

HOUSE BILL NO. 351

INTRODUCED BY STRIZICH, HALLIGAN, CLARK, O'CONNELL,
CAMPBELL, PHILLIPS, COCCHIARELLA, REAM, SIMPKINS, DARKO,
HARRINGTON, SQUIRES, GOOD, PAVLOVICH, DAVIS, BROOKE,
HANSEN, WALKER, NISBET, CODY, RUSSELL, GERVAIS,
MOORE, JOHNSON, COHEN, MCDONOUGH

IN THE HOUSE

JANUARY 21, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY.
JANUARY 23, 1989	FIRST READING.
FEBRUARY 9, 1989	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
FEBRUARY 10, 1989	PRINTING REPORT.
FEBRUARY 11, 1989	SECOND READING, DO PASS.
FEBRUARY 13, 1989	ENGROSSING REPORT.
FEBRUARY 14, 1989	THIRD READING, PASSED. AYES, 82; NOES, 15.
	TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 15, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY.
	FIRST READING.
MARCH 13, 1989	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
MARCH 14, 1989	SECOND READING, CONCURRED IN.
MARCH 16, 1989	THIRD READING, CONCURRED IN. AYES, 48; NOES, 0.
	RETURNED TO HOUSE.

MARCH 17, 1989

IN THE HOUSE

RECEIVED FROM SENATE.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 *House* BILL NO. *351*
 2 INTRODUCED BY *Mr. Volpe* *Mr. O'Connell*
 3 *Connel* *Phillip Smith* *Marko* *Don* *Carland*
 4 *Cocchiulla* *Ream* *Samuel* *Speckner*
 5 A BILL FOR AN ACT ENTITLED: "AN ACT CREATING THE CRIMINAL
 6 OFFENSE OF POSSESSION OF A SAWED-OFF RIFLE OR SHOTGUN." *4/16/01*
Walker *Nishat* *Cory* *Russell* *Bonnie*

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

8 NEW SECTION. Section 1. Sawed-off firearm -- penalty.

9 (1) A person commits the offense of possession of a
 10 sawed-off firearm if he knowingly possesses a rifle or
 11 shotgun that when originally manufactured had a barrel
 12 length of:

13 (a) 16 inches or more and an overall length of 26
 14 inches or more in the case of a rifle; or

15 (b) 18 inches or more and an overall length of 26
 16 inches or more in the case of a shotgun; and

17 (c) the firearm has been modified in a manner so that
 18 the barrel length, overall length, or both, is less than
 19 specified in subsection (1)(a) or (1)(b).

20 (2) The barrel length is the distance from the muzzle
 21 to the rear-most point of the chamber.

22 (3) This section does not apply to firearms possessed:

23 (a) by a peace officer of this state or one of its
 24 political subdivisions;

25 (b) by an officer of the United States government

1 authorized to carry weapons;

2 (c) by a person in actual service as a national
 3 guardsman;

4 (d) by a person called to the aid of one of the
 5 persons named in subsections (3)(a) through (3)(c); or

6 (e) for educational or scientific purposes in which
 7 the firearms are incapable of being fired.

8 (4) A person convicted of the offense of possession of
 9 a sawed-off firearm must be fined not less than \$200 or more
 10 than \$500 or imprisoned in the county jail for not less than
 11 5 days or more than 6 months, or both, upon a first
 12 conviction. If a person has one or more prior convictions
 13 under this section or one or more prior felony convictions
 14 under a law of this state, another state, or the United
 15 States, he must be fined an amount not to exceed \$1,000 or
 16 imprisoned in the state prison for a term not to exceed 5
 17 years, or both.

18 NEW SECTION. Section 2. Codification instruction.

19 [Section 1] is intended to be codified as an integral part
 20 of Title 45, chapter 8, part 3, and the provisions of Title
 21 45 apply to [section 1].

-End-

APPROVED BY COMMITTEE
ON JUDICIARY

HOUSE BILL NO. 351

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A BILL FOR AN ACT ENTITLED: "AN ACT CREATING THE CRIMINAL
OFFENSE OF POSSESSION OF A SAWED-OFF RIFLE OR SHOTGUN."

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

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(1) A person commits the offense of possession of a sawed-off
firearm if he knowingly possesses a rifle or shotgun that
when originally manufactured had a barrel length of:

(a) 16 inches or more and an overall length of 26
inches or more in the case of a rifle; or

(b) 18 inches or more and an overall length of 26
inches or more in the case of a shotgun; and

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the barrel length, overall length, or both, is less than
specified in subsection (1)(a) or (1)(b).

(2) The barrel length is the distance from the muzzle
to the rear-most point of the chamber.

(3) This section does not apply to firearms possessed:

(a) by a peace officer of this state or one of its
political subdivisions;

(b) by an officer of the United States government
authorized to carry weapons;

(c) by a person in actual service as a national
guardsman;

(d) by a person called to the aid of one of the
persons named in subsections (3)(a) through (3)(c); or

(e) for educational or scientific purposes in which
the firearms are incapable of being fired;

(F) BY A PERSON WHO HAS A VALID FEDERAL TAX STAMP FOR
THE FIREARM ISSUED BY THE BUREAU OF ALCOHOL, TOBACCO, AND
FIREARMS; OR

(G) BY A BONA FIDE COLLECTOR OF FIREARMS IF THE
FIREARM IS A MUZZLE LOADING SAWED-OFF FIREARM MANUFACTURED
BEFORE 1900.

(4) A person convicted of the offense of possession of
a sawed-off firearm must be fined not less than \$200 or more
than \$500 or imprisoned in the county jail for not less than
5 days or more than 6 months, or both, upon a first
conviction. If a person has one or more prior convictions
under this section or one or more prior felony convictions
under a law of this state, another state, or the United
States, he must be fined an amount not to exceed \$1,000 or
imprisoned in the state prison for a term not to exceed 5

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1 years, or both.

2 NEW SECTION. **Section 2.** Codification instruction.

3 [Section 1] is intended to be codified as an integral part
4 of Title 45, chapter 8, part 3, and the provisions of Title
5 45 apply to [section 1].

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22 specified in subsection (1)(a) or (1)(b).23 (2) The barrel length is the distance from the muzzle
24 to the rear-most point of the chamber.

25 (3) This section does not apply to firearms possessed:

1 (a) by a peace officer of this state or one of its
2 political subdivisions;3 (b) by an officer of the United States government
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6 guardsman;7 (d) by a person called to the aid of one of the
8 persons named in subsections (3)(a) through (3)(c); or9 (e) for educational or scientific purposes in which
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