

HOUSE BILL 136

Introduced by Bohlinger

1/11	Introduced
1/11	Referred to Judiciary
1/11	First Reading
1/11	Fiscal Note Requested
1/15	Fiscal Note Received
1/15	Fiscal Note Printed
1/19	Hearing
1/28	Tabled in Committee

1 INTRODUCTION BY House BILL NO. 136  
2 Jim C. DeWitt

3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT MAKING IT A JUVENILE  
5 OFFENSE FOR A STUDENT TO CARRY OR STORE A WEAPON AT SCHOOL  
6 AND A CRIMINAL OFFENSE FOR AN ADULT TO CARRY OR STORE A  
7 WEAPON AT SCHOOL OR FOR A PARENT OR GUARDIAN TO ALLOW A  
8 STUDENT TO CARRY OR STORE A WEAPON AT A SCHOOL."

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

11 NEW SECTION. Section 1. Possession or allowing  
12 possession of a weapon at school -- exceptions -- penalties.

13 (1) A person commits the offense of possession of a weapon  
14 at school if the person purposely or knowingly carries or  
15 stores in a school or on the school grounds without the  
16 consent of the school administration a firearm; knife or  
17 dagger with a blade 4 or more inches long; sword; straight  
18 razor; throwing star; nun-chucks; brass or other metal  
19 knuckles; or slingshot.

20 (2) A parent, guardian, or other person having custody  
21 of a student commits the offense of allowing possession of a  
22 weapon at school if the person purposely, knowingly, or  
23 negligently allows the student to carry or store in a school  
24 or on the school grounds without the consent of the school  
25 administration a firearm; knife or dagger with a blade 4 or

1 more inches long; sword; straight razor; throwing star;  
2 nun-chucks; brass or other metal knuckles; or slingshot.

3 (3) (a) This section does not apply to law enforcement  
4 personnel.

5 (b) A school may give persons and entities advance  
6 permission to carry or store weapons.

7 (4) (a) An adult convicted under this section shall be  
8 imprisoned in the county jail for a term not to exceed 6  
9 months, fined an amount not to exceed \$500, or both.

10 (b) Action against a person under 18 years of age must  
11 be under the Montana Youth Court Act.

12 NEW SECTION. Section 2. Codification instruction.

13 [Section 1] is intended to be codified as an integral part  
14 of Title 45, chapter 8, part 3, and the provisions of Title  
15 45 apply to [section 1].

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB0136, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

Creates a juvenile offense for a student to carry or store a weapon at school and a criminal offense for an adult to carry or store a weapon at school or for a parent or guardian to allow a student to carry or store a weapon at school.

ASSUMPTIONS:

1. Based on 1991 Montana Uniform Crime Reporting (MUCR) data, the following statistics are assumed to be representative of the average number of relevant complaints/arrests:
  - (a) 410 total complaints statewide;
  - (b) Eight complaints at schools/colleges resulting in four arrests;
  - (c) 71 Juveniles were arrested on weapons charges, premises unknown;
  - (d) 108 adults were arrested on weapons charges, premises unknown.
2. Given the data in assumption 1, it is assumed that the bill will have no material fiscal impact.

FISCAL IMPACT:

No material fiscal impact.

*David Lewis 1-15-93*

DAVID LEWIS, BUDGET DIRECTOR      DATE  
Office of Budget and Program Planning

*John Bohlinger*

JOHN BOHLINGER, PRIMARY SPONSOR      DATE

Fiscal Note for HB0136, as introduced

**HB 136**