

1 HOUSE BILL NO. 258

2 INTRODUCED BY J. HINKLE, M. BLASDEL, K. BOGNER, B. BROWN, J. ELLSWORTH, C. FRIEDEL, T.
 3 GAUTHIER, B. GILLESPIE, C. GLIMM, S. HINEBAUCH, D. HOWARD, D. KARY, T. MANZELLA, B. MOLNAR,
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 6 LER, D. LOGE, R. MARSHALL, T. MOORE, B. PHALEN, J. READ, A. REGIER, K. SEEKINS-CROWE, L.
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 9 A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING THE ENFORCEMENT OF ~~ANY~~A FEDERAL BAN
 10 ON OR REGULATION OF FIREARMS, MAGAZINES, AMMUNITION, AMMUNITION COMPONENTS, OR
 11 FIREARM ACCESSORIES; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE
 12 APPLICABILITY DATE."

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

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 16 NEW SECTION. Section 1. Short title. [Sections 1 through 4] may be cited as the "Montana Federal
 17 Firearm, Magazine, and Ammunition Ban Enforcement Prohibition Act".

18
 19 NEW SECTION. Section 2. Declaration of authority. [Sections 1 through 4] are done under the
 20 authority of the 2nd and 10th amendments to the United States constitution, Article II, section 12, of the
 21 Montana constitution, Montana's compact with the United States, and Printz v. U.S., 521 U.S. 898 (1997).

22
 23 NEW SECTION. Section 3. Definitions. As used in [sections 1 through 4], the following definitions
 24 apply:

25 (1) "Federal ban" means a federal law, executive order, rule, regulation THAT IS ENACTED, ADOPTED, OR
 26 BECOMES EFFECTIVE ON OR AFTER JANUARY 1, 2021, or a new and more restrictive interpretation of ~~an existing~~A
 27 law THAT EXISTED ON JANUARY 1, 2021, that infringes upon, calls in question, or prohibits, restricts, or requires
 28 individual licensure for or registration of the purchase, ownership, possession, transfer, or use of any firearm,

1 any magazine or other ammunition feeding device, or other firearm accessory.

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

4 (3) "Peace officer" has the meaning provided in 45-2-101, except that [sections 1 through 4] do not
5 apply to federal employees.

6 (4) "Political subdivision" means a city, town, county, consolidated government, or other political
7 subdivision of the state.

8
9 **NEW SECTION. Section 4. Prohibition of enforcement.** (1) A peace officer, state employee, or
10 employee of a political subdivision is prohibited from enforcing, assisting in the enforcement of, or otherwise
11 cooperating in the enforcement of a federal ban on firearms, magazines, or ammunition and is also prohibited
12 from participating in any federal enforcement action implementing a federal ban on firearms, magazines, or
13 ammunition.

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

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

17 ~~(a) the possession or use of a fully automatic firearm that will fire continuously with only one pull of
18 the trigger;~~

19 ~~(b) the enforcement of any federal or state law prohibiting a person with a violent felony conviction
20 from possessing a firearm;~~

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

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

25 ~~(4)(3)~~ Nothing in this section may be construed to prohibit or otherwise limit a peace officer, state
26 employee, or employee of a political subdivision from cooperating ~~in an action that does not have the,~~
27 COMMUNICATING, OR COLLABORATING WITH A FEDERAL AGENCY IF THE PRIMARY purpose of enforcing IS NOT:

28 (A) LAW ENFORCEMENT ACTIVITY RELATED TO A FEDERAL BAN; OR

