

HOUSE BILL NO. 184

Introduced: 01/12/83

Referred to Committee on Judiciary: 01/12/83

Hearing: 1/20/83

Report: 02/03/83, Do Not Pass

Bill Killed: 02/05/83

1 House BILL NO. 184  
 2 INTRODUCED BY Hand Manual Walker  
 3 BY REQUEST OF THE BOARD OF CRIME CONTROL

4  
 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE THE  
 6 REQUIREMENTS FOR OBTAINING A PERMIT TO CARRY A CONCEALED  
 7 WEAPON; AMENDING SECTIONS 45-8-317 AND 45-8-319, MCA."

8  
 9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10 Section 1. Section 45-8-317, MCA, is amended to read:

11 "45-8-317. Exceptions. Section 45-8-316 does not apply  
 12 to:

13 (1) any peace officer of the state of Montana;

14 (2) any officer of the United States government

15 authorized to carry a concealed weapon;

16 (3) a person in actual service as a national  
 17 guardsman;

18 (4) a person summoned to the aid of any of the persons  
 19 named in subsections (1) through (3);

20 (5) a civil officer or his deputy engaged in the  
 21 discharge of official business;

22 (6) a person authorized by a judge of a district court  
 23 judge of this state to carry a weapon; or

24 (7) the carrying of arms on one's own premises or at  
 25 one's home or place of business."

1 Section 2. Section 45-8-319, MCA, is amended to read:

2 "45-8-319. Permits to carry concealed weapons --  
 3 records -- fees -- revocation. (1) ~~Any judge of a~~ the  
 4 ~~district court of this state for the judicial district in~~  
 5 ~~which the applicant resides, with the concurrence of the~~  
 6 ~~sheriff of the county of the applicant's residence and the~~  
 7 ~~chief law enforcement officer of the municipality if the~~  
 8 ~~applicant resides within a municipality,~~ may grant  
 9 permission a permit to carry or bear, concealed or  
 10 otherwise, a pistol or revolver for a term not exceeding of  
 11 1 year if the applicant is a person with a legitimate fear  
 12 of injury to person or property justifying issuance of a  
 13 permit.

14 (b) A permit may not be granted to a person who:

15 (i) is not a citizen of the United States and who has  
 16 not been a resident of Montana for the 6 months immediately  
 17 preceding the date of the application;

18 (ii) has been convicted under federal law or the law of  
 19 any state of a felony; or

20 (iii) is a known or adjudicated drug or alcohol abuser.

21 (2) ~~Any application for such permission as~~  
 22 application for a permit must be made by petition filed with  
 23 the ~~clerk of the district court~~ sheriff. No charge may be  
 24 made for the filing of the petition.

25 (b) The application must be on a form prescribed by

1 the identification bureau, department of justice, and must  
2 contain the following information:

3 (i) the applicant's name, age, occupation, height,  
4 weight, sex, race, and color of hair and eyes;

5 (ii) the applicant's residential and occupational  
6 addresses;

7 (iii) the applicant's fingerprints, which must be  
8 placed on the application by the law enforcement officer  
9 receiving the application;

10 (iv) a description of the weapon to be carried,  
11 including type, caliber, manufacturer, and serial number;

12 (v) a list of any arrests or convictions of the  
13 applicant for criminal offenses.

14 (3) The applicant shall, if personally unknown known  
15 to neither the judge sheriff nor the chief law enforcement  
16 officer, furnish proof by a credible witness of his good  
17 moral character and peaceable disposition.

18 (4) No such permission shall be granted any person  
19 who is not a citizen of the United States and who has not  
20 been an actual bona fide resident of the state of Montana  
21 for 6 months immediately next preceding the date of such  
22 application. Before a permit is granted, the sheriff shall  
23 check the appropriate local, state, and national law  
24 enforcement records for information relating to the  
25 applicant and consider any such information in relation to

1 the applicant's qualifications and the protection of  
2 society.

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

11 (6) (a) The clerk judge shall thereupon issue a  
12 permit under his hand and the seal of the court a  
13 certificate in a convenient card form so that the same may  
14 be carried in the pocket, stating the card form must be  
15 prescribed by the identification bureau, department of  
16 justice.

17 (b) The permit card shall state the date of issuance,  
18 the person's name, age, address, height, weight, sex, race,  
19 and color of hair and eyes and must contain the description  
20 of the weapon set forth in the application and any  
21 restrictions imposed under subsection (6)a.

22 "Permission to carry authorizing him to carry or bear  
23 concealed or otherwise, a pistol or revolver for the period  
24 of from the date hereof has been granted by the  
25 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~~

(6) Reasonable restrictions on carrying the weapon may be placed upon the grant and use of a permit.

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

(8) Upon good cause shown the judge granting such permission may in his discretion without notice to the person receiving such permission revoke the same. The date of the revocation shall be noted by the clerk upon the record kept by him. Denial of a permit must be accompanied by a statement of the grounds for denial.

(9) All permissions to carry or bear concealed weapons granted before March 31, 1919, are hereby revoked. Denial of an application for a permit may be appealed to the district court for the county of the applicant's residence. The judge to whom the permit application was made is disqualified from hearing the appeal.

(10) (a) The permit fee is \$100 per year.

(b) Fees must be deposited in the county treasury and

earmarked for law enforcement purposes. If the permittee resides in a municipality, the fee must be equally divided between the sheriff's office and the municipal law enforcement agency. If the permittee does not reside in a municipality, the sheriff's office shall receive the entire fee.

(11) A record of the application and permit must be kept by the sheriff and, if the permittee resides in a municipality, by the municipal law enforcement agency. The record must contain the date of the application, the date of the permit, the name of the person to whom the permit is granted, the name of the judge granting the permit, the name of the person, if any, by whom good moral character and peaceable disposition are proved, and a copy of the application. The record must be signed by the person who is granted such permission. A copy of the record must be mailed to and kept by the identification bureau, department of justice, and must contain an original set of fingerprints taken upon the granting of the permit.

(12) A permit holder shall carry the permit when carrying the weapon for which the permit is issued and shall exhibit the permit upon the demand of any law enforcement officer.

(13) Upon good cause shown the district court which granted a permit shall, following notice and hearing, revoke

1 ~~the permit. The date of the revocation must be noted upon~~  
2 ~~any records kept by the sheriff, the municipal law~~  
3 ~~enforcement agency, and the identification bureau."~~

4 **NEW SECTION.** Section 3. Existing permits. A permit  
5 issued prior to October 1, 1983, to carry a concealed weapon  
6 is valid until and expires on January 1, 1984. A person  
7 holding such a permit may not carry a concealed weapon on or  
8 after January 1, 1984, unless he has obtained a permit under  
9 this act.

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