

HOUSE JOINT RESOLUTION 36

Introduced by Brown, D., et al.

3/20	Introduced
3/20	Referred to Judiciary
3/22	Hearing
3/23	Committee Report--Bill Passed
3/30	2nd Reading Passed
4/01	3rd Reading Passed

Transmitted to Senate

4/03	Referred to Judiciary
4/06	Hearing
4/11	Hearing
	Died in Committee

House JOINT RESOLUTION NO. 36

INTRODUCED BY *Steve Brown* *Randy Clarke Vincent*

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN INTERIM STUDY OF THE CURRENT PROCEDURES IN THE STATE FOR OBTAINING A PERMIT TO CARRY A CONCEALED WEAPON AND, IF THESE PROCEDURES ARE FOUND TO BE UNWORKABLE OR UNFAIR, REQUESTING SUBMISSION OF LEGISLATION THAT ENSURES STATEWIDE UNIFORMITY

IN THE APPLICATION FOR AND ISSUANCE OF A CONCEALED WEAPON PERMIT.

WHEREAS, the right of Montana citizens to keep and bear arms and the right to carry arms openly are protected by the Montana Constitution; and

WHEREAS, Montana has a statutory process, in section 45-8-319, MCA, whereby citizens of the state may apply for permits to carry concealed handguns; and

WHEREAS, according to the most reliable data, 19 counties have not issued any concealed handgun permits and another 15 counties have issued permits to five or fewer citizens in each county, indicating that 34 of the state's 56 counties issue either no permits or few permits; and

WHEREAS, various organizations of gun owners claim that the current process for obtaining a concealed handgun permit

is not working; and

WHEREAS, these gun owner organizations have requested without success that the Legislature reform the procedures to obtain a concealed weapon permit in a fair and efficient manner; and

WHEREAS, a number of issues relating to concealed handguns and other weapons were raised by House Bill No. 70 of the 51st Legislature in both the subcommittee and the full committee of the House Judiciary Committee.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

(1) That an interim committee be appointed to study the status and suitability of the current concealed handgun permit process in the state.

(2) That the committee, in its study:

(a) review concealed weapon legislation, including but not limited to handguns, in other states with demographic characteristics and popular attitudes similar to Montana's;

(b) review prior legislative proposals to revise the concealed weapon laws in Montana and evaluate the proposals' strengths and weaknesses in addressing the problem;

(c) analyze the issues raised by House Bill No. 70 of the 51st Legislature and by the subcommittee and full committee of the House Judiciary Committee, including but

1 not limited to:

2 (i) allowing a person to legally carry a concealed
3 weapon in addition to a handgun; and

4 (ii) amending other concealed weapon laws, especially
5 sections 45-8-315 through 45-8-317, MCA;

6 (d) identify the nature and frequency of misuse of
7 concealed weapon permits in Montana, similar states, and the
8 nation;

9 (e) review existing studies to determine whether
10 carrying a concealed weapon is an effective means of
11 self-protection against attack and whether concealed weapon
12 laws serve as a deterrent to crime;

13 (f) examine the potential personal liability to a law
14 enforcement official who issues a concealed weapon permit;

15 (g) review the legislative history of states that have
16 recently revised their concealed weapon laws, such as
17 Florida and North Dakota, and consult with local law
18 enforcement officials and criminal justice experts in those
19 states to determine whether these new laws have caused law
20 enforcement problems related to the abuse of permit
21 privileges; and

22 (h) encourage the active participation of
23 representatives of statewide or regional organizations of
24 gun owners, law enforcement administrator organizations, law
25 enforcement line officer organizations, the Montana

1 Department of Justice, and the Legislature.

2 (3) That the committee report the findings of the
3 study to the 52nd Legislature and, if appropriate, draft
4 legislation to implement its recommendations.

-End-

APPROVED BY COMMITTEE
ON JUDICIARY

1 House JOINT RESOLUTION NO. 36
 2 INTRODUCED BY Sen. Brown ~~Sen. Brown~~ Randy Clarke Vincent
 3 Nelson Stephens Baker Myers Harmon Davis
 4 A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF
 5 REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN
 6 INTERIM STUDY OF THE CURRENT PROCEDURES, IN THE STATE FOR
 7 OBTAINING A PERMIT TO CARRY A CONCEALED WEAPON AND, IF THESE
 8 PROCEDURES ARE FOUND TO BE UNWORKABLE OR UNFAIR, REQUESTING
 9 SUBMISSION OF LEGISLATION THAT ENSURES STATEWIDE UNIFORMITY
 10 IN THE APPLICATION FOR AND ISSUANCE OF A CONCEALED WEAPON
 11 PERMIT.
 12
 13 WHEREAS, the right of Montana citizens to keep and bear
 14 arms and the right to carry arms openly are protected by the
 15 Montana Constitution; and
 16 WHEREAS, Montana has a statutory process, in section
 17 45-8-319, MCA, whereby citizens of the state may apply for
 18 permits to carry concealed handguns; and
 19 WHEREAS, according to the most reliable data, 19
 20 counties have not issued any concealed handgun permits and
 21 another 15 counties have issued permits to five or fewer
 22 citizens in each county, indicating that 34 of the state's
 23 56 counties issue either no permits or few permits; and
 24 WHEREAS, various organizations of gun owners claim that
 25 the current process for obtaining a concealed handgun permit

1 is not working; and
 2 WHEREAS, these gun owner organizations have requested
 3 without success that the Legislature reform the procedures
 4 to obtain a concealed weapon permit in a fair and efficient
 5 manner; and
 6 WHEREAS, a number of issues relating to concealed
 7 handguns and other weapons were raised by House Bill No. 70
 8 of the 51st Legislature in both the subcommittee and the
 9 full committee of the House Judiciary Committee.
 10
 11 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE
 12 OF REPRESENTATIVES OF THE STATE OF MONTANA:
 13 (1) That an interim committee be appointed to study
 14 the status and suitability of the current concealed handgun
 15 permit process in the state.
 16 (2) That the committee, in its study:
 17 (a) review concealed weapon legislation, including but
 18 not limited to handguns, in other states with demographic
 19 characteristics and popular attitudes similar to Montana's;
 20 (b) review prior legislative proposals to revise the
 21 concealed weapon laws in Montana and evaluate the proposals'
 22 strengths and weaknesses in addressing the problem;
 23 (c) analyze the issues raised by House Bill No. 70 of
 24 the 51st Legislature and by the subcommittee and full
 25 committee of the House Judiciary Committee, including but

1 not limited to:

2 (i) allowing a person to legally carry a concealed
3 weapon in addition to a handgun; and

4 (ii) amending other concealed weapon laws, especially
5 sections 45-8-315 through 45-8-317, MCA;

6 (d) identify the nature and frequency of misuse of
7 concealed weapon permits in Montana, similar states, and the
8 nation;

9 (e) review existing studies to determine whether
10 carrying a concealed weapon is an effective means of
11 self-protection against attack and whether concealed weapon
12 laws serve as a deterrent to crime;

13 (f) examine the potential personal liability to a law
14 enforcement official who issues a concealed weapon permit;

15 (g) review the legislative history of states that have
16 recently revised their concealed weapon laws, such as
17 Florida and North Dakota, and consult with local law
18 enforcement officials and criminal justice experts in those
19 states to determine whether these new laws have caused law
20 enforcement problems related to the abuse of permit
21 privileges; and

22 (h) encourage the active participation of
23 representatives of statewide or regional organizations of
24 gun owners, law enforcement administrator organizations, law
25 enforcement line officer organizations, the Montana

1 Department of Justice, and the Legislature.

2 (3) That the committee report the findings of the
3 study to the 52nd Legislature and, if appropriate, draft
4 legislation to implement its recommendations.

-End-

House JOINT RESOLUTION NO. *36*

INTRODUCED BY *Dave Brown* ~~Star~~ *Randy Clarke Vincent*

John Nelson *Stephen Blotter* *Myra* *Harvey Davis*
A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF
REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN
INTERIM STUDY OF THE CURRENT PROCEDURES IN THE STATE FOR
OBTAINING A PERMIT TO CARRY A CONCEALED WEAPON AND, IF THESE
PROCEDURES ARE FOUND TO BE UNWORKABLE OR UNFAIR, REQUESTING
SUBMISSION OF LEGISLATION THAT ENSURES STATEWIDE UNIFORMITY

IN THE APPLICATION FOR AND ISSUANCE OF A CONCEALED WEAPON
PERMIT.

WHEREAS, the right of Montana citizens to keep and bear
arms and the right to carry arms openly are protected by the
Montana Constitution; and

WHEREAS, Montana has a statutory process, in section
45-8-319, MCA, whereby citizens of the state may apply for
permits to carry concealed handguns; and

WHEREAS, according to the most reliable data, 19
counties have not issued any concealed handgun permits and
another 15 counties have issued permits to five or fewer
citizens in each county, indicating that 34 of the state's
56 counties issue either no permits or few permits; and

WHEREAS, various organizations of gun owners claim that
the current process for obtaining a concealed handgun permit

is not working; and

WHEREAS, these gun owner organizations have requested
without success that the Legislature reform the procedures
to obtain a concealed weapon permit in a fair and efficient
manner; and

WHEREAS, a number of issues relating to concealed
handguns and other weapons were raised by House Bill No. 70
of the 51st Legislature in both the subcommittee and the
full committee of the House Judiciary Committee.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE
OF REPRESENTATIVES OF THE STATE OF MONTANA:

(1) That an interim committee be appointed to study
the status and suitability of the current concealed handgun
permit process in the state.

(2) That the committee, in its study:

(a) review concealed weapon legislation, including but
not limited to handguns, in other states with demographic
characteristics and popular attitudes similar to Montana's;

(b) review prior legislative proposals to revise the
concealed weapon laws in Montana and evaluate the proposals'
strengths and weaknesses in addressing the problem;

(c) analyze the issues raised by House Bill No. 70 of
the 51st Legislature and by the subcommittee and full
committee of the House Judiciary Committee, including but

1 not limited to:

2 (i) allowing a person to legally carry a concealed
3 weapon in addition to a handgun; and

4 (ii) amending other concealed weapon laws, especially
5 sections 45-8-315 through 45-8-317, MCA;

6 (d) identify the nature and frequency of misuse of
7 concealed weapon permits in Montana, similar states, and the
8 nation;

9 (e) review existing studies to determine whether
10 carrying a concealed weapon is an effective means of
11 self-protection against attack and whether concealed weapon
12 laws serve as a deterrent to crime;

13 (f) examine the potential personal liability to a law
14 enforcement official who issues a concealed weapon permit;

15 (g) review the legislative history of states that have
16 recently revised their concealed weapon laws, such as
17 Florida and North Dakota, and consult with local law
18 enforcement officials and criminal justice experts in those
19 states to determine whether these new laws have caused law
20 enforcement problems related to the abuse of permit
21 privileges; and

22 (h) encourage the active participation of
23 representatives of statewide or regional organizations of
24 gun owners, law enforcement administrator organizations, law
25 enforcement line officer organizations, the Montana

1 Department of Justice, and the Legislature.

2 (3) That the committee report the findings of the
3 study to the 52nd Legislature and, if appropriate, draft
4 legislation to implement its recommendations.

-End-

HOUSE JOINT RESOLUTION NO. 35

INTRODUCED BY WALLIN, GAGE, GALT, SMITH, MARKS,
KELLER, MAZUREK, NORMAN, QUILICI, HAYNE, VINCENT

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF
REPRESENTATIVES OF THE STATE OF MONTANA ENCOURAGING THE
PRESIDENT OF THE UNITED STATES TO REESTABLISH--OFFICIAL
GOVERNMENT MAINTAIN ACTIVE AND CORDIAL RELATIONS WITH THE
REPUBLIC OF CHINA.

WHEREAS, the Republic of China is a long-time friend,
ally, and trade partner of the United States; and

WHEREAS, the people of the Republic of China enjoy a
democratic way of life, a high standard of living, and
fundamental human rights; and

WHEREAS, Montana adopted the ROC Province of Taiwan as
a sister state in 1985; and

WHEREAS, Montana has established a trade office in
Taipei; and

WHEREAS, continued friendship and trade with the
Republic of China are vitally important to the State of
Montana and the United States.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE
OF REPRESENTATIVES OF THE STATE OF MONTANA:

(1) That the President of the United States be
encouraged to reestablish--official--government MAINTAIN
ACTIVE AND CORDIAL relations with the Republic of China.

(2) That a copy of this resolution be sent by the
Secretary of State to the President of the United States,
the Speaker of the House of Representatives of the United
States, the Majority Leader of the United States Senate, and
to each member of the Montana Congressional Delegation.

-End-