45th Legislature

LC 0700/01

LC 0700/01

HBSB

ı	H BILL NO. 513
2	INTRODUCED BY Milligen, Ryon
3	by Request of Canon Arry Assoc.
4	A BILL FOR AN ACT ENTITLED: "AN ACT RELATING TO THE
5	CARRYING AND DISPOSING OF CONCEALED WEAPONS; AMENDING
6	SECTION 94-8-210; AND REPEALING SECTION 94-8-211, R.C.M.
7	1947."
8	
9	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HONTANA:
10	Section 1. Section 94-8-210, R.C.N. 1947, is amended
11	to read as follows:
12	94-8-210. Carrying certain concealed weapons in
13	c <del>ities-or-towns forbidden-punishment. <u>(1)</u> Every person</del>
14	wh <del>oy-within-the-limits-of-any-city-or-towny</del> carries or bears
15	concealed upon his person a dirk, dagger, pistol, revolver,
16	slingshot, swordcane, billy, knuckles made of any metal or
17	hard substance, knife having a blade four inches long or
18	longer, razor, not including a safety razor, <u>shotgun saved</u>
19	off to a length of 18 inches or lesse or other deadly
20	weapon, shall be punished by a fine not exceeding five
21	hundred dollars or by imprisonment in the county jail for a
22	period not exceeding six months, or by both such fine and
23	imprisonment <del>va_or-may-be-punishedbyimprisonmentin</del> the
24	state-penitentiary-for-a-period-not-exceeding-five-years.
25	(2) A person who has previously been convicted of an

1 offense. committed on a different occasion than the offense 2 under this section, in this state or any other jurisdiction for which a sentence to a term of imprisonment in excess of 3 4 1 year could have been imposed and who carries or bears 5 concealed upon his person any of the weapons described in 6 subsection [1] shall be punished by a fine not exceeding 7 \$1,000 or imprisoned in the state prison for a period not 8 exceeding 5 years, or both." 9 Section 2. There is a new R.C.M. section that reads as follows: 10 11 Disposing of confiscated concealed weapons. (1) Any 12 weapon described in 94-8-210, when unlawfully possessed, is 13 declared to be a nuisance. Any weapon confiscated under 94-8-210 shall be delivered to the sheriff for the county 14 wherein the weapon was confiscated. 15 16 (2) The sheriff to whom the weapon is surrendered 17 shall destroy it, cause it to be destroyed, or render it or cause it to be rendered useless for its intended purpose and 18 harmless to human life. 19 20 (3) Notwithstanding subsection (2) of this section. 21 the sheriff to whom the weapon is surrendered may not 22 destroy it if: (a) a judicial officer of a court of record or a 23 24 county attorney files with the sheriff an affidavit stating 25 that the preservation thereof is necessary to serve the ends

-2-

INTRODUCED BILL

1 of justice; or

2 (b) a judicial officer of a court of record or a
3 county attorney directs the weapon to be retained in a
4 laboratory for the purpose of research, comparison,
5 identification, or other endeavor toward the prevention and
6 detection of crime.

7 (4) An official record shall be made and retained, in
8 the case of destruction under subsection (2) of this
9 section, of a firearm, giving the caliber, model, make, and
10 manufacturer\*s name and serial number or, if none, any other
11 distinguishing number or identification mark.
12 Section 3. Repealer. Section 94-8-211, R.C.M. 1947, is

13 repealed.

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-End-

LC 0709/01

Approved by Committee on Judiciary

1 2 3 A BILL FOR AN ACT ENTITLED: "AN ACT RELATING TO THE 4 CARRYING AND DISPOSING OF CONCEALED WEAPONS; AMENDING 5 SECTION 94-8-210; AND REPEALING SECTION 94-8-211, R.C.M. 6

7

1947.\*

8

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HUNTANA:

10 Section 1. Section 94-8-210, R.C.M. 1947, is amended 11 to read as follows:

12 "94-8-210. Carrying certain concealed weapons in cities-or-towns: forbidden punishment. [1] Every parson 13 14 whoy-within the 3 imits of ony city or toury carries or bears 15 concealed upon his person a dirk, dagger, pistol, revolver, slingshot, swordcane, billy, knuckles made of any metal or 16 17 hard substance, knife having a blade four inches long or longer, razor, not including a safety razor, shotous saved 18 off to a length of 18 inches or less, or other deadly 19 20 weapon, shall be punished by a fine not exceeding five hundred dollars or by imprisonment in the county jail for a 21 period not exceeding six months, or by both such fine and 22 Z3 imprisonmenty\_ or-may-be-punished-by--imprisonment--in--the 24 state-penitantiary-for-a-period-not-exceeding-five-years. 25 [21. A. person who has previously been convicted of an

1 offense, committed on a different occasion than the offense 2 under this section. in this state or any other jurisdiction ٦ for which a sentence to a term of imprisonment in excess of 1 year could have been imposed and who carries or bears 4 5 concealed upon his person any of the weapons, described, in ж subsection (1) shall be punished by a fine not exceeding 7 \$1.000 or imprisoned in the state prison for a period, not 8 exceeding 5 years, or both." q Section 2. There is a new R.C.M. section that reads as 10 follows: 11 Disposing of confiscated concealed weapons. (1) Any 12 weapon described in 94-8-210, when unlawfully possessed, is 13 declared to be a nuisance. Any weapon confiscated under 14 94-8-210 shall be delivered to the sheriff for the county wherein the weapon was confiscated. 15 16 (2) The sheriff to whom the weapon is surrendered shall destroy it, cause it to be destroyed, or render it or 17 cause it to be rendered useless for its intended purpose and 18 harmless to human life. 19 20 (3) Notwithstanding subsection (2) of this section, 21 the sheriff to whom the weapon is surrendered may not destroy it if: 22 23 (a) a judicial officer of a court of record or a county attorney files with the sheriff an affidavit stating 24 that the preservation thereof is necessary to serve the ends 25

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4 B.513

SECOND READING

### LC 0700/01

1 of justice; or

2 (b) a judicial officer of a court of record or a 3 county attorney directs the weapon to be retained in a 4 laboratory for the purpose of research, comparison, 5 identification, or other endeavor toward the prevention and 6 detection of crime.

7 (4) An official record shall be made and retained, in
8 the case of destruction under subsection (2) of this
9 section, of a firearm, giving the caliber, model, make, and
10 manufacturer's name and serial number or, if none, any other
11 distinguishing number or identification mark.
12 Section 3. Repealer. Section 94-8-211, R.C.M. 1947, is

13 repealed.

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-End-

LC 0700/01

INTRODUCED BY Millingen, Ryan Dy Regular Grand ATTY' Assoc. 1 2 3 A BILL FOR AN ACT ENTITLED: "AN ACT RELATING TO THE CARRYING AND DISPOSING OF CONCEALED WEAPONS: AMENDING 5 SECTION 94-8-210; AND REPEALING SECTION 94-8-211; R.C.M. 6 7 1947.\*

8

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 10 Section 1. Section 94-8-210, R.C.M. 1947, is amended
 11 to read as follows:

12 "94-8-210. Carrying certain concealed weapons in . 13 cities-or--towns forbidden--punishment. (11 Every person 14 whoy-within-the-limits-of-any-city-or-towny carries or bears 15 concealed upon his person a dirk, dagger, pistol, revolver, slingshot, swordcame, billy, knuckles made of any metal or 16 17 hard substance, knife having a blade four inches long or 13 longer, razor, not including a safety razor, shotgun sawed 19 off to a length of 18 inches or less, or other deadly 29 weapon, shall be punished by a fine not exceeding five hundred dollars or ay imprisonment in the county jail for a 21 period not exceeding six months, or by both such fine and 22 23 imprisonmenty, or-may-be-punished--by--imprisonment--in--the 24 state-penitentiary-for-a-period-not-exceeding-five-years+ 121 A person who has previously been convicted of an 25

THIRD READING

25

1 offense, committed on a different occasion than the offense under this section, in this state or any other jurisdiction 2 3 for which a sentence to a term of imprisonment in excess of 4 1 year could have been imposed and who carries or bears 5 concealed upon his person any of the weapons described in subsection (1) shall be ounished by a fine not exceeding 6 7 \$1.000 or imprisoned in the state prison for a period not 8 exceeding 5 years, or both." 0 Section 2. There is a new R.C.M. section that reads as 10 follows: 11 Disposing of confiscated concealed weapons+ (1) Any 12 weapon described in 94-8-210, when unlawfully possessed, is 13 declared to be a nuisance. Any weapon confiscated under 14 94-8-210 shall be delivered to the sheriff for the county 15 wherein the weapon was confiscated. 16 (2) The sheriff to whom the weapon is surrendered 17 shall destroy it, cause it to be destroyed, or render it or 18 cause it to be readered useless for its intended ourpose and 19 harmless to human life. 20 (3) Notwithstanding subsection (2) of this section, 21 the sheriff to whow the weapon is surrendered may not 22 destroy it if: 23 (a) a judicial officer of a court of record or a 24 county attorney files with the sheriff an affidavit stating

H B513

that the preservation thereof is necessary to serve the ends

-7+

## LC 0700/01

2 (b) a judicial officer of a court of record or a 3 county attorney directs the weapon to be retained in a laboratory for the purpose of research, comparison, 4 identification, or other endeavor toward the prevention and 5 6 detection of crime. 7 (4) An official record shall be made and retained, in 8 the case of destruction under subsection (2) of this 9 section, of a firearm, giving the caliber, model, make, and 10 manufacturer's name and serial number or; if none; any other 11 distinguishing number or identification mark. 12 Section 3. Repealer. Section 94-8-211, R.C.M. 1947, is

13 repealed.

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1

of justice; or

-End-

March 24, 1977

STANDING COMMITTEE REPORT Senate Committee on Judiciary

That House Bill No. 513 be amended as follows:

1. Amend page 1, section 1, lines 18 and 19.
Following: "razor,"
Strike: "shotgun sawed off to a length of 18 inches or less,"

2. Amend page 2, section 2, line 12. Following: "94-8-210" Insert: "which cannot be used for any lawful purpose"

3. Amend page 3, section 2, line 9.
Following: "section"
Strike: ","

March 29, 1977

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# SENATE COMMITTEE OF THE WHOLE

That House Bill No. 513 be amended as follows:

l. Amend title, line 5.
Following: "CARRYING"
Strike: "AND DISPOSING"

2. Amend section 2, page 2, line 9 through line 11 on page 3.
Following: line 8
Strike: section 2 in its entirety

HB 0513/02

1	HOUSE BILL NO. 513
2	INTRODUCED BY GILLIGAN, RYAN
3	BY REQUEST OF COUNTY ATTORNEY'S ASSOCIATION
4	
5	A BILL FOR AN ACT ENTITLED: "AN ACT RELATING TO THE
6	CARRYING ANDDISPOSING OF CONCEALED WEAPONS; AMENDING
٦	SECTION 94-8-210; AND REPEALING SECTION 94-8-211, R.C.M.
6	1947."
9	
10	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
11	Section 1. Section 94-8-210, R.C.M. 1947, is amended
12	to read as follows:
13	■94-8-210. Carrying certain concealed weapons <del>in</del>
14	citiesortowns forbiddenpunishment. (1) Every person
15	who <del>y-within-the-limits-of-any-city-or-towny</del> carries or bears
16	concealed upon his person a dirk, dagger, pistol, revolver,
17	slingshot, swordcane, billy, knuckles made of any metal or
18	hard substance, knife having a blade four inches long or
19	longer, razor, not including a safety razor, <u>shotgun-sawed</u>
20	<del>off-to-s-length_of-18_inches_or-less</del> or other deadly
21	weapon, shall be punished by a fine not exceeding five
22	hundred dollars or by imprisonment in the county jail for a
23	period not exceeding six months, or by both such fine and
24	imprisonment <del>yor-may-be-punishedbyimprisonmentinthe</del>
25	state-penitentiary-for-a-period-not-exceeding-five-years.

#### (2) A person who has previously been convicted of an 1 2 offense: committed on a different occasion than the offense 3 under this section: in this state or any other jurisdiction for which a sentence to a term of imprisonment in excess of 4 5 1 year could have been imposed and who carries or bears concealed upon his person any of the weapons described in 6 7 subsection (1) shall be punished by a fine not exceeding 8 \$1:000 or imprisoned in the state prison for a period not 9 exceeding 5 years, or both." 10 Section-2--There-is-a-new-Refewartection-that-reads-as 11 follows+ 12 Bisposing--of--confiscated-concealed-weaponse--fil--Any 13 weapon-described-in-94-8-210 HHIEH\_EANNOT-BE--USED--FBR--ANY 14 LANFUL-PURPASEy-when-unlawfully-possessedy-is-declared-to-be 15 a--nuisancew--Anv-weapon-confiscated-under-94-8-210-shall-be 16 delivered-to-the-sheriff-for-the-county-wherein--the--weapon 17 was-confiscatedy 18 t2t--The--sheriff--to--whom--the--weopon-is-surrendered 19 shall-destroy-ity-cause-it-to-be-destroyedy-or-render-it--or 20 cause-it-to-be-rendered-useless-for-its-intended-purpose-and harmless-to-human-life. 21 22 (3)--Notwithstanding--subsection--(2)--of-this-sectionv 23 the-sheriff-to--whom--the--weapon--is--surrendered--may--not destroy-it-if+ 24 tal--s--judicial--officer--of--a--court--of-record-or-a 25

REFERENCE BILL

-2- HB 513

## HB 0513/02

1	county-attorney-files-with-the-sheriff-an-affidavitstating
2	that-the-preservation-thereof-is-necessary-to-serve-the-ends
3	of-justicet-or
4	{b}ajudicia}officerofacourtof-record-or-a
5	county-attorney-directs-theweapontoberetainedina
6	łaboratoryforthepurposeofresearchycomparisony
7	<del>identificationy-or-other-endeavor-toward-the-preventionand</del>
8	detection-of-crime*
9	<del>{4}Anofficial-record-shall-be-made-and-retainedy-in</del>
10	thecaseofdestructionundersubsection(2)ofthis
11	sectionyof-a-firearmy-giving-the-calibery-modely-makey-and
12	manufacturer*s-name-and-serial-number-ory-if-noney-any-other
13	distinguishing-number-or-identification-marky
14	Section 2. Repealer. Section 94-8-211, R.C.M. 1947, is
15	repealed.

-End-

-3-

HB 513