limitations on any entity regarding the lawful sale or servicing of any:

12 (i) firearm, including any component or accessory;

13 (ii) ammunition, including any component or accessory;

14 (iii) ammunition-reloading equipment and supplies; or

15 (iv) personal weapons other than firearms.

16 (2) After a violation of ~~subsection (1)~~ this section has occurred, the party injured by a confiscation
17 action or other action prohibited in subsection (1) may bring an action for damages in a court having jurisdiction.

18 (3) A party awarded damages pursuant to this section must also be awarded the party's costs and
19 expenses in bringing the action, including reasonable attorney fees.

20 (4) (a) As used in this section, "confiscation action" means the intentional deprivation by a person in
21 Montana of a privately owned firearm.

22 ~~(b)~~(b) The term does not include the taking of a firearm from a person:

23 (i) in self-defense;

24 (ii) possessing a firearm while the person is committing a felony or misdemeanor; or

25 (iii) who may not lawfully possess the firearm because of a prior criminal conviction.

26 (5) NOTHING IN THIS SECTION MAY BE CONSTRUED TO INFRINGE ON THE RIGHTS OF PRIVATE LANDOWNERS
27 OR THE PERSON WHO IS IN CONTROL OF THE PROPERTY, INCLUDING A TENANT OR LESSEE, TO REGULATE FIREARMS ON
28 THEIR PROPERTY."

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2 NEW SECTION. Section 2. Effective date. [This act] is effective on passage and approval.

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