

SENATE BILL NO. 133

INTRODUCED BY ROSENDALE

1
2
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING CRIMINAL INVESTIGATORS EMPLOYED BY THE
5 OFFICE OF THE STATE PUBLIC DEFENDER TO CARRY A CONCEALED WEAPON IF THEY HAVE A VALID
6 CONCEALED WEAPONS PERMIT; ALLOWING CERTAIN PERSONS TO CARRY A CONCEALED WEAPON
7 IN PROHIBITED PLACES; DELETING THE PROVISION PROVIDING THAT IT IS NOT A DEFENSE THAT THE
8 PERSON HAD A VALID PERMIT TO CARRY A CONCEALED WEAPON; AND AMENDING SECTION SECTIONS
9 45-8-317 AND 45-8-328, MCA."

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

12
13 **Section 1.** Section 45-8-317, MCA, is amended to read:
14 **"45-8-317. Exceptions.** (1) Section 45-8-316 does not apply to:
15 (a) any peace officer of the state of Montana or of another state who has the power to make arrests;
16 (b) any officer of the United States government authorized to carry a concealed weapon;
17 (c) a person in actual service as a member of the national guard;
18 (d) a person summoned to the aid of any of the persons named in subsections (1)(a) through (1)(c);
19 (e) a civil officer or the officer's deputy engaged in the discharge of official business;
20 (f) a probation and parole officer authorized to carry a firearm under 46-23-1002;
21 (g) a person issued a permit under 45-8-321 or a person with a permit recognized under 45-8-329;
22 (h) an agent of the department of justice or a criminal investigator in a county attorney's office;
23 (i) a person who is outside the official boundaries of a city or town or the confines of a logging, lumbering,
24 mining, or railroad camp or who is lawfully engaged in hunting, fishing, trapping, camping, hiking, backpacking,
25 farming, ranching, or other outdoor activity in which weapons are often carried for recreation or protection;
26 (j) the carrying of arms on one's own premises or at one's home or place of business; or
27 (k) the carrying of a concealed weapon in the state capitol by a legislative security officer who has been
28 issued a permit under 45-8-321 or with a permit recognized under 45-8-329; or
29 (l) a criminal investigator employed by the office of the state public defender issued a permit under
30 45-8-321 or with a permit recognized under 45-8-329.

1 (2) With regard to a person issued a permit under 45-8-321, the provisions of 45-8-328 do not apply to
2 this section."

3

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

5 **"45-8-328. Carrying concealed weapon in prohibited place -- penalty.** (1) Except for legislative
6 ~~security officers authorized to carry a concealed weapon in the state capitol as provided in 45-8-317(1)(k) and~~
7 ~~criminal investigators employed by the office of the state public defender as provided in 45-8-317(1)(l)~~ PERSONS
8 LISTED IN 45-8-317(1)(A) THROUGH (1)(H), (1)(K), AND (1)(L), a person commits the offense of carrying a concealed
9 weapon in a prohibited place if the person purposely or knowingly carries a concealed weapon in:

10 (a) portions of a building used for state or local government offices and related areas in the building that
11 have been restricted;

12 (b) a bank, credit union, savings and loan institution, or similar institution during the institution's normal
13 business hours. It is not an offense under this section to carry a concealed weapon while:

14 (i) using an institution's drive-up window, automatic teller machine, or unstaffed night depository; or

15 (ii) at or near a branch office of an institution in a mall, grocery store, or other place unless the person
16 is inside the enclosure used for the institution's financial services or is using the institution's financial services.

17 (c) a room in which alcoholic beverages are sold, dispensed, and consumed under a license issued
18 under Title 16 for the sale of alcoholic beverages for consumption on the premises.

19 (2) ~~It is not a defense that the person had a valid permit to carry a concealed weapon.~~ A person
20 convicted of the offense shall be imprisoned in the county jail for a term not to exceed 6 months or fined an
21 amount not to exceed \$500, or both."

22

- END -



GOVERNOR'S OFFICE OF
BUDGET AND PROGRAM PLANNING

Fiscal Note 2015 Biennium

To open, right click on "Select a bill", select Worksheet Object/Edit. To exit, click outside the spreadsheet.

Bill #	SB0133
---------------	--------

Title:	Revise concealed weapon laws for public defender criminal investigator
---------------	--

Primary Sponsor:	Rosendale, Matthew M
-------------------------	----------------------

Status:	As Introduced
----------------	---------------

- | | | |
|---|--|--|
| <input type="checkbox"/> Significant Local Gov Impact | <input type="checkbox"/> Needs to be included in HB 2 | <input type="checkbox"/> Technical Concerns |
| <input type="checkbox"/> Included in the Executive Budget | <input type="checkbox"/> Significant Long-Term Impacts | <input type="checkbox"/> Dedicated Revenue Form Attached |

FISCAL SUMMARY

To open the fiscal Summary spreadsheet, right click on the spreadsheet, select Worksheet Object/Edit. To exit the spreadsheet, click outside of the spreadsheet.

	<u>FY 2014</u> <u>Difference</u>	<u>FY 2015</u> <u>Difference</u>	<u>FY 2016</u> <u>Difference</u>	<u>FY 2017</u> <u>Difference</u>
Expenditures:				
General Fund	\$6,160	\$5,806	\$5,893	\$5,981
State Special Revenue	\$0	\$0	\$0	\$0
Federal Special Revenue	\$0	\$0	\$0	\$0
Other	\$0	\$0	\$0	\$0
Revenue:				
General Fund	\$0	\$0	\$0	\$0
State Special Revenue	\$0	\$0	\$0	\$0
Federal Special Revenue	\$0	\$0	\$0	\$0
Other	\$0	\$0	\$0	\$0
Net Impact-General Fund Balance:	<u>(\$6,160)</u>	<u>(\$5,806)</u>	<u>(\$5,893)</u>	<u>(\$5,981)</u>

Description of fiscal impact: The criminal investigators employed by the Office of the State Public Defender (OPD) have requested this legislation to allow them to carry a concealed weapon during the performance of their duties if they have a valid concealed weapons permit. By allowing its investigators to carry concealed weapons, OPD would need to offer training to them.

FISCAL ANALYSIS

Assumptions:

1. It is assumed that OPD’s criminal investigators will accept the financial responsibility of obtaining a concealed weapons permit upon completion of a firearms training session which will be provided annually by OPD.
2. It is also assumed that OPD’s criminal investigators will provide their own weapons and ammunition.
3. Any costs associated with a potential increase to OPD’s insurance costs through Risk Management and Tort Defense (RMTD) are unable to quantify at this time. RMTD has advised OPD that unless or until there is an actual loss, the insurance rates would remain the same.
4. OPD has twenty investigators. The cost per person for instruction would be \$150.00 plus a \$200 fee for the use of the firing range for a total of \$3,200.00
5. The lodging, meals and travel costs are estimated to be approximately \$2,520.00.
6. The purchase of firearms lockers for each of the eleven regional offices in the first year would be approximately \$440.00
7. There is a 1.5% inflation factor added to FY 2015, FY 2016 and FY 2017.

Effect on County or Other Local Revenues or Expenditures:

- 1.
- 2.
- 3.

Long-Term Impacts:

- 1.
- 2.
- 3.

Technical Notes:

- 1.
- 2.

<i>Sponsor’s Initials</i>	<i>Date</i>	<i>Budget Director’s Initials</i>	<i>Date</i>
Fiscal note prepared by:	Carleen Green		
Agency:	Office of the State Public Defender		
Phone number:	406-496-6085		