

SENATE BILL NO. 99  
INTRODUCED BY C. SMITH

A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING THE ENFORCEMENT OF A POTENTIAL FEDERAL BAN ON FIREARMS AND MAGAZINES; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

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

NEW SECTION. **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 prohibits, restricts, or requires 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.

NEW SECTION. **Section 3. Prohibition of enforcement -- exceptions.** (1) (a) 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 or magazines and is also prohibited from participating in any federal enforcement action implementing a federal ban on firearms or magazines.

(b) A peace officer, state employee, or employee of any political subdivision who violates [sections 1 through 3] is acting outside the course and scope of employment.

(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 or magazines. Any expenditure of public funds or

1 public resources, including paying the salaries of personnel, to enforce or participate in the enforcement of a  
2 federal ban on firearms or magazines is an unauthorized use of public resources and is considered theft as  
3 provided in 45-6-301.

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

5 (a) the possession or use of a fully automatic firearm;

6 (b) the enforcement of any federal or state law prohibiting a person with a felony conviction from  
7 possessing a firearm;

8 (c) the enforcement of any federal or state law prohibiting a person convicted of a misdemeanor offense  
9 of domestic violence from possessing a firearm; or

10 (d) the enforcement of a current order of protection issued pursuant to Title 40, chapter 15, prohibiting  
11 a person from possessing a firearm.

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

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17 **NEW SECTION. Section 5. Effective date.** [This act] is effective on passage and approval.

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

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