

# Montana

**Shall Issue**

**Must Inform Officer by Law: NO**  
(See Must Inform Section Below)

## Links

[State CCW Site](#)

[CCW Application](#)

[Firearms FAQs](#)

[State Statutes](#)

[State Admin Rules](#)

[State Reciprocity Info](#)

[State Attorney General](#)

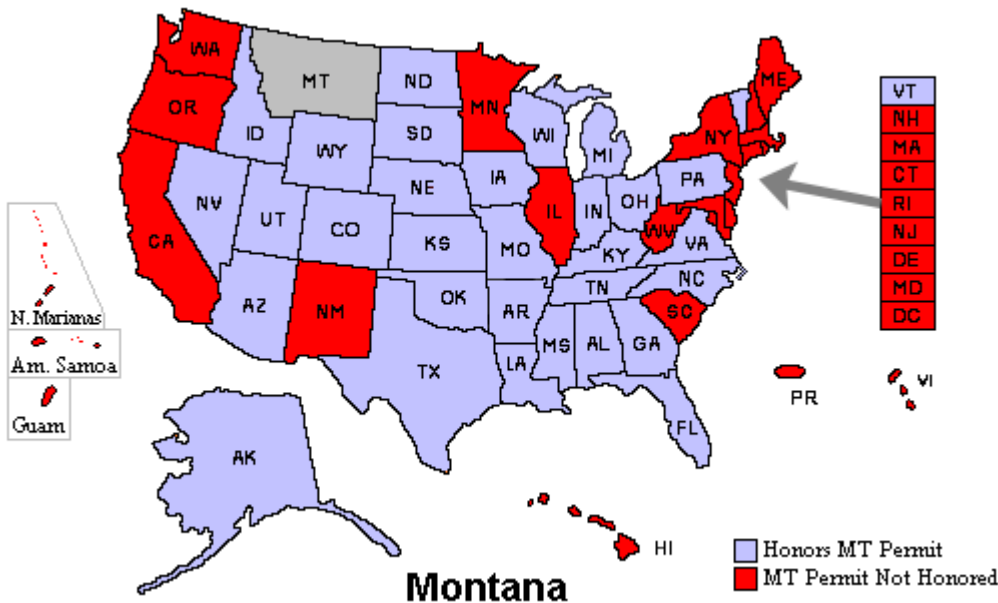
[Sheriff CCW Info Site](#)

[Yellowstone Co  
Application Packet](#)

[2<sup>nd</sup> Sheriff CCW Site  
App & Instructions](#)

[Secretary of State](#)

**Last Updated: 8/20/17**



**Note:** [Alaska](#), [Arizona](#), [Kansas](#), [Maine](#), [Mississippi](#), [Missouri](#), [New Hampshire](#), [Vermont](#) and [West Virginia](#) have “Permitless Carry.” Anyone who can legally possess a firearm may carry it concealed in those states without a Permit/License. Check each states page for more information and any restrictions that may apply.

## Permits/Licenses This State Honors Listed Below

Alabama	Alaska	Arizona	Arkansas	California	Colorado
Connecticut	Florida	Georgia	Idaho	Indiana	Illinois
Iowa	Kansas	Kentucky	Louisiana	Maryland	Massachusetts
Michigan	Minnesota	Mississippi	Missouri	Nebraska	Nevada
New Jersey	New Mexico	New York	North Dakota	North Carolina	Ohio
Oklahoma	Oregon	Pennsylvania	South Carolina	South Dakota	Tennessee
Texas	Utah	Virginia	Washington	West Virginia	Wisconsin
Wyoming					

## Montana Honors Non-Resident Permits/Licenses From the States They Honor.

### Reciprocity/How This State Honors Other States Permit/Licenses

#### 45-8-329. Concealed Weapon Permits from Other States Recognized -- Advisory Council.

- (1) A concealed weapon permit from another state is valid in this state if:
  - (a) the person issued the permit has the permit in the person's immediate possession;
  - (b) the person bearing the permit is also in possession of an official photo identification of the person, whether on the permit or on other identification; and
  - (c) the state that issued the permit requires a criminal records background check of permit applicants prior to issuance of a permit.
- (2) The attorney general shall develop and maintain a list of states from which permits are recognized under this section for the use by law enforcement agencies in this state.

(3) A determination or declaration of a Montana government entity, official, or employee is not necessary to the existence and exercise of the privilege granted by this section.

(4) The governor shall establish a council, composed of interested persons, including law enforcement personnel and gun owners, to advise the governor on and pursue concealed weapon permit issues.

**History:** En. Sec. 3, Ch. 408, L. 1995; amd. Sec. 2, Ch. 476, L. 1999.

## Permitless Carry (Limited)

### 45-8-317. Exceptions. (1) Section 45-8-316 Does Not Apply To:

- (a) any peace officer of the state of Montana or of another state who has the power to make arrests;
- (b) any officer of the United States government authorized to carry a concealed weapon;
- (c) a person in actual service as a member of the national guard;
- (d) a person summoned to the aid of any of the persons named in subsections (1)(a) through (1)(c);
- (e) a civil officer or the officer's deputy engaged in the discharge of official business;
- (f) a probation and parole officer authorized to carry a firearm under 46-23-1002;
- (g) a person issued a permit under 45-8-321 or a person with a permit recognized under 45-8-329;
- (h) an agent of the department of justice or a criminal investigator in a county attorney's office;
- (i) **a person who is outside the official boundaries of a city or town or the confines of a logging, lumbering, mining, or railroad camp or who is lawfully engaged in hunting, fishing, trapping, camping, hiking, backpacking, farming, ranching, or other outdoor activity in which weapons are often carried for recreation or protection;**
- (j) the carrying of arms on one's own premises or at one's home or place of business; or
- (k) the carrying of a concealed weapon in the state capitol by a legislative security officer who has been issued a permit under 45-8-321 or with a permit recognized under 45-8-329.

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

**Note:** As long as you are outside the Boundaries of locations listed in (i) or engaged in a listed activity in (i) you can carry a concealed firearm without any type of permit/license. Loaded carry is allowed in a vehicle even in a city as long as the firearm is not on your person. In the Glove Box/Console would be OK as it is not covered by "Clothing or Wearing Apparel to be considered concealed. (See Definition of Concealed Below)

**45-8-315. Definition.** "Concealed weapon" means any weapon mentioned in 45-8-316 through 45-8-318 and 45-8-321 through 45-8-328 that is wholly or partially covered by the clothing or wearing apparel of the person carrying or bearing the weapon, except that for purposes of 45-8-321 through 45-8-328, concealed weapon means a handgun or a knife with a blade 4 or more inches in length that is wholly or partially covered by the clothing or wearing apparel of the person carrying or bearing the weapon.

**History:** En. Sec. 6, Ch. 74, L. 1919; re-en. Sec. 11307, R.C.M. 1921; re-en. Sec. 11307, R.C.M. 1935; Sec. 94-3530, R.C.M. 1947; redes. 94-8-215 by Sec. 29, Ch. 513, L. 1973; R.C.M. 1947, 94-8-215; amd. Sec. 9, Ch. 759, L. 1991.

## How to Apply for a Permit

To obtain a Montana concealed weapons permit, a person must:

- have been a Montana resident for at least six months
- be a U.S. citizen or permanent lawful resident
- be at least 18 years old

- Montana Hunter Ed Course/State Approved Course/Any National Firearms Group Trainer or
- DD214

Applications are available from the local county sheriff's office. This site provides a [sample application](#) so people can review what is required and gather the necessary documentation prior to going to their sheriff's office. The form is clearly marked as a "sample only" and cannot be used in place of the application provided by the local sheriff's office.

Cost is approximately \$60.00 and the Permit/License is valid for 4 years.

## Non-Resident Permits

Montana does not issue Non-Resident Permit/Licenses.

## Places Off-Limits Even With a Permit/License

### Montana Code [45-8-328](#) Carrying Concealed Weapon in Prohibited Place

(1) Except for legislative security officers authorized to carry a concealed weapon in the state capitol as provided in 45-8-317(1)(k), a person commits the offense of carrying a concealed weapon in a prohibited place if the person purposely or knowingly carries a concealed weapon in:

- (a) portions of a building used for state or local government offices and related areas in the building that have been restricted;
- (b) a bank, credit union, savings and loan institution, or similar institution during the institution's normal business hours. It is not an offense under this section to carry a concealed weapon while:
  - (i) using an institution's drive-up window, automatic teller machine, or unstaffed night depository; or
  - (ii) at or near a branch office of an institution in a mall, grocery store, or other place unless the person is inside the enclosure used for the institution's financial services or is using the institution's financial services.
- (c) a room in which alcoholic beverages are sold, dispensed, and consumed under a license issued under Title 16 for the sale of alcoholic beverages for consumption on the premises.

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

History: En. Sec. 8, Ch. 759, L. 1991; amd. Sec. 1, Ch. 572, L. 1999; amd. Sec. 2, Ch. 384, L. 2011.

### Montana Code [45-8-339](#) Carrying Firearms on Train

(1) Except as authorized by the management of a railroad, it is unlawful for a person not authorized to carry a weapon in the course of his official duties to knowingly or purposely carry or transport firearms on a train in this state unless, prior to boarding, the person has delivered all firearms and ammunition, if any, to the operator of the train.

(2) A person violating this section shall be punished by a fine not exceeding \$500 or imprisonment in the county jail for a period not exceeding 6 months, or both.

### Montana Code [45-8-361](#). Possession or Allowing Possession of Weapon in School Building -- Exceptions -- Penalties -- Seizure and Forfeiture or Return Authorized -- Definitions.

(1) A person commits the offense of possession of a weapon in a school building if the person purposely and knowingly possesses, carries, or stores a weapon in a school building.

(2) A parent or guardian of a minor commits the offense of allowing possession of a weapon in a school building if the parent or guardian purposely and knowingly permits the minor to possess, carry, or store a weapon in a school building.

(3) (a) Subsection (1) does not apply to law enforcement personnel.

(b) The trustees of a district may grant persons and entities advance permission to possess, carry, or store a weapon in a school building.

(4) (a) A person convicted under this section shall be fined an amount not to exceed \$500, imprisoned in the county jail for a term not to exceed 6 months, or both. The court shall consider alternatives to incarceration that are available in the community.

(b) (i) A weapon in violation of this section may be seized and, upon conviction of the person possessing or permitting possession of the weapon, may be forfeited to the state or returned to the lawful owner.

(ii) If a weapon seized under the provisions of this section is subsequently determined to have been stolen or otherwise taken from the owner's possession without permission, the weapon must be returned to the lawful owner.

(5) As used in this section:

(a) "school building" means all buildings owned or leased by a local school district that are used for instruction or for student activities. The term does not include a home school provided for in 20-5-109.

(b) "weapon" means any type of firearm, a knife with a blade 4 or more inches in length, a sword, a straight razor, a throwing star, nun-chucks, or brass or other metal knuckles. The term also includes any other article or instrument possessed with the purpose to commit a criminal offense. History: En. Sec. 1, Ch. 435, L. 1997; amd. Sec. 6, Ch. 581, L. 1999.

#### **45-8-351. Restriction on local government regulation of firearms.**

(1) Except as provided in subsection (2), a county, city, town, consolidated local government, or other local government unit may not prohibit, register, tax, license, or regulate the purchase, sale or other transfer (including delay in purchase, sale, or other transfer), ownership, possession, transportation, use, or unconcealed carrying of any weapon, including a rifle, shotgun, handgun, or concealed handgun.

(2) (a) For public safety purposes, a city or town may regulate the discharge of rifles, shotguns, and handguns. A county, city, town, consolidated local government, or other local government unit has power to prevent and suppress the carrying of concealed or unconcealed weapons to a public assembly, publicly owned building, park under its jurisdiction, or school, and the possession of firearms by convicted felons, adjudicated mental incompetents, illegal aliens, and minors.

(b) Nothing contained in this section allows any government to prohibit the legitimate display of firearms at shows or other public occasions by collectors and others or to prohibit the legitimate transportation of firearms through any jurisdiction, whether in airports or otherwise. History: En. Sec. 1, Ch. 589, L. 1985; amd. Sec. 11, Ch. 759, L. 1991; amd. Sec. 3, Ch. 384, L. 2011.

#### **70-24-110. Landlords and tenants -- no firearm prohibition allowed.**

A landlord or operator of a hotel or motel may not, by contract or otherwise, prevent a tenant or a guest of a tenant from possessing on the premises a firearm that it is legal for the tenant or guest to possess. A landlord or operator of a hotel or motel may prohibit the discharge of a firearm on the premises except in self-defense. History: En. Sec. 6, Ch. 332, L. 2009.

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For Federal Restrictions on Firearms see the [USA Page](#).

## Do “No Gun Signs” Have the Force of Law?

“NO”

“Handgunlaw.us highly recommends that you not enter a place that is posted "No Firearms" no matter what the state laws read/mean on signage. We recommend you print out the [No Guns = No Money Cards](#) and give one to the owner of the establishment that has the signage." As responsible gun owners and upholders of the 2nd Amendment we should also honor the rights of property owners to control their own property even if we disagree with them.”

“No Firearm” signs in Montana have no force of law unless they are posted on property that is specifically mentioned in State Law as being off limits to those with a Permit/License to Carry. If you are in a place not specifically mentioned in the law that is posted and they ask you to leave, you must leave. If you refuse to leave then you are breaking the law and can be charged. Even if the property is not posted and you are asked to leave you must leave. Always be aware of the possibility that responding Police Officers who may have been called without your knowledge and may not know the laws on trespass etc. could arrest you even if you are within the law.

## Must Inform Officer Immediately on Contact By Law?

“NO”

### [45-8-329](#). Concealed Weapon Permits From Other States Recognized -- Advisory Council.

(b) the person bearing the permit is also in possession of an official photo identification of the person, whether on the permit or on other identification; and

**Note:** I can't find any mention in Montana Law that state residents carry their permit on their person but their law does say those carrying in Montana with a permit they honor must carry their Permit and ID.

## Carry In State Parks//WMA/Road Side Rest Areas & St. /Nat. Forests

### Carry Allowed in these Areas:

**State Parks:** YES 12.8.202

**State/National Forests:** YES 36.11.101

**State WMA's:** YES [MT Fish, Wildlife & Parks Regulations](#)

**Road Side Rest Areas:** YES

## RV/Car Carry Without a Permit/License

Montana Attorney Web Site states the following:

“Montana has no prohibitions against carrying a weapon in a motor vehicle, although federal rules may apply in national parks.”

According to the AG you can carry a firearm inside your vehicle without a permit The Definition of concealed in Montana is "wholly or partially covered by clothing or wearing apparel".

Montana law is quiet on carrying a firearm in a vehicle. There is no mention of it being illegal to carry a loaded or unloaded firearm in a vehicle. What Montana Law does say is this:

#### **45-8-315. Definition.**

"Concealed weapon" means any weapon mentioned in 45-8-316 through 45-8-318 and 45-8-321 through 45-8-328 that is wholly or partially covered by the clothing or wearing apparel of the person carrying or bearing the weapon, except that for purposes of 45-8-321 through 45-8-328, concealed weapon means a handgun or a knife with a blade 4 or more inches in length that is wholly or partially covered by the clothing or wearing apparel of the person carrying or bearing the weapon.

#### **45-8-316. Carrying Concealed Weapons.**

(1) A person who carries or bears concealed upon the individual's person a dirk, dagger, pistol, revolver, slingshot, sword cane, billy, knuckles made of any metal or hard substance, knife having a blade 4 inches long or longer, razor, not including a safety razor, or other deadly weapon shall be punished by a fine not exceeding \$500 or by imprisonment in the county jail for a period not exceeding 6 months, or both.

#### **45-8-317. Exceptions.** (1) Section 45-8-316 does not apply to:

(h) (i) a person who is outside the official boundaries of a city or town or the confines of a logging, lumbering, mining, or railroad camp or who is lawfully engaged in hunting, fishing, trapping, camping, hiking, backpacking, farming, ranching, or other outdoor activity in which weapons are often carried for recreation or protection; or

(j) the carrying of arms on one's own premises or at one's home or place of business.

So you can carry concealed outside Cities, Towns, Logging, Lumbering, Mining and Railroad Camps without any type of permit. In or out of your car. But since Montana law defines concealed as cover or partially covered by clothing you can carry a loaded handgun in the Glove Box or Console in the Cities, Towns etc in Montana without any type of permit/license. The law has to state what is illegal. If it doesn't mention it then it is legal.

### **Open Carry (Without a Valid Permit/License)**

Open Carry is legal in Montana. Places as listed in the "Places Off Limits" above "May" apply to those who open carry. See the "RV/Car Carry Without a Permit" section for carrying in a vehicle.

The state preempts all firearm laws in the state and local authorities can't have Laws/Ordinances against open carry. A county, city, town, consolidated local government, or other local government unit has power to prevent and suppress the carrying of concealed or unconcealed weapons to a public assembly, publicly owned building, park under its jurisdiction, or school. Montana Statute [45-8-344](#) states those 14 and over can possess a firearm. Possession by a person under 18 is against federal law. I would not open carry under 18 years of age.

#### **45-3-111. Openly carrying weapon -- display -- exemption.**

(1) Any person who is not otherwise prohibited from doing so by federal or state law may openly carry a weapon and may communicate to another person the fact that the person has a weapon.

(2) If a person reasonably believes that the person or another person is threatened with bodily harm, the person may warn or threaten the use of force, including deadly force, against the aggressor, including drawing or presenting a weapon.

(3) This section does not limit the authority of the board of regents or other postsecondary institutions to regulate the carrying of weapons, as defined in 45-8-361(5)(b), on their campuses. **History:** En. Sec. 2, Ch. 332, L. 2009.

This is not the last word on Open Carry in this state. Check at [www.opencarry.org](http://www.opencarry.org) or go to Google and type in State Name Open Carry or Open Carry State Name for a search for open carry info in this state. Check with the [State's RKBA](#) Organization/s. Also see “Attorney General Opinions/Court Cases” Section for any written opinions/Cases on Open Carry.

## State Preemption

### **45-8-351. Restriction on Local Government Regulation of Firearms.**

(1) Except as provided in subsection (2), a county, city, town, consolidated local government, or other local government unit may not prohibit, register, tax, license, or regulate the purchase, sale or other transfer (including delay in purchase, sale, or other transfer), ownership, possession, transportation, use, or unconcealed carrying of any weapon, including a rifle, shotgun, handgun, or concealed handgun.

(2) (a) For public safety purposes, a city or town may regulate the discharge of rifles, shotguns, and handguns. A county, city, town, consolidated local government, or other local government unit has power to prevent and suppress the carrying of concealed or unconcealed weapons to a public assembly, publicly owned building, park under its jurisdiction, or school, and the possession of firearms by convicted felons, adjudicated mental incompetents, illegal aliens, and minors.

(b) Nothing contained in this section allows any government to prohibit the legitimate display of firearms at shows or other public occasions by collectors and others or to prohibit the legitimate transportation of firearms through any jurisdiction, whether in airports or otherwise.

(c) A local ordinance enacted pursuant to this section may not prohibit a legislative security officer who has been issued a concealed weapon permit from carrying a concealed weapon in the state capitol as provided in 45-8-317. **History:** En. Sec. 1, Ch. 589, L. 1985; amd. Sec. 11, Ch. 759, L. 1991; amd. Sec. 3, Ch. 384, L. 2011.

## Deadly Force Laws

### **Montana Code Annotated 2003**

**45-3-101.** Definitions.

**45-3-102.** Use of force in defense of person.

**45-3-103.** Use of force in defense of occupied structure.

**45-3-104.** Use of force in defense of other property.

**45-3-105.** Use of force by aggressor.

**45-3-106.** Use of force to prevent escape.

**45-3-107.** Use of force by parent, guardian, or teacher.

**45-3-108.** Use of force in resisting arrest.

**45-3-110.** No duty to summon help or flee

**45-3-112.** Investigation of alleged offense involving claim of justifiable use of force.

**45-3-115.** Affirmative defense.

## Knife Laws State/Cities

To access State/Local Knife Laws Click [“Here”](#)

## Carry in Restaurants That Serve Alcohol

**NO (Concealed)**      **YES (Openly)**      [45-8-328](#)

**Note:** In Montana you can't carry concealed but you can open carry in a restaurant that serves alcohol. If ask to leave the restaurant you must leave.

**Note:** A “YES” above means you can carry into places like described below. “NO” means you can't. Handgunlaw.us definition of “Restaurant Carry” is carry in a restaurant that serves alcohol. Places like Friday's or Red Lobster unless posted with “No Gun Signs.” This may or may not mean the bar or the bar area of a restaurant. But you can carry your firearm into a restaurant that serves alcohol and sit and eat without consuming. Handgunlaw.us recommends you not sit at the Bar or in the Bar area of such restaurants. In some states it is illegal to be in the Bar area of such restaurants. Handgunlaw.us believes you should never consume alcohol when carrying your firearm. In some states it is illegal to take even one drink while carrying a firearm. If you want further info on carrying in places that serve alcohol check your state laws.

## Chemical Sprays/Stun Gun/Higher Capacity Magazine Laws

Handgunlaw.us could find no restrictions in Montana Law concerning Chemical Sprays, Stun Guns Or Higher Capacity Magazine Bans.

## LEOSA State Information

[Montana LEOSA Info](#) (Scroll to bottom of page)

See the LEOSA Section on the [USA Page](#) at Handgunlaw.us for more LEOSA Information.

## Attorney General Opinions/Court Cases

Handgunlaw.us can find no AG Opinions or Court Cases concerning the carrying of firearms. This does not mean there are no AG Opinions or Court Cases. We could just not find any.

## Airport Carry/Misc. Information

**Airport Carry:**      **45-8-301 thru 45-8-361**

**Training Valid for:**      **No set time period.**

**Time Period to Establish Residency:**      **6 Months**

**Minimum Age for Permit/License:**      **18**

**Permit/License Info Public Information:**      **NO**

**State Reciprocity/How They Honor Other States Statute:**      **45-8-329.**

**State Fire arm Laws:**      **45-8-301 thru 45-8-361**  
[www.handgunlaw.us](http://www.handgunlaw.us)



**State Deadly Force Laws:** 45-3-101 thru 45-3-115

**State Knife Laws:** 45-8-316, 45-8-317, 45-8-331.

**Chemical/Electric Weapons Laws:** No laws found.

**Body Armor Laws:** 46-18-224

**Does Your Permit Cover Other Weapons Besides Firearms?** YES 45-8-316 & 45-8-321

**Is carrying of a Concealed Firearm with Permit/License for Defensive Purposes Only While Hunting Legal?** YES? DNR I can not find any MT law/regulation that says you can't.

## Notes

### What Does MT Consider A Loaded Firearm?

Montana law does not define loaded or unloaded firearm.

**Note:** With no definition on what the state considers a loaded firearm at the minimum I would have no cartridge in the firing chamber, cylinder, internal or attached magazine or attached to the firearm in any way.

## State Emergency Powers

### 10-3-114. Confiscation Of Firearm by Government Prohibited -- Private Right of Action -- Costs and Expenses.

(1) Following a declaration of an emergency or disaster pursuant to this chapter, a peace officer or other person acting or purporting to act on behalf of the state or a political subdivision of the state may not take a confiscation action.

(2) After a violation of subsection (1) has occurred, the party injured by a confiscation action may bring an action for damages in a court having jurisdiction.

(3) A party awarded damages pursuant to this section must also be awarded the party's costs and expenses in bringing the action, including reasonable attorney fees.

(4) (a) As used in this section, "confiscation action" means the intentional deprivation by a person in Montana of a privately owned firearm.

(b) The term does not include the taking of a firearm from a person:

- (i) in self-defense;
- (ii) possessing a firearm while the person is committing a felony or misdemeanor; or
- (iii) who may not lawfully possess the firearm because of a prior criminal conviction.

**History:** En. Sec. 1, Ch. 459, L. 2007.

**Note:** Federal Law can apply if the state is receiving monetary and/or other assistance from the Federal Government. See [US Code 42-5207](#) for Federal Law as it applies to States of Emergencies. The state quoted code may also not be all of the law on Emergency Powers held by the state. You should read the entire code on Emergency Powers etc for this state by following the link to the state code.

## Minimum Age for Possessing and Transporting of Handguns.


Montana 18 Y/O 45-8-321

This is the minimum age for possessing and transporting a handgun unloaded and secured in a vehicle without any type of permit/license to carry firearms.

**Note:** In some states Possession and Transportation CAN be very restrictive in that you can ONLY possess and transport a handgun to and from a Shooting Range, Gun Shop, property you own or other places you can legally possess a handgun. Some states do not have this restriction.

This is not the last word on possession and transporting of handguns in this, or any other state. Study your state law further for more information. See "RV/Car Carry" Section Above for more information.

## Permit/License Image

 <b>Photo</b>	<b>CONCEALED WEAPON PERMIT</b> This permit authorizes the person listed below to carry a concealed weapon in the state of Montana. Federal and state laws on the possession of firearms and other weapons differ and a person who violates federal law may be prosecuted in federal court; this Montana permit will not be a defense.
	<b>PHYSICAL DESCRIPTION</b> <b>Height:</b> 5'10" <b>Weight:</b> 190 <b>Hair:</b> BRO <b>Eyes:</b> BLU <b>SEX:</b> M <b>DOB:</b> 11/16/87 <b>EXPIRES:</b> 11/30/2013 <b>MT ID:</b> A2368743 <b>NTN:</b> EF765403 I hereby authorize the person named on this permit to carry a concealed weapon in the state of Montana. <i>Joe Montana</i> 11/30/2009 JOE MONTANA, FLATHEAD COUNTY SHERIFF
Gary J. Slider 2343 ROSEMONT DRIVE LAKESIDE, MT 59922	<i>Gary J. Slider</i>

This image has been digitally assembled from 2 or more images. It may not be 100% accurate but gives a good representation of the actual Permit/License.

## Updates to this Page

### [Archive of Previous Updates 2](#)

**8/1/16** – Carry In WMA Changed From NO to YES in St. Parks/WMA/Road Side Rests/St. & Nat. Forests Section. All Links checked.

**9/10/16** - 45-3-111 Added to Open Carry Section.

**1/1/17** – Missouri Added as Permitless Carry State to List of States Under Map at Top of Page.

**2/8/17** – All Links Checked and Repaired if Needed.

**2/24/17** – New Hampshire Added as Permitless Carry State to List of States Under Map at Top of Page.

**8/20/17** – All Statute Links Updated. MT Moving Pages. All Links Checked.