

House BILL NO. 258

INTRODUCED BY

Whitinger

A BILL FOR AN ACT ENTITLED: "AN ACT MAKING IT A CRIMINAL OFFENSE FOR A PERSON TO POSSESS, CARRY, OR STORE A CONCEALED WEAPON ON SCHOOL PROPERTY AND FOR A PARENT, CUSTODIAN, OR GUARDIAN TO ALLOW A MINOR TO POSSESS, CARRY, OR STORE A CONCEALED WEAPON ON SCHOOL PROPERTY; PROVIDING FOR A PENALTY; PROVIDING AN EXCEPTION FOR LAW ENFORCEMENT PERSONNEL; REQUIRING SEIZURE AND FORFEITURE OF THE CONCEALED WEAPON; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

NEW SECTION. Section 1. Possession or allowing possession of concealed weapon on school property -- exceptions -- penalties -- seizure and forfeiture. (1) A person commits the offense of possession of a concealed weapon on school property if the person purposely or knowingly possesses, carries, or stores a concealed weapon, as defined in 45-8-315, on school property.

(2) A parent, custodian, or guardian of a minor commits the offense of allowing possession of a concealed weapon on school property if the parent, custodian, or guardian purposely, knowingly, or negligently allows the minor to possess, carry, or store a concealed weapon on school property.

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

(b) A school may give persons and entities advance permission to possess, carry, or store a concealed weapon on school property.

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

(b) A concealed weapon in violation of this section may be seized and, upon conviction of the person possessing or allowing possession of the weapon, must be forfeited to the state.

NEW SECTION. Section 2. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 45, chapter 8, part 3, and the provisions of Title 45, chapter 8, part 3, apply to [section 1].

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for HB0258, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:

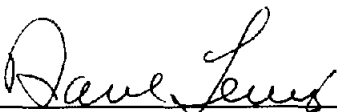
An act making it a criminal offense for a person to possess, carry, or store a concealed weapon on school property.

ASSUMPTIONS:

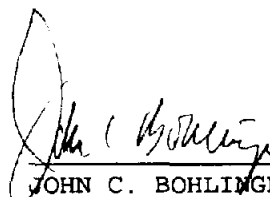
1. This act is effective on passage and approval.
2. This bill will not generate enough new offenses to have a measurable impact on the workload of the Department of Justice.
3. There is no Office of Public Instruction impact.

FISCAL IMPACT:

None.

 1-23-95

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

 1-24-95

JOHN C. BOHLINGER, PRIMARY SPONSOR DATE

Fiscal Note for HB0258, as introduced

HB 258