



AN ACT PROHIBITING THE ENFORCEMENT OF A POTENTIAL FEDERAL BAN ON SEMIAUTOMATIC WEAPONS AND LARGE MAGAZINES; PROVIDING PENALTIES; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

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

Section 1. Short title. [Sections 1 through 4] may be cited as the "Montana Federal Semiautomatic Firearm and Large Magazine Ban Enforcement Prohibition Act".

Section 2. Definitions. As used in [sections 1 through 4], the following definitions apply:

(1) "Federal ban" means a federal law or executive order enacted or signed on or after January 1, 2013, that prohibits, restricts, or requires individual licensure for ownership, possession, transfer, or use of any self-loading rifle, pistol, revolver, or shotgun, any manually loaded rifle, pistol, revolver, or shotgun, or any magazine or other ammunition feeding device.

(2) "Peace officer" has the meaning provided in 45-2-101, except [sections 1 through 4] do not apply to federal employees.

(3) "Political subdivision" means a city, town, county, or consolidated government.

Section 3. Prohibition of enforcement -- exceptions. (1) A peace officer, state employee, or employee of any political subdivision is prohibited from enforcing, assisting in the enforcement of, or otherwise cooperating in the enforcement of a federal ban on semiautomatic weapons or large magazines and is also prohibited from participating in any federal enforcement action implementing a federal ban on semiautomatic weapons or large magazines.

(2) An employee of the state or any political subdivision may not expend public funds or allocate public resources for the enforcement of a federal ban on semiautomatic weapons or large magazines. Any expenditure of public funds or public resources, including paying the salaries of personnel, to enforce or participate in the

enforcement of a federal ban on semiautomatic weapons or large magazines is an unauthorized use of public resources and is considered theft as provided in 45-6-301.

(3) [Sections 1 through 4] do not apply to the possession or use of fully automatic firearms or the enforcement of any federal or state laws prohibiting people with felony convictions from possessing firearms.

Section 4. Enforcement of prohibition. A peace officer, state employee, or employee of any political subdivision who violates the provisions of [sections 1 through 4] commits the offense of official misconduct as provided in 45-7-401. A person violating the provisions of [sections 1 through 4] includes:

- (1) a person who authorized any act prohibited by [section 3];
- (2) a person who had the authority to prevent a violation and failed to prevent a violation; and
- (3) a person who committed any of the acts prohibited by [section 3] under the direction of a supervisor.

Section 5. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

Section 6. Effective date. [This act] is effective on passage and approval.

Section 7. Codification instruction. [Sections 1 through 4] are intended to be codified as an integral part of Title 45, chapter 7, and the provisions of Title 45, chapter 7, apply to [sections 1 through 4].

- END -

I hereby certify that the within bill,
HB 0302, originated in the House.

Chief Clerk of the House

Speaker of the House

Signed this _____ day
of _____, 2013.

President of the Senate

Signed this _____ day
of _____, 2013.

HOUSE BILL NO. 302

INTRODUCED BY KERNS, EDMUNDS, HAGSTROM, HARRIS, JACKSON, LEWIS, F. MOORE, PRIEST,
RANDALL, SHAW, TAYLOR, THOMAS, WITTICH, E. WALKER

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