

HOUSE BILL 450

Introduced by Giacometto, et al.

1/26	Introduced
1/27	Referred to Local Government
1/27	Rereferred to Judiciary
2/08	Hearing
2/11	Committee Report--Bill Passed as Amended
2/14	2nd Reading Passed
2/16	3rd Reading Passed

Transmitted to Senate

2/17	Referred to Local Government
2/28	Rereferred to Fish & Game
3/16	Hearing
3/17	Committee Report--Bill Concurred as Amended
3/20	2nd Reading Concurred
3/22	3rd Reading Failed

1 *HOUSE* BILL NO. *450*
2 INTRODUCED BY *James S. ...*
3 *James S. ...*
4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT A CITY
5 OR TOWN DOES NOT HAVE EXTRATERRITORIAL JURISDICTION TO
6 REGULATE THE DISCHARGE OF FIREARMS; PROVIDING THAT LOCAL
7 GOVERNMENT UNITS DO NOT HAVE EXTRATERRITORIAL JURISDICTION
8 TO REGULATE THE CARRYING OF CONCEALED WEAPONS, THE CARRYING
9 OF WEAPONS IN CERTAIN PUBLIC AREAS, OR THE POSSESSION OF
10 FIREARMS BY CERTAIN TYPES OF PERSONS; CREATING THE OFFENSE
11 OF UNLAWFUL DISCHARGE OF A FIREARM TO REGULATE THE HAZARDOUS
12 DISCHARGE OF FIREARMS AND THE SHOOTING OF ARROWS AND BOLTS;
13 PROVIDING A PENALTY UPON CONVICTION OF THAT OFFENSE; AND
14 AMENDING SECTION 45-8-351, MCA."

15
16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

17 **Section 1.** Section 45-8-351, MCA, is amended to read:

18 "45-8-351. Restriction on local government regulation
19 of firearms. (1) Except as provided in subsection (2), no a
20 county, city, town, consolidated local government, or other
21 local government unit may not prohibit, register, tax,
22 license, or regulate the purchase, sale, or other transfer
23 (including delay in purchase, sale, or other transfer),
24 ownership, possession, transportation, use, discharge, or
25 unconcealed carrying of any rifle, shotgun, or handgun.

1 (2) (a) For public safety purposes, a city or town may
2 regulate the discharge of rifles, shotguns, and handguns
3 within the geographical boundaries of the city or town. A
4 county, city, town, consolidated local government, or other
5 local government unit has power to prevent and suppress,
6 within its limits, the carrying of concealed weapons, the
7 carrying of weapons to a public assembly, publicly owned
8 building, park under its jurisdiction, or school, and the
9 possession of firearms by convicted felons, adjudicated
10 mental incompetents, illegal aliens, and minors.

11 (b) Nothing contained herein shall allow any
12 government to prohibit the legitimate display of firearms at
13 shows or other public occasions by collectors and others,
14 nor shall anything contained herein prohibit the legitimate
15 transportation of firearms through any jurisdiction, whether
16 in airports or otherwise."

17 NEW SECTION. **Section 2.** Unlawful discharge of firearm
18 -- penalty. (1) A person commits the offense of unlawful
19 discharge of a firearm if the person intentionally or
20 negligently discharges a firearm or shoots an arrow or bolt
21 in a manner likely to cause bodily injury or death to a
22 person or domestic animal or to cause wanton destruction of
23 property. This subsection does not prohibit the justifiable
24 discharge of a firearm under Title 45, chapter 3, part 1.

25 (2) A person convicted of unlawful discharge of a

LC 1056/01

- 1 firearm shall be fined not to exceed \$250 or imprisoned in
- 2 the county jail for a term not to exceed 6 months.

-End-

RE-REFERRED AND
APPROVED BY COMMITTEE
ON JUDICIARY
AS AMENDED

HOUSE BILL NO. 450

INTRODUCED BY GIACOMETTO, O'KEEFE, DEMARS,
SPAETH, JENKINS, SEVERSON

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT A CITY OR TOWN DOES NOT HAVE EXTRATERRITORIAL JURISDICTION TO REGULATE THE DISCHARGE OF FIREARMS; PROVIDING THAT LOCAL GOVERNMENT UNITS DO NOT HAVE EXTRATERRITORIAL JURISDICTION TO REGULATE THE CARRYING OF CONCEALED WEAPONS, THE CARRYING OF WEAPONS IN CERTAIN PUBLIC AREAS, OR THE POSSESSION OF FIREARMS BY CERTAIN TYPES OF PERSONS; ~~CREATING--THE--OFFENSE OF UNLAWFUL DISCHARGE OF A FIREARM TO REGULATE THE HAZARDOUS DISCHARGE OF FIREARMS AND THE SHOOTING OF ARROWS AND BOLTS, PROVIDING A PENALTY UPON CONVICTION OF THAT OFFENSE;~~ AND AMENDING SECTION 45-8-351, MCA."

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

Section 1. Section 45-8-351, MCA, is amended to read:

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unconcealed carrying of any rifle, shotgun, or handgun.

(2) (a) For public safety purposes, a city or town may regulate the discharge of rifles, shotguns, and handguns within the geographical boundaries of the city or town AND UPON ANY PROPERTY OWNED OR LEASED BY THE CITY OR TOWN. A county, city, town, consolidated local government, or other local government unit has power to prevent and suppress, within its limits, the carrying of concealed weapons, the carrying of weapons to a public assembly, publicly owned building, park under its jurisdiction, or school, and the possession of firearms by convicted felons, adjudicated mental incompetents, illegal aliens, and minors.

(b) Nothing contained herein shall allow any government to prohibit the legitimate display of firearms at shows or other public occasions by collectors and others, nor shall anything contained herein prohibit the legitimate transportation of firearms through any jurisdiction, whether in airports or otherwise."

~~NEW SECTION. Section 2. Unlawful discharge of firearm~~
~~penalty. (1) A person commits the offense of unlawful discharge of a firearm if the person intentionally or negligently discharges a firearm or shoots an arrow or bolt in a manner likely to cause bodily injury or death to a person or domestic animal or to cause wanton destruction of property. This subsection does not prohibit the justifiable~~

HB 0450/02

1 discharge-of-a-firearm-under-Title-45,-chapter-3,-part-1:
2 {2)--A-person-convicted--of--unlawful--discharge--of--a
3 firearm--shall--be-fined-not-to-exceed-\$250-or-imprisoned-in
4 the-county-jail-for-a-term-not-to-exceed-6-months:

-End-

1 HOUSE BILL NO. 450

2 INTRODUCED BY GIACOMETTO, O'KEEFE, DEMARS,
3 SPAETH, JENKINS, SEVERSON
45 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT A CITY
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11 FIREARMS BY CERTAIN TYPES OF PERSONS; CREATING--THE--OFFENSE
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3 regulate the discharge of rifles, shotguns, and handguns
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9 carrying of weapons to a public assembly, publicly owned
10 building, park under its jurisdiction, or school, and the
11 possession of firearms by convicted felons, adjudicated
12 mental incompetents, illegal aliens, and minors.13 (b) Nothing contained herein shall allow any
14 government to prohibit the legitimate display of firearms at
15 shows or other public occasions by collectors and others,
16 nor shall anything contained herein prohibit the legitimate
17 transportation of firearms through any jurisdiction, whether
18 in airports or otherwise."19 ~~NEW SECTION--Section 2--Unlawful discharge of firearm~~
20 ~~---penalty---(1)--A--person--commits--the--offense--of--unlawful~~
21 ~~discharge--of--a--firearm--if--the--person--intentionally--or~~
22 ~~negligently--discharges--a--firearm--or--shoots--an--arrow--or--bolt~~
23 ~~in--a--manner--likely--to--cause--bodily--injury--or--death--to--a~~
24 ~~person--or--domestic--animal--or--to--cause--wanton--destruction--of~~
25 ~~property---This-subsection--does--not--prohibit--the--justifiable~~

HB 0450/02

1 discharge-of-a-firearm-under-Title-45,-chapter-3,-part-1-
2 {2}--A-person-convicted--of--unlawful--discharge--of--a
3 firearm--shall--be-fined-not-to-exceed-\$250-or-imprisoned-in
4 the-county-jail-for-a-term-not-to-exceed-6-months-

-End-

SENATE STANDING COMMITTEE REPORT

March 17, 1989

MR. PRESIDENT:

We, your committee on Fish and Game, having had under consideration HB 450 (third reading copy -- blue), respectfully report that HB 450 be amended and as so amended be concurred in:

Sponsor: Giacometto (Jacobson)

1. Title, line 6.

Strike: "OR"

Insert: ", "

Following: "TOWN"

Insert: ", COUNTY, OR CONSOLIDATED LOCAL GOVERNMENT"

2. Page 2, line 2.

Following: "city"

Strike: "or"

Insert: ", "

Following: "town"

Insert: ", county, or consolidated local government"

3. Page 2, line 4.

Following: "within the"

Insert: "respective"

Following: "city"

Strike: "or"

Insert: ", "

Following: "town"

Insert: ", county, or consolidated local government"

4. Page 2, line 5.

Following: "CITY"

Strike: "OR"

Insert: ", "

Following: "TOWN"

Insert: ", county, or consolidated local government"

AND AS AMENDED BE CONCURRED IN

Signed:


Elmer D. Severson, Chairman

HB 450

SENATE

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3 SPAETH, JENKINS, SEVERSON

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5 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT A CITY
6 OR, TOWN, COUNTY, OR CONSOLIDATED LOCAL GOVERNMENT DOES NOT
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8 OF FIREARMS; PROVIDING THAT LOCAL GOVERNMENT UNITS DO NOT
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10 OF CONCEALED WEAPONS, THE CARRYING OF WEAPONS IN CERTAIN
11 PUBLIC AREAS, OR THE POSSESSION OF FIREARMS BY CERTAIN TYPES
12 OF PERSONS; ~~CREATING-THE-OFFENSE-OF-UNLAWFUL-DISCHARGE-OF-A~~
13 ~~FIREARM-TO-REGULATE-THE-HAZARDOUS-DISCHARGE-OF-FIREARMS--AND~~
14 ~~THE--SHOOTING--OF-ARROWS-AND-BOLTS--PROVIDING-A-PENALTY-UPON~~
15 ~~CONVICTION-OF-THAT-OFFENSE;~~ AND AMENDING SECTION 45-8-351,
16 MCA."

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25 (including delay in purchase, sale, or other transfer),

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3 (2) (a) For public safety purposes, a city or, town,
4 COUNTY, OR CONSOLIDATED LOCAL GOVERNMENT may regulate the
5 discharge of rifles, shotguns, and handguns within the
6 RESPECTIVE geographical boundaries of the city or, town,
7 COUNTY, OR CONSOLIDATED LOCAL GOVERNMENT AND UPON ANY
8 PROPERTY OWNED OR LEASED BY THE CITY, OR TOWN, COUNTY, OR
9 CONSOLIDATED LOCAL GOVERNMENT. A county, city, town,
10 consolidated local government, or other local government
11 unit has power to prevent and suppress, within its limits,
12 the carrying of concealed weapons, the carrying of weapons
13 to a public assembly, publicly owned building, park under
14 its jurisdiction, or school, and the possession of firearms
15 by convicted felons, adjudicated mental incompetents,
16 illegal aliens, and minors.

17 (b) Nothing contained herein shall allow any
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20 nor shall anything contained herein prohibit the legitimate
21 transportation of firearms through any jurisdiction, whether
22 in airports or otherwise."

23 ~~NEW-SECTION--Section 2--Unlawful discharge of firearm~~
24 ~~---penalty---(1)--A--person-commits-the-offense-of-unlawful~~
25 ~~discharge-of--a--firearm--if--the--person--intentionally--or~~

HB 0450/03

1 negligently--discharges-a-firearm-or-shoots-an-arrow-or-bolt
2 in-a-manner-likely-to-cause-bodily-injury--or--death--to--a
3 person--or-domestic-animal-or-to-cause-wanton-destruction-of
4 property.--This-subsection-does-not-prohibit-the-justifiable
5 discharge-of-a-firearm-under-Title-45,-chapter-37-part-1:
6 (2)--A-person-convicted--of--unlawful--discharge--of--a
7 firearm--shall--be-fined-not-to-exceed-\$250-or-imprisoned-in
8 the-county-jail-for-a-term-not-to-exceed-6-months:

-End-