

House Bill 359

In The House

January 20, 1981	Introduced and referred to Committee on Judiciary.
January 22, 1981	Fiscal note requested.
January 24, 1981	Fiscal note reutrned.
April 23, 1981	Died in Committee.

HOUSE BILL NO. 359

INTRODUCED BY Julius Hoyer, Chairman
Daryl Merrahan Kemmler/Donald
 A BILL FOR AN ACT ENTITLED: "AN ACT SETTING A FEE OF \$25
 FOR AN APPLICATION FOR PERMISSION TO CARRY A CONCEALED
 WEAPON; AMENDING SECTIONS 25-1-201 AND 45-8-319, MCA."

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

Section 1. Section 45-8-319, MCA, is amended to read:

"45-8-319. Permits to carry concealed weapons -- fee --
 records -- revocation. (1) Any judge of a district court of
 this state may grant permission to carry or bear, concealed
 or otherwise, a pistol or revolver for a term not exceeding
 1 year.

(2) All applications for such permission must be made
 by petition filed with the clerk of the district court. No
 charge may be made. A fee of \$25 shall be collected for the
 filing of the petition.

(3) The applicant shall, if personally unknown to the
 judge, furnish proof by a credible witness of his good moral
 character and peaceable disposition.

(4) No such permission shall be granted any person who
 is not a citizen of the United States and who has not been
 an actual bona fide resident of the state of Montana for 6
 months immediately next preceding the date of such

application.

(5) A record of permission granted shall be kept by the
 clerk of the court. The record shall state the date of the
 application, the date of the permission, the name of the
 person to whom permission is granted, the name of the judge
 granting the permission, and the name of the person, if any,
 by whom good moral character and peaceable disposition are
 proved. The record must be signed by the person who is
 granted such permission.

(6) The clerk shall thereupon issue under his hand and
 the seal of the court a certificate, in a convenient card
 form so that the same may be carried in the pocket, stating:

"Permission to authorizing him to carry or bear,
 concealed or otherwise, a pistol or revolver for the period
 of from the date hereof has been granted by, a
 judge of the district court of the judicial district of
 the state of Montana, in and for the county of

Witness the hand of the clerk and the seal of said court
 this day of, 19...

.....
Clerk"

(7) The date of the certificate shall be the date of
 the granting of such permission. The certificate shall bear
 upon its face the signature of the person receiving the
 same.

1 (8) Upon good cause shown the judge granting such
2 permission may, in his discretion without notice to the
3 person receiving such permission, revoke the same. The date
4 of the revocation shall be noted by the clerk upon the
5 record kept by him.

6 (9) All permissions to carry or bear concealed weapons
7 granted before March 3, 1919, are hereby revoked.*

8 Section 2. Section 25-1-201, MCA, is amended to read:
9 "25-1-201. Fees of clerk of district court. (1) The
10 clerk of the district court shall collect the following
11 fees:

12 (a) at the commencement of each action or proceeding,
13 from the plaintiff or petitioner, \$20; and for filing a
14 complaint in intervention, from the intervenor, \$20;

15 (b) from each defendant or respondent, on his
16 appearance, \$10;

17 (c) on the entry of judgment, from the prevailing
18 party, \$10;

19 (d) for preparing copies of papers on file in his
20 office, 25 cents per page;

21 (e) for each certificate or oath and jurat, with seal,
22 50 cents;

23 (f) for oath and jurat, with seal, 50 cents;

24 (g) for administering oath, 25 cents;

25 (h) for taking depositions, per folio, 20 cents;

1 (i) for filing and docketing a transcript of judgment
2 or abstract of judgment from all other courts, \$5;

3 (j) for issuing an execution or order of sale on a
4 foreclosure of a lien, \$2;

5 (k) for transmission of records or files or transfer of
6 a case to another court, \$5;

7 (l) for filing and entering papers received by transfer
8 from other courts, \$10;

9 (m) for issuing a marriage license, \$15;

10 (n) on the filing of an application for informal,
11 formal, or supervised probate or for the appointment of a
12 personal representative or the filing of a petition for the
13 appointment of a guardian or conservator, from the applicant
14 or petitioner, \$35, which includes the fee for filing a will
15 for probate;

16 ~~(o) for filing a petition for permission to carry or~~
17 ~~bear a concealed weapon, \$25.~~

18 (2) Forty percent of all fees collected by the clerk of
19 the district court shall be deposited in and credited to the
20 general fund of the county. The remaining portion of the
21 fees shall be remitted to the state to be deposited as
22 provided in 19-5-404.*

-End-

STATE OF MONTANA

REQUEST NO. 183-81

FISCAL NOTE

Form BD-15

In compliance with a written request received JANAUARY 23, 19 81, there is hereby submitted a Fiscal Note for HOUSE BILL 359 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA).

Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

House Bill 359 is an act setting a fee of \$25.00 for an application for permission to carry a concealed weapon.

ASSUMPTIONS:

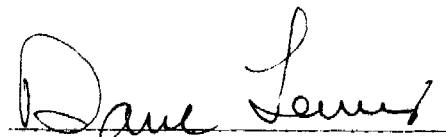
Average number of applications for permits in future years is approximately the same as the average number in the past.

FISCAL IMPACT:

Based on the estimated number of applications for permits in the state per year the District Clerk of Court would collect approximately \$18,000 to \$20,000 per year. There would not be an increase in costs for the collection of this fee since the application procedure already exists in the Clerk's office. Based on the figures above and current law the state would receive approximately \$10,800 to \$12,000 more per year in revenue; and the county would receive approximately \$7,200 to \$8,000 more per year in revenue.

TECHNICAL NOTES:

This bill (HB 359) would possibly be in conflict with another proposed bill (SB 121). Senate Bill 121 changes the fee schedules for Clerks of District Court and includes a new fee for gun permits issued which is \$5.00.



BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 1-23-81