

1 H BILL NO. 513  
 2 INTRODUCED BY William Ryan  
 3 By Request of County Atty's 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 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.~~ (1) Every person  
 14 ~~who, within the limits of any city or town,~~ 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, ~~shotgun saved~~  
 19 ~~off to a length of 18 inches or less,~~ 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, ~~or may be punished by imprisonment in 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~~  
 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~~  
 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  
 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 rendered useless for its intended purpose and  
 19 harmless to human life.

20 (3) Notwithstanding subsection (2) of this section,  
 21 the sheriff to whom 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  
 25 that the preservation thereof is necessary to serve the ends

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.

-End-

Approved by Committee  
on Judiciary

1 BILL NO. 513  
2 INTRODUCED BY Mulligan, Ryan  
3 By Request of "County City" Assoc.  
4 A BILL FOR AN ACT ENTITLED: "AN ACT RELATING TO THE  
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11 to read as follows:  
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16 ~~slingshot, sword cane, billy, knuckles made of any metal or~~  
17 ~~hard substance, knife having a blade four inches long or~~  
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19 ~~off to a length of 18 inches or less, or other deadly~~  
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24 county attorney files with the sheriff an affidavit stating  
25 that the preservation thereof is necessary to serve the ends

SECOND READING

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  
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 3 By Request of County Atty's Assoc.

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11 distinguishing number or identification mark.

12 Section 3. Repealer. Section 94-8-211, R.C.M. 1947, is  
13 repealed.

-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

SENATE  
COMMITTEE OF THE WHOLE

That House Bill No. 513 be amended as follows:

1. 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



HOUSE BILL NO. 513

INTRODUCED BY GILLIGAN, RYAN

BY REQUEST OF COUNTY ATTORNEY'S ASSOCIATION

A BILL FOR AN ACT ENTITLED: "AN ACT RELATING TO THE CARRYING AND--DISPOSING OF CONCEALED WEAPONS; AMENDING SECTION 94-8-210; AND REPEALING SECTION 94-8-211, R.C.M. 1947."

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

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

"94-8-210. Carrying certain concealed weapons in cities--or--towns forbidden--punishment. (1) Every person who, within the limits of any city or town, carries or bears concealed upon his person a dirk, dagger, pistol, revolver, slingshot, swordcane, billy, knuckles made of any metal or hard substance, knife having a blade four inches long or longer, razor, not including a safety razor, ~~shotgun sawed off to a length of 18 inches or less~~ or other deadly weapon, shall be punished by a fine not exceeding five hundred dollars or by imprisonment in the county jail for a period not exceeding six months, or by both such fine and imprisonment, ~~or may be punished by imprisonment in the state penitentiary for a period not exceeding five years.~~

REFERENCE BILL

~~(2) A person who has previously been convicted of an offense, committed on a different occasion than the offense under this section, in this state or any other jurisdiction for which a sentence to a term of imprisonment in excess of 1 year could have been imposed and who carries or bears concealed upon his person any of the weapons described in subsection (1) shall be punished by a fine not exceeding \$1,000 or imprisoned in the state prison for a period not exceeding 5 years, or both.~~

~~Section 2. There is a new R.C.M. section that reads as follows:~~

~~Disposing of confiscated concealed weapons. (1) Any weapon described in 94-8-210 WHICH CANNOT BE USED FOR ANY LAWFUL PURPOSE, when unlawfully possessed, is declared to be a nuisance. Any weapon confiscated under 94-8-210 shall be delivered to the sheriff for the county wherein the weapon was confiscated.~~

~~(2) The sheriff to whom the weapon is surrendered shall destroy it, cause it to be destroyed, or render it or cause it to be rendered useless for its intended purpose and harmless to human life.~~

~~(3) Notwithstanding subsection (2) of this section, the sheriff to whom the weapon is surrendered may not destroy it if:~~

~~(a) a judicial officer of a court of record or a~~

1 county attorney files with the sheriff an affidavit stating  
2 that the preservation thereof is necessary to serve the ends  
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11 section of a firearm giving the caliber, model, make, and  
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