

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.

IN THE HOUSE

MARCH 17, 1989

RECEIVED FROM SENATE.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

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

1 HOUSE BILL NO. 351
2 INTRODUCED BY STRIZICH, HALLIGAN, CLARK, O'CONNELL,
3 CAMPBELL, PHILLIPS, COCCHIARELLA, REAM, SIMPKINS, DARKO,
4 HARRINGTON, SQUIRES, GOOD, PAVLOVICH, DAVIS, BROOKE,
5 HANSEN, WALKER, NISBET, CODY, RUSSELL, GERVAIS,
6 MOORE, JOHNSON, COHEN, MCDONOUGH

7
8 A BILL FOR AN ACT ENTITLED: "AN ACT CREATING THE CRIMINAL
9 OFFENSE OF POSSESSION OF A SAWED-OFF RIFLE OR SHOTGUN."

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8 persons named in subsections (3)(a) through (3)(c); or
9 (e) for educational or scientific purposes in which
10 the firearms are incapable of being fired; ;
11 (F) BY A PERSON WHO HAS A VALID FEDERAL TAX STAMP FOR
12 THE FIREARM ISSUED BY THE BUREAU OF ALCOHOL, TOBACCO, AND
13 FIREARMS; OR
14 (G) BY A BONA FIDE COLLECTOR OF FIREARMS IF THE
15 FIREARM IS A MUZZLE LOADING SAWED-OFF FIREARM MANUFACTURED
16 BEFORE 1900.

17 (4) A person convicted of the offense of possession of
18 a sawed-off firearm must be fined not less than \$200 or more
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20 5 days or more than 6 months, or both, upon a first
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