

HOUSE BILL NO. 251

INTRODUCED BY K. WAGONER

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A BILL FOR AN ACT ENTITLED: "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."

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

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

"45-8-315. Definition. "Concealed weapon" means ~~any weapon mentioned in 45-8-316 through 45-8-318 and 45-8-321 through 45-8-328 a handgun~~ A FIREARM OR WEAPON AS DEFINED IN 45-2-101 that is wholly or partially covered by the clothing or wearing apparel of the person carrying or bearing the weapon, ~~except that for purposes of 45-8-321 through 45-8-328, concealed weapon means a handgun or a knife with a blade 4 or more inches in length that is wholly or partially covered by the clothing or wearing apparel of the person carrying or bearing the weapon.~~"

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

"45-8-316. Carrying concealed weapons FIREARMS. (1) A person who carries or bears concealed upon the individual's person a ~~dirk, dagger, pistol, revolver, slingshot, sword cane, billy, knuckles made of any metal or hard substance, knife having a blade 4 inches long or longer, razor, not including a safety razor, handgun~~ FIREARM or other deadly weapon ~~AS DEFINED IN 45-2-101~~ shall be punished by a fine not exceeding \$500 or by imprisonment in the county jail for a period not exceeding 6 months, or both.

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

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