

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

House BILL NO. 187

INTRODUCED BY ALLAN WALTERS Bookout

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING AN INCREASED PENALTY FOR A PARENT OR GUARDIAN WHEN A CHILD IS ILLEGALLY ALLOWED TO USE A FIREARM AND SERIOUS BODILY INJURY OR DEATH OCCURS; AND AMENDING SECTIONS 45-8-344 AND 45-8-345, MCA."

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

Section 1. Section 45-8-344, MCA, is amended to read:

"45-8-344. Use of firearms by children under fourteen prohibited -- exceptions. It is unlawful for a parent, guardian, or other person having charge or custody of a ~~minor~~ child under the age of 14 years to knowingly permit the ~~minor~~ child to carry or use a firearm in public ~~any firearms~~, except when the child is accompanied by a person having charge or custody of the child or is under the supervision of a qualified firearms safety instructor or an adult who has been authorized by the parent or guardian."

Section 2. Section 45-8-345, MCA, is amended to read:

"45-8-345. Criminal liability of parent or guardian -- prosecution. (1) ~~Any~~ A parent, guardian, or other person ~~violating the provisions of~~ who knowingly violates 45-8-344 shall, upon conviction, be guilty of a misdemeanor ~~incarcerated in the county jail for a term not to exceed 6 months or fined an amount not to exceed \$500, or both, except if the firearm is discharged while it is in the possession of the child and serious bodily injury or death results from the discharge, the parent, guardian, or other person shall be imprisoned in the state prison for a term of not less than 1 year or more than 10 years.~~

(2) The county attorney, on complaint of any person, ~~must~~ shall prosecute violations of 45-8-344."

-END-

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for HB0187, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:

A act providing an increased penalty for a parent or guardian when a child is illegally allowed to use a firearm and serious bodily injury or death occurs.

ASSUMPTIONS:

1. This bill enacts a penalty of imprisonment for up to 6 months for a parent or guardian of a child under 14 years of age who knowingly allows the child to carry or use a firearm in public without supervision. If the firearm is discharged and serious bodily injury or death occurs, the penalty is from 1 to 10 years. The county attorney has the discretion to file charges for this offense; however, if any person makes a complaint, they shall prosecute.
2. It is assumed that the number of cases that might cause imprisonment is negligible.

FISCAL IMPACT:

There is no fiscal impact, based on the above assumptions, to the state.

Dave Lewis 1-12-97
DAVE LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

Allan Walters 1/13/97
ALLAN WALTERS, PRIMARY SPONSOR DATE

Fiscal Note for HB0187, as introduced

HB 187