

## 1 HOUSE BILL NO. 560

2 INTRODUCED BY S. GUNDERSON

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4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING FIREARMS LAWS; PROVIDING LEGISLATIVE  
5 FINDINGS; PROHIBITING STATE EMPLOYEES OR EMPLOYEES OF A POLITICAL SUBDIVISION OF THE  
6 STATE FROM ASSISTING IN THE ENFORCEMENT OF FEDERAL LAWS OR DIRECTIVES REGARDING  
7 FIREARMS ENACTED OR ADOPTED AFTER JANUARY 19, 2021; AND PROVIDING AN IMMEDIATE  
8 EFFECTIVE DATE."

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

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12 NEW SECTION. Section 1. Short title. [Sections 1 through 5] may be cited as the "Montana Right to  
13 Keep and Bear Arms Preservation Act".

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15 NEW SECTION. Section 2. Legislative findings. The legislature finds that:

16 (1) Our citizens are rightfully concerned that the federal government may take steps to violate the right  
17 to keep and bear arms in the second amendment of the United States constitution and Article II, section 12, of  
18 the Montana constitution through federal executive orders, agency orders, memoranda of understanding,  
19 conditions placed on federal grants or other federal funds, statutes, laws, rules, policy statements, regulations,  
20 or any other mechanism enacted or promulgated on or after January 19, 2021.

21 (2) It is the intent of the legislature in enacting [this act] to preclude Montana state and local  
22 government officials and employees, in particular peace officers, from collaborating, assisting, communicating,  
23 or jointly investigating with federal employees or officials in response to a potential violation of a federal gun  
24 ban enacted or adopted after January 19, 2021, or otherwise participate in enforcement and compliance  
25 activities of federal agencies pursuant to a federal gun ban enacted or adopted after January 19, 2021.

26 (3) In furtherance of the principles of federalism, the federal government may not commandeer the  
27 state's officers, agents, or employees to participate in the enforcement activities or investigations or otherwise  
28 facilitate federal investigations as recognized by the United States supreme court in *Printz v. United States*, 521

1 U.S. 898 (1997). It is in the state's interest to also preclude state and local officials and employees from  
2 choosing to collaborate with or assist federal officials and agents in the enforcement of federal bans enacted in  
3 2021 or afterward.

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5 **NEW SECTION. Section 3. Definitions.** As used in [sections 1 through 5], the following definitions  
6 apply:

7 (1) "Federal ban" means a federal statute, executive order, agency order, rule, regulation, policy  
8 statement, priority, or a new and more restrictive interpretation of an existing law enacted or adopted after  
9 January 19, 2021, that prohibits, restricts, or requires individual licensure for or registration of the purchase,  
10 ownership, possession, transfer, or use of a firearm, a magazine or other ammunition feeding device, or other  
11 firearm accessory.

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

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

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

18  
19 **NEW SECTION. Section 4. Prohibitions.** A state official, department, or agency of the state, political  
20 subdivision of the state, or employee of an agency or political subdivision of the state acting in their official  
21 capacity may not:

22 (1) participate in any way in the enforcement of a federal ban regarding a firearm, firearm accessory,  
23 or ammunition if the federal ban did not exist under federal law on January 19, 2021;

24 (2) utilize any assets, federal funds, state funds, or funds allocated by the state to local entities on or  
25 after [the effective date of this act] to engage in an activity that aids a federal agency, federal official, or  
26 contractor providing services to the federal government in the enforcement of a federal ban or an investigation  
27 of conduct prohibited by a federal ban if the federal ban occurred after January 19, 2021;

28 (3) assist or facilitate investigations by a federal law enforcement agency, official, or employee or their

1 compliance activities pursuant to a federal ban issued, enacted, or promulgated on or after January 20, 2021,  
2 that restricts ownership, possession or use of firearms, ammunition, a magazine or other ammunition feeding  
3 device, or other firearm accessory; or

4 (4) accept funding from the federal government that contains one or more conditions or memoranda  
5 of understanding requiring recipients to comply with or assist in the enforcement of a federal ban enacted after  
6 January 19, 2021.

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8 **NEW SECTION. Section 5. Penalties.** A political subdivision of the state may not receive state grant  
9 funds if the political subdivision adopts a rule, order, ordinance, or policy under which the political subdivision  
10 violates [section 3]. State grant funds for the political subdivision must be denied for the fiscal year following the  
11 year in which the political subdivision required actions that violate the prohibitions in [section 3].

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13 **NEW SECTION. Section 6. Codification instruction.** [Sections 1 through 5] are intended to be  
14 codified as an integral part of Title 45, chapter 8, and the provisions of Title 45, chapter 8, apply to [sections 1  
15 through 5].

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17 **NEW SECTION. Section 7. Severability.** If a part of [this act] is invalid, all valid parts that are  
18 severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications,  
19 the part remains in effect in all valid applications that are severable from the invalid applications.

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21 **NEW SECTION. Section 8. Effective date.** [This act] is effective on passage and approval.

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