

Dennis

House JOINT RESOLUTION NO. 18

INTRODUCED BY

Brian Reid Green *Wesley Clark Stovall*

Marshall Wells *Jurgen J. Bar* *Denny* *Josh* *Layne*
M. Hanson *Paul* *John* *for*

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA RECOGNIZING THAT THE RIGHT TO KEEP AND BEAR ARMS IS UNQUESTIONED AND IS ESSENTIAL FOR THE PROTECTION OF THE CITIZENS AND THE STATE; AND PROVIDING THAT TO ENSURE THE SAFETY AND PROTECTION OF THE CITIZENS AND THE STATE, ALL MEMBERS OF THE UNORGANIZED MILITIA OF THE STATE ARE URGED TO OWN, POSSESS, AND MAINTAIN FIREARMS AND AMMUNITION SUITABLE FOR SERVICE IN THE MILITIA AND ARE SUPPORTED IN SUCH OWNERSHIP, POSSESSION, AND MAINTENANCE.

Anthony

WHEREAS, the second amendment to The Constitution of the United States provides that: "A well regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed"; and

WHEREAS, Article II, section 12, of The Constitution of the State of Montana provides that: "The right of any person to keep or bear arms in defense of his own home, person, and property, or in aid of the civil power when thereto legally summoned, shall not be called in question, but nothing herein contained shall be held to permit the carrying of concealed weapons"; and

WHEREAS, Article VI, section 13, of The Constitution of the State of Montana provides that:

"(1) The governor is commander-in-chief of the militia forces of the state, except when they are in the actual service of the United States. He may call out any part or all of the forces to aid in the execution of the laws, suppress insurrection, repel invasion, or protect life and property in natural disasters.

(2) The militia forces shall consist of all able-bodied citizens of the state except those exempted by law"; and

WHEREAS, section 10-1-103 of the Montana Code Annotated provides that:

"Classes of militia. The classes of the militia are:

(1) the organized militia, which consists of the national guard and the Montana home guard;

(2) the unorganized militia, which consists of the members of the militia who are not members of the organized militia"; and

WHEREAS, the Montana National Guard, the organized militia of the State of Montana, has been

1 held by the United States Supreme Court to be a unit of the United States armed forces (see *Perpich v*
2 *Department of Defense*, 496 U.S. 334, 110 S.Ct. 2418 (1990)) and may be called out of the boundaries
3 of the state by the federal government to duty in other parts of the nation or the world; and

4 WHEREAS, the federal government has passed laws that are not consistent with the protection and
5 safety of the State of Montana and its citizens; and

6 WHEREAS, it is recognized that the State of Montana and its citizens may be in need of help and
7 protection in the event of a natural disaster, insurrection, invasion, or other crisis that might arise within
8 the state when the organized militia may be out of Montana in the actual service of the United States; and

9 WHEREAS, it has been documented that those who drafted the second amendment to the United
10 States Constitution intended the words "well regulated militia" to mean the whole body of citizens being
11 well-equipped and well-practiced with arms and organized to operate and respond in locally organized
12 groups.

13
14 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES
15 OF THE STATE OF MONTANA:

16 That the Senate and the House of Representatives declare that the right to keep and bear arms is
17 unquestioned and is essential for the protection of the citizens and the state and that to ensure the safety
18 and protection of the citizens and the state, all members of the unorganized militia of the state are urged
19 to own, possess, and maintain firearms and ammunition suitable for service in the militia and are supported
20 in such ownership, possession, and maintenance.

21 -END-