

Amendment - 2nd Reading-yellow - Requested by: Kerri Seekins-Crowe - (H) Committee of the Whole

- 2023

68th Legislature 2023

Drafter: Rachel Weiss, 406-444-5367

HB0674.002.001

1 HOUSE BILL NO. 674

2 INTRODUCED BY K. SEEKINS-CROWE, K. ZOLNIKOV, P. FIELDER, L. BREWSTER, N. NICOL, S.

3 GALLOWAY, R. MARSHALL, M. HOPKINS, T. BROCKMAN, J. KASSMIER

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5 A BILL FOR AN ACT ENTITLED: "AN ACT CREATING AN ENHANCED PERMIT TO CARRY A CONCEALED
6 WEAPON; PROVIDING APPLICATION CRITERIA AND INSTRUCTIONS FOR APPLICANTS AND COUNTY
7 SHERIFFS; CREATING A PERMIT RENEWAL PROCESS; SPECIFYING WHO MAY NOT HOLD AN
8 ENHANCED PERMIT; AMENDING SECTIONS 45-8-328, 45-8-330, AND 45-8-356, MCA; AND PROVIDING
9 AN IMMEDIATE EFFECTIVE DATE."

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

12
13 NEW SECTION. Section 1. Enhanced permit to carry concealed weapon. (1) To obtain an
14 optional enhanced permit to carry a concealed weapon, an applicant shall submit an application to the sheriff of
15 the county in which the applicant resides. The permit is valid for 5 years from the date of issuance and may be
16 renewed pursuant to subsection (6).

17 (2) An application for an enhanced permit must include:

18 (a) a copy of the applicant's fingerprints for submission to the federal bureau of investigation, or to
19 any government agency or entity authorized to receive the information, for a state, national, and international
20 criminal background check;

21 (b) an authorization from the applicant to run a fingerprint background check; and

22 (c) proof that the applicant:

23 (i) has successfully completed a qualifying handgun course, as defined in subsection (5), within
24 the preceding 12 months; or

25 (ii) is a current or former law enforcement officer and has, within the preceding 12 months,
26 qualified or requalified on a certified shooting course administered by a firearms instructor approved by the

27 ~~department of justice~~ A LAW ENFORCEMENT AGENCY.

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- 1 (3) An applicant for an enhanced concealed carry permit must be:
- 2 (i) a United States citizen or permanent lawful resident;
- 3 (ii) 21 years of age or older;
- 4 (iii) the holder of a valid Montana driver's license or other form of identification issued by the state
- 5 that has a picture of the person identified; and
- 6 (iv) a resident of the state for at least 6 months on the date of application.
- 7 (4) A county sheriff who receives an application for an enhanced permit to carry a concealed
- 8 weapon shall:
- 9 (a) ~~forward the copy of the applicant's fingerprints, the applicant's authorization for processing a~~
- 10 ~~criminal background check, and the payment for the criminal background check to the criminal records and~~
- 11 ~~identification services section of the department of justice for processing~~ CONDUCT OR CAUSE TO BE CONDUCTED
- 12 THE CRIMINAL BACKGROUND CHECKS REQUIRED PURSUANT TO SUBSECTION (2);
- 13 (b) retain the application and other documents until the sheriff receives the results of the
- 14 background checks required pursuant to subsection (2); and
- 15 (c) after receiving satisfactory background check results and verification that an applicant has met
- 16 the requirements of subsection (2)(c)(i) or (2)(c)(ii) and subsection (3), issue a permit clearly designated as
- 17 enhanced within 60 days after the filing of the application.
- 18 (5) A qualifying handgun course is any handgun course that:
- 19 (a) is approved or conducted by the department of justice, the department of fish, wildlife, and
- 20 parks, a similar agency of another state, a national firearms association, A LAW ENFORCEMENT AGENCY, an
- 21 institution of higher education, or an organization that uses instructors certified by a national firearms
- 22 association; and that
- 23 (b) includes instruction in each of the following:
- 24 ~~(a)(i)~~ laws relating to firearms and the use of force;
- 25 ~~(b)(ii)~~ the basic concepts of the safe and responsible use of handguns;
- 26 ~~(c)(iii)~~ self-defense principles; and
- 27 ~~(d)(iv)~~ live fire training, including the firing of at least 98 rounds of ammunition by the student.

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1 (6) A person who holds an enhanced permit to carry a concealed weapon may renew the permit
2 through the sheriff of the county in which the person resides. The period for renewal begins 180 days before the
3 permit expires and ends 30 days after the permit expires. To renew an enhanced permit, a person shall:

4 (a) pass a criminal background check; and

5 (b) present proof that:

6 (i) during the period of renewal, the applicant successfully completed a live fire component of a
7 qualifying handgun course pursuant to subsection ~~(5)(d)~~ (5)(b)(iv); or

8 (ii) the applicant is a current or former law enforcement officer and has, within the preceding 12
9 months, qualified or requalified on a certified shooting course administered by a firearms instructor approved by
10 the department of justice A LAW ENFORCEMENT AGENCY.

11 (7) (a) If a person fails to renew an enhanced permit to carry a concealed weapon during the
12 period set forth in subsection (6), the enhanced permit is deemed to be invalid.

13 (b) To obtain an enhanced permit after a previous enhanced permit has become invalid, a person
14 shall submit a new application and meet all requirements for an initial enhanced permit.

15 (8) Except as provided in subsection (9), an enhanced permit to carry a concealed weapon may
16 not be denied to a qualified applicant unless the applicant:

17 (a) is ineligible under Montana or federal law to own, possess, or receive a firearm;

18 (b) has been charged and is awaiting judgment in any state or federal crime that is
19 punishable by incarceration for 1 year or more;

20 (c) subject to the provisions of subsection (10), has been convicted in any state or federal court of:

21 (i) a crime punishable by more than 1 year of incarceration; or

22 (ii) regardless of the sentence that may be imposed, a crime that includes as an element of the
23 crime an act, attempted act, or threat of intentional homicide, serious bodily harm, unlawful restraint, sexual
24 abuse, or sexual intercourse or contact without consent;

25 (d) has been convicted under 45-8-327 or 45-8-328, unless the applicant has been pardoned or 5
26 years have elapsed since the date of the conviction;

27 (e) has a warrant of any state or the federal government out for the applicant's arrest;

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1 (f) has been adjudicated in a criminal or civil proceeding in any state or federal court to be an
2 unlawful user of an intoxicating substance and is under a court order of imprisonment or other incarceration,
3 probation, suspended or deferred imposition of sentence, treatment or education, or other conditions of release
4 or is otherwise under state supervision;

5 (g) has been adjudicated in a criminal or civil proceeding in any state or federal court to be
6 mentally ill, mentally disordered, or mentally disabled and is still subject to a disposition order of that court; or

7 (h) was dishonorably discharged from the United States armed forces.

8 (9) A county sheriff may deny an applicant an enhanced permit to carry a concealed weapon if the
9 sheriff has reasonable cause to believe that the applicant is mentally ill, mentally disordered, or mentally
10 disabled or otherwise may be a threat to the peace and good order of the community to the extent that the
11 applicant should not be allowed to carry a concealed weapon. At the time an application is denied, the sheriff
12 shall, unless the applicant is the subject of an active criminal investigation, give the applicant a written
13 statement of the reasonable cause on which the denial is based.

14 (10) Except for a person referred to in subsection (8)(c)(ii), a person who has been convicted of a
15 felony and whose rights have been restored pursuant to Article II, section 28, of the Montana constitution is
16 entitled to issuance of an enhanced concealed weapons permit if otherwise eligible.

17 (11) THE FEE FOR ISSUANCE OF AN ENHANCED PERMIT IS \$75.

18 (12) THE SHERIFF OF THE COUNTY IN WHICH THE PERMITTEE RESIDES MAY REVOKE THE ENHANCED PERMIT
19 OR DENY ITS RENEWAL UNDER 45-8-323.

20 (13) A DENIAL OR REVOCATION OF AN ENHANCED PERMIT OR A REFUSAL TO RENEW AN ENHANCED PERMIT
21 MAY BE APPEALED UNDER 45-8-324.

22 (14) THE IMMUNITY FROM LIABILITY PROVIDED UNDER 45-8-326 APPLIES TO THE GRANT OF, RENEWAL OF,
23 OR FAILURE TO REVOKE AN ENHANCED PERMIT.

24

25 **SECTION 2. SECTION 45-8-328, MCA, IS AMENDED TO READ:**

26 **"45-8-328. Carrying concealed weapon in prohibited place -- penalty.** (1) Except for a person
27 issued a permit pursuant to 45-8-321 or [section 1] or a person recognized pursuant to 45-8-329, a person