

HOUSE BILL NO. 480

INTRODUCED BY M. DUNWELL

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING FIREARMS LAWS TO REQUIRE THAT READILY DISCHARGEABLE FIREARMS BE SECURED AND STORED IN A PLACE INACCESSIBLE TO A MINOR; AND PROVIDING EXCEPTIONS, PENALTIES, AND DEFINITIONS."

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

**NEW SECTION. Section 1. Unlawful access to readily dischargeable firearm by minor.** (1) A

person commits the offense of unlawful access to a readily dischargeable firearm by a minor if the person purposely, knowingly, or negligently:

- (a) (i) failed to secure the firearm; or
- (ii) left the firearm in a place where the person knew or should have known the minor would gain access;

and

- (b) a minor gains access to the firearm.
- (2) It is an affirmative defense to prosecution under this section that the minor's access to the firearm:
  - (a) was supervised by a person older than 18 years of age and was for hunting, sport shooting, target shooting, or other lawful purposes;
  - (b) consisted of lawful defense by the minor of people or property;
  - (c) was gained by the minor entering property illegally; or
  - (d) occurred during a time when the person and the minor were engaged in an agricultural enterprise.

(3) (a) If the minor gains access to the firearm but does not discharge the firearm, the offender shall be fined an amount not to exceed \$500 or be imprisoned in the county jail for a term not to exceed 6 months, or both.

(b) If the minor gains access to the firearm and discharges the firearm but does not cause death or serious bodily injury, the offender shall be fined an amount not to exceed \$1,000 or be imprisoned in the county jail for a term not to exceed 1 year, or both.

(c) If the minor gains access to the firearm and discharges the firearm causing death or serious bodily injury, the offender shall be fined an amount not to exceed \$10,000 or be imprisoned for a term not to exceed 5 years, or both.



1 (4) The following definitions apply to this section:

2 (a) "Minor" means a person under 18 years of age.

3 (b) "Readily dischargeable firearm" means a firearm that is loaded with ammunition, whether or not a  
4 round is in the chamber.

5 (c) "Secure" means to take steps that a reasonable person would take to prevent the access to a readily  
6 dischargeable firearm by a minor, including but not limited to placing a firearm in a locked container or temporarily  
7 rendering the firearm inoperable by a trigger lock or other means.

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9 **NEW SECTION. Section 2. Codification instruction.** [Section 1] is intended to be codified as an  
10 integral part of Title 45, chapter 8, part 3, and the provisions of Title 45, chapter 8, part 3, apply to [section 1].

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