

1 HOUSE BILL NO. 533

2 INTRODUCED BY K. WAGONER

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING CONCEALED WEAPONS LAWS; REVISING THE
5 DEFINITION OF "CONCEALED WEAPON"; PROVIDING THAT A PERSON COMMITS THE OFFENSE OF
6 CARRYING A CONCEALED WEAPON IF THE PERSON ALSO INTENDS TO COMMIT A CRIMINAL OFFENSE
7 OR CARRIES A CONCEALED WEAPON DURING THE COMMISSION OF A CRIMINAL OFFENSE;
8 PROVIDING AN EXCEPTION TO THE OFFENSE OF CARRYING A CONCEALED WEAPON IN A PROHIBITED
9 PLACE FOR ON-DUTY OR OFF-DUTY LAW ENFORCEMENT OFFICERS, SECURITY GUARDS, AND
10 PERSONS EMPLOYEES WHO POSSESS A CONCEALED WEAPONS PERMIT AND CARRY THE
11 CONCEALED WEAPON IN A BUSINESS OR BUILDING WITH THE WRITTEN CONSENT OF THE OWNER
12 OR MANAGER IN CERTAIN CASES; PROVIDING THAT A RESTAURANT OR A RESTAURANT-PORION OF
13 BUSINESS IS NOT A PROHIBITED PLACE FOR PURPOSES OF CARRYING A CONCEALED WEAPON IN
14 CERTAIN CASES; AND AMENDING SECTIONS 45-8-315, 45-8-316, AND 45-8-328, MCA."

15

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

17

18 **Section 1.** Section 45-8-315, MCA, is amended to read:

19 **"45-8-315. Definition.** "Concealed weapon" means any weapon mentioned in 45-8-316 through
20 45-8-318 and 45-8-321 through 45-8-328 that is wholly or partially covered by the clothing or wearing apparel of
21 the person carrying or bearing the weapon, except that for purposes of 45-8-321 through 45-8-328, concealed
22 weapon means a handgun or a knife with a blade 4 6 or more inches in length that is wholly or partially covered
23 by the clothing or wearing apparel of the person carrying or bearing the weapon."

24

25 **Section 2.** Section 45-8-316, MCA, is amended to read:

26 **"45-8-316. Carrying concealed weapons.** (1) A person who carries or bears concealed upon the
27 individual's person a dirk, dagger, pistol, revolver, slingshot, sword cane, billy, knuckles made of any metal or
28 hard substance, knife having a blade 4 6 inches long or longer, razor, not including a safety razor, or other deadly
29 weapon with the intent to commit a criminal offense under Title 45 or during the commission of a criminal offense
30 under Title 45 shall be punished by a fine not exceeding \$500 or by imprisonment in the county jail for a period

1 not exceeding 6 months, or both.

2 (2) A person who has previously been convicted of an offense, committed on a different occasion than
3 the offense under this section, in this state or any other jurisdiction for which a sentence to a term of imprisonment
4 in excess of 1 year could have been imposed and who carries or bears concealed upon the individual's person
5 any of the weapons described in subsection (1) shall be punished by a fine not exceeding \$1,000 or be
6 imprisoned in the state prison for a period not exceeding 5 years, or both."

7

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

9 **"45-8-328. Carrying concealed weapon in prohibited place -- penalty.** (1) Except for legislative
10 ~~security officers authorized to carry a concealed weapon in the state capitol~~ as provided in ~~45-8-317(1)(k)~~
11 subsection (2), a person commits the offense of carrying a concealed weapon in a prohibited place if the person
12 purposely or knowingly carries a concealed weapon in:

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

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

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

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

20 (c) except for a restaurant or a restaurant-portion of a business operating with a restaurant beer and wine
21 license as provided in 16-4-420, a room in which alcoholic beverages are sold, dispensed, and consumed under
22 a license issued under Title 16 for the sale of alcoholic beverages for consumption on the premises.

23 (2) Subsection (1) does not apply to:

24 (a) legislative security officers authorized to carry a concealed weapon in the state capitol as provided
25 in 45-8-317(1)(k);

26 (b) on-duty or off-duty law enforcement officers;

27 (c) security guards acting in their official capacity as authorized by their employer; or

28 (d) ~~persons who possess a concealed weapons permit under 45-8-321 and carry the concealed weapon~~
29 ~~in a business or building with the owner's consent or a business or building with the manager's consent as~~
30 ~~authorized in writing by the owner of the business or building~~ EMPLOYEES WHO POSSESS A CONCEALED WEAPONS

1 PERMIT UNDER 45-8-321 AND CARRY THE CONCEALED WEAPON IN A BUSINESS OR BUILDING WITH THE OWNER'S WRITTEN
2 CONSENT OR IN A BUSINESS OR BUILDING WITH THE WRITTEN CONSENT OF A MANAGER WHO IS AUTHORIZED BY THE OWNER
3 TO PROVIDE CONSENT.

4 ~~(2)~~(3) It is not a defense that the person had a valid permit to carry a concealed weapon. A person
5 convicted of the offense shall be imprisoned in the county jail for a term not to exceed 6 months or fined an
6 amount not to exceed \$500, or both."

7 - END -