

1 HOUSE BILL NO. 674

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5 A BILL FOR AN ACT ENTITLED: "AN ACT CREATING AN ENHANCED PERMIT TO CARRY A CONCEALED
6 WEAPON; PROVIDING APPLICATION CRITERIA AND INSTRUCTIONS FOR APPLICANTS AND COUNTY
7 SHERIFFS; CREATING A PERMIT RENEWAL PROCESS; SPECIFYING WHO MAY NOT HOLD AN
8 ENHANCED PERMIT; PROVIDING FOR A TEMPORARY RESTRICTED ENHANCED PERMIT FOR
9 INDIVIDUALS WHO ARE 18 TO 20 YEARS OF AGE; AMENDING SECTIONS 45-8-328, 45-8-330, AND 45-8-
10 356, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

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14 NEW SECTION. Section 1. Enhanced permit to carry concealed weapon -- TEMPORARY
15 RESTRICTED ENHANCED PERMIT FOR INDIVIDUALS 18 TO 20 YEARS OF AGE. (1) To obtain an optional enhanced
16 permit to carry a concealed weapon, an applicant shall submit an application to the sheriff of the county in
17 which the applicant resides. The permit is valid for 5 years from the date of issuance and may be renewed
18 pursuant to subsection (6).

19 (2) An application for an enhanced permit must include:

20 (a) a copy of the applicant's fingerprints for submission to the federal bureau of investigation, or to
21 any government agency or entity authorized to receive the information, for a state, national, and international
22 criminal background check;

23 (b) an authorization from the applicant to run a fingerprint background check; and

24 (c) proof that the applicant:

25 (i) has successfully completed a qualifying handgun course, as defined in subsection (5), within
26 the preceding 12 months; or

27 (ii) is a current or former law enforcement officer and has, within the preceding 12 months,
28 qualified or requalified on a certified shooting course administered by a firearms instructor approved by the

1 ~~department of justice~~ A LAW ENFORCEMENT AGENCY.

2 (3) An applicant for an enhanced concealed carry permit must be:

3 (i) a United States citizen or permanent lawful resident;

4 (ii) 21 years of age or older;

5 (iii) the holder of a valid Montana driver's license or other form of identification issued by the state

6 that has a picture of the person identified; and

7 (iv) a resident of the state for at least 6 months on the date of application.

8 (4) A county sheriff who receives an application for an enhanced permit to carry a concealed

9 weapon shall:

10 (a) ~~forward the copy of the applicant's fingerprints, the applicant's authorization for processing a~~
11 ~~criminal background check, and the payment for the criminal background check to the criminal records and~~
12 ~~identification services section of the department of justice for processing~~ CONDUCT OR CAUSE TO BE CONDUCTED
13 THE CRIMINAL BACKGROUND CHECKS REQUIRED PURSUANT TO SUBSECTION (2);

14 (b) retain the application and other documents until the sheriff receives the results of the
15 background checks required pursuant to subsection (2); and

16 (c) after receiving satisfactory background check results and verification that an applicant has met
17 the requirements of subsection (2)(c)(i) or (2)(c)(ii) and subsection (3), issue a permit clearly designated as
18 enhanced within 60 days after the filing of the application.

19 (5) A qualifying handgun course is any handgun course approved by ~~the department of justice~~ A
20 LAW ENFORCEMENT AGENCY that includes instruction in each of the following:

21 (a) laws relating to firearms and the use of force;

22 (b) the basic concepts of the safe and responsible use of handguns;

23 (c) self-defense principles; and

24 (d) live fire training, including the firing of at least 98 rounds of ammunition by the student.

25 (6) A person who holds an enhanced permit to carry a concealed weapon may renew the permit
26 through the sheriff of the county in which the person resides. The period for renewal begins 180 days before the
27 permit expires and ends 30 days after the permit expires. To renew an enhanced permit, a person shall:

28 (a) pass a criminal background check; and

1 (b) present proof that:

2 (i) during the period of renewal, the applicant successfully completed a live fire component of a
3 qualifying handgun course pursuant to subsection (5)(d); or

4 (ii) the applicant is a current or former law enforcement officer and has, within the preceding 12
5 months, qualified or requalified on a certified shooting course administered by a firearms instructor approved by
6 ~~the department of justice~~ A LAW ENFORCEMENT AGENCY.

7 (7) (a) If a person fails to renew an enhanced permit to carry a concealed weapon during the
8 period set forth in subsection (6), the enhanced permit is deemed to be invalid.

9 (b) To obtain an enhanced permit after a previous enhanced permit has become invalid, a person
10 shall submit a new application and meet all requirements for an initial enhanced permit.

11 (8) Except as provided in subsection (9), an enhanced permit to carry a concealed weapon may
12 not be denied to a qualified applicant unless the applicant:

13 (a) is ineligible under Montana or federal law to own, possess, or receive a firearm;

14 (b) has been charged and is awaiting judgment in any state or federal crime that is
15 punishable by incarceration for 1 year or more;

16 (c) subject to the provisions of subsection (10), has been convicted in any state or federal court of:

17 (i) a crime punishable by more than 1 year of incarceration; or

18 (ii) regardless of the sentence that may be imposed, a crime that includes as an element of the
19 crime an act, attempted act, or threat of intentional homicide, serious bodily harm, unlawful restraint, sexual
20 abuse, or sexual intercourse or contact without consent;

21 (d) has been convicted under 45-8-327 or 45-8-328, unless the applicant has been pardoned or 5
22 years have elapsed since the date of the conviction;

23 (e) has a warrant of any state or the federal government out for the applicant's arrest;

24 (f) has been adjudicated in a criminal or civil proceeding in any state or federal court to be an
25 unlawful user of an intoxicating substance and is under a court order of imprisonment or other incarceration,
26 probation, suspended or deferred imposition of sentence, treatment or education, or other conditions of release
27 or is otherwise under state supervision;

28 (g) has been adjudicated in a criminal or civil proceeding in any state or federal court to be

1 mentally ill, mentally disordered, or mentally disabled and is still subject to a disposition order of that court; or

2 (h) was dishonorably discharged from the United States armed forces.

3 (9) A county sheriff may deny an applicant an enhanced permit to carry a concealed weapon if the
4 sheriff has reasonable cause to believe that the applicant is mentally ill, mentally disordered, or mentally
5 disabled or otherwise may be a threat to the peace and good order of the community to the extent that the
6 applicant should not be allowed to carry a concealed weapon. At the time an application is denied, the sheriff
7 shall, unless the applicant is the subject of an active criminal investigation, give the applicant a written
8 statement of the reasonable cause on which the denial is based.

9 (10) Except for a person referred to in subsection (8)(c)(ii), a person who has been convicted of a
10 felony and whose rights have been restored pursuant to Article II, section 28, of the Montana constitution is
11 entitled to issuance of an enhanced concealed weapons permit if otherwise eligible.

12 (11) THE FEE FOR ISSUANCE OF AN ENHANCED PERMIT IS \$75. THE FEE FOR AN ENHANCED PERMIT MUST
13 BE PAID TO THE COUNTY SHERIFF. THE COUNTY SHERIFF SHALL FORWARD THE APPROPRIATE AMOUNT OF THE FEE TO
14 THE DEPARTMENT OF JUSTICE TO COVER THE COSTS OF BACKGROUND CHECKS AND FINGERPRINTING.

15 (12) THE SHERIFF OF THE COUNTY IN WHICH THE PERMITTEE RESIDES MAY REVOKE THE ENHANCED PERMIT
16 OR DENY ITS RENEWAL UNDER 45-8-323.

17 (13) A DENIAL OR REVOCATION OF AN ENHANCED PERMIT OR A REFUSAL TO RENEW AN ENHANCED PERMIT
18 MAY BE APPEALED UNDER 45-8-324.

19 (14) THE IMMUNITY FROM LIABILITY PROVIDED UNDER 45-8-326 APPLIES TO THE GRANT OF, RENEWAL OF,
20 OR FAILURE TO REVOKE AN ENHANCED PERMIT.

21 (15) (A) AN APPLICANT BETWEEN 18 AND 20 YEARS OF AGE WHO OTHERWISE MEETS THE REQUIREMENTS
22 OF SUBSECTIONS (2) AND (3) AND ANY OTHER SPECIFIED REQUIREMENTS AND QUALIFICATIONS, ON APPROVAL FROM THE
23 SHERIFF OF THE COUNTY WHERE THE APPLICANT SUBMITTED THE APPLICATION, MUST BE ISSUED A TEMPORARY
24 RESTRICTED ENHANCED PERMIT THAT CLEARLY DESIGNATES THE RESTRICTED ENHANCED PERMIT IS FOR INDIVIDUALS
25 WHO ARE 18 TO 20 YEARS OF AGE.

26 (B) AN INDIVIDUAL HOLDING AN UNEXPIRED RESTRICTED ENHANCED PERMIT WHO HAS REACHED THE AGE
27 OF 21 MAY SUBMIT A WRITTEN REQUEST TO THE SHERIFF OF THE COUNTY IN WHICH THE INDIVIDUAL RESIDES FOR AN
28 UNRESTRICTED ENHANCED PERMIT. THE UNRESTRICTED ENHANCED PERMIT MUST BE ISSUED AT NO ADDITIONAL COST.

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SECTION 2. SECTION 45-8-328, MCA, IS AMENDED TO READ:

"45-8-328. Carrying concealed weapon in prohibited place -- penalty. (1) Except for a person issued a permit pursuant to 45-8-321 or [section 1] or a person recognized pursuant to 45-8-329, a person commits the offense of carrying a concealed weapon in a prohibited place if the person purposely or knowingly carries a concealed weapon in portions of a building used for state or local government offices and related areas in the building that have been restricted.

(2) A person convicted of the offense shall be imprisoned in the county jail for a term not to exceed 6 months or fined an amount not to exceed \$500, or both."

SECTION 3. SECTION 45-8-330, MCA, IS AMENDED TO READ:

"45-8-330. (Temporary) Exemption of concealed weapon permittee from federal handgun purchase background check and waiting period. A person possessing a concealed weapon permit or an enhanced concealed weapon permit is:

(1) considered to have a permit constituting completion of the background check required by 18 U.S.C. 921 through 925A; and

(2) exempt from that act's 5-day waiting period for the purchase of a handgun. (Subsections (1) and (2) terminate contingent on the elimination of federal statutory or case law requirements--sec. 5, Ch. 408, L. 1995.)"

SECTION 4. SECTION 45-8-356, MCA, IS AMENDED TO READ:

"45-8-356. Where concealed weapon may be carried -- exceptions. A person with a current and valid permit issued pursuant to 45-8-321 or [section 1] or recognized pursuant to 45-8-329 may not be prohibited or restricted from exercising that permit anywhere in the state, except:

(1) in a correctional, detention, or treatment facility operated by or contracted with the department of corrections or a secure treatment facility operated by the department of public health and human services;

(2) in a detention facility or secure area of a law enforcement facility owned and operated by a city or county;

