



AN ACT PROHIBITING THE ENFORCEMENT OF A POTENTIAL FEDERAL BAN ON FIREARMS, MAGAZINES, AND AMMUNITION; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

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

Section 1. Short title. [Sections 1 through 3] may be cited as the "Montana Federal Firearm, Magazine, and Ammunition Ban Enforcement Prohibition Act".

Section 2. Definitions. As used in [sections 1 through 3], the following definitions apply:

(1) "Federal ban" means a federal law or executive order that has the primary purpose of prohibiting, restricting, or requiring individual licensure for ownership, possession, transfer, or use of any firearm or any magazine or other ammunition feeding device.

(2) "Firearm" means any self-loading rifle, pistol, revolver, or shotgun or any manually loaded rifle, pistol, revolver, or shotgun.

(3) "Peace officer" has the meaning provided in 45-2-101, except [sections 1 through 3] do not apply to federal employees.

(4) "Political subdivision" means a city, town, county, or consolidated government.

Section 3. Prohibition of enforcement -- exceptions. (1) A peace officer, state employee, or employee of a political subdivision is prohibited from enforcing, assisting in the enforcement of, or otherwise cooperating in the enforcement of a federal ban on firearms, magazines, or ammunition and is also prohibited from participating in any federal enforcement action implementing a federal ban on firearms, magazines, or ammunition.

(2) An employee of the state or a political subdivision may not expend public funds or allocate public resources for the enforcement of a federal ban on firearms, magazines, or ammunition.

(3) [Sections 1 through 3] do not apply to:

- (a) the possession or use of a fully automatic firearm;
 - (b) the enforcement of any federal or state law prohibiting a person with a felony conviction from possessing a firearm;
 - (c) the enforcement of any federal or state law prohibiting a person convicted of a misdemeanor offense of domestic violence from possessing a firearm; or
 - (d) the enforcement of a current order of protection issued pursuant to Title 40, chapter 15, prohibiting a person from possessing a firearm.
- (4) Nothing in this section may be construed to prohibit or otherwise limit a peace officer, state employee, or employee of a political subdivision from cooperating in an action that does not have the primary purpose of enforcing a federal ban.

Section 4. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

Section 5. Effective date. [This act] is effective on passage and approval.

Section 6. Codification instruction. [Sections 1 through 3] are intended to be codified as an integral part of Title 45, chapter 7, and the provisions of Title 45, chapter 7, apply to [sections 1 through 3].

- END -

I hereby certify that the within bill,
SB 0099, originated in the Senate.

President of the Senate

Signed this _____ day
of _____, 2017.

Secretary of the Senate

Speaker of the House

Signed this _____ day
of _____, 2017.

SENATE BILL NO. 99

INTRODUCED BY C. SMITH, M. BLASDEL

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