Montana Permitless Carry State

**Shall Issue**

**Must Inform Officer Immediately**: NO

(See Must Inform Section).

**Montana CCW Links**

- Sheriff CCW Site
- CCW Application
- Sheriff CCW FAQs
- State Statutes
- State Admin Rules
- State Reciprocity Info
- In FAQs
- State Attorney General
- Sheriff CCW Info Site
- Yellowstone Co Application Packet
- Lewis & Clark Co. App & Instructions
- Secretary of State
- Age to Carry a Firearm
- In Other States

**Last Updated**: 7/1/2021

**Note**: Alaska, Arizona, Arkansas, Idaho, Iowa, Kansas, Kentucky, Maine, Montana, Mississippi, Missouri, New Hampshire, Oklahoma, South Dakota, Tennessee, Utah, Vermont, West Virginia & Wyoming have "Permitless Carry". Anyone who can legally possess a firearm may carry concealed in these states without a Permit/License. Check each state’s page for information on age and other restrictions that may apply.

North Dakota has "Permitless Carry" for Residents only.

**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**


(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.

Sec. 2, Ch. 476, L. 1999.

Note: Even though Montana is Permitless Carry they still don’t honor all other states permit/licenses to carry. Just another item in the law they will most likely clean up later.

Permitless Carry

45-8-316. Carrying Concealed Firearms -- Exemption.

(1) A person who carries or bears concealed upon the individual's person a firearm 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.

(2) A person who has previously been convicted of an offense, committed on a different occasion than the offense under this section, in this state or any other jurisdiction for which a sentence to a term of imprisonment in excess of 1 year could have been imposed and who carries or bears concealed upon the individual's person a firearm shall be punished by a fine not exceeding $1,000 or be imprisoned in the state prison for a period not exceeding 5 years, or both.

(3) This section does not apply to a person eligible to possess a firearm under state or federal law."

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.

Links to all the Montana Sheriffs CWP Information Pages.

Non-Resident Permits

Montana does not issue Non-Resident Permit/Licenses.
Places Off-Limits Even With a Permit/License

New sections not yet given Alpha/Numeric Codes until placed in Statutes.

Section 1. Purpose.

The purpose of [sections 1 through 11] is to enhance the safety of people by expanding their legal ability to provide for their own defense by reducing or eliminating government-mandated places where only criminals are armed and where citizens are prevented from exercising their fundamental right to defend themselves and others.

Section 2. Legislative Intent.

It is the intent of the legislature to reduce or remove provisions of law that limit or prohibit the ability of citizens to defend themselves by restricting with prior restraint the right to keep or bear arms that the people have reserved to themselves in the Montana constitution, and to further establish that the right to defense of a person's life, liberty, or property is a fundamental right.

Section 3. Legislative Findings. Declares and Finds as Follows:

(1) Nowhere in Article X, section 9(2)(a), of the Montana Constitution is any power granted to amend, suspend, alter, or abolish the Montana constitution, nor is any power granted to affect or interfere with the rights the people have reserved to themselves specifically from interference by government entities and government actors in Article II of the Montana constitution.

(2) The Montana university system was created and is controlled by the Montana constitution and the land and buildings occupied by the university system are public property and not private property and are therefore clearly government entities.

(3) Any significant prohibition upon the possession of firearms at or on the various campuses of the Montana university system calls into question the rights that the people have reserved to protect themselves from government interference under Article II, section 12, of the Montana Constitution.

(4) Zones where guns are prohibited provide an increased risk to the health and safety of citizens because these zones create an unreasonable expectation of government-provided safety, while that safety cannot be provided or ensured.

(5) In District of Columbia v. Heller, 554 U.S. 570 (2008), and McDonald v. City of Chicago, 561 U.S. 742 (2010), the United States supreme court affirmed that the second amendment to the United States constitution reserves to individuals the fundamental right to keep and bear arms for self-defense and is applicable as a restriction upon state and local governments and all political subdivisions of state and local government through the 14th amendment to the United States constitution.

Section 4. Where Concealed Weapon May be Carried -- Exceptions.

A person with a current and valid permit issued pursuant to 45-8-321 or recognized pursuant to 45-8-329 may not be prohibited or restricted from exercising that permit anywhere in the state, except:

(1) in a correctional, detention, or treatment facility operated by or contracted with the department of corrections or a secure treatment facility operated by the department of public health and human services;

(2) in a detention facility or secure area of a law enforcement facility owned and operated by a city or county;

(3) at or beyond a security screening checkpoint regulated by the transportation security administration in a publicly owned, commercial airport;
(4) in a building owned and occupied by the United States;
(5) on a military reservation owned and managed by the United States; or
(6) on private property where the owner of the property or the person who possesses or is in control of the property, including a tenant or lessee of the property, expressly prohibits firearms;
(7) within a courtroom or an area of a courthouse in use by court personnel pursuant to an order of a justice of the peace or judge; or
(8) in a school building as determined by a school board pursuant to 45-8-361.

Section 5. Prohibition on Infringement of Constitutional Rights.
The board of regents and all university system employees subject to the authority of the board of regents are prohibited from enforcing or coercing compliance with any rule or regulation that diminishes or restricts the rights of the people to keep or bear arms as reserved to them in Article II of the Montana constitution, especially those rights reserved in Article II, sections 4 through 12, notwithstanding any authority of the board of regents under Article X, section 9(2)(a), of the Montana constitution.

Section 6. MT Court has put stay on campus carry part of HB 102. He has extended the stay (6/9/21) to a date in the future. So no campus carry at this time. Stay Order

Section 6. Regulation of Firearms Prohibited for Certain People -- Exceptions.
(1) Except as provided in subsection (2), the board of regents and any unit of the university system may not regulate, restrict, or place an undue burden on the possession, transportation, or storage of firearms on or within university system property by a person eligible to possess a firearm under state or federal law and meeting the minimum safety and training requirements in 45-8-321(3). Note: See note and 45-8-321 below.
(2) The board of regents or a unit of the university system may prohibit or regulate the following:
   (a) the discharge of a firearm on or within university system property unless the discharge is done in self-defense;
   (b) the removal of a firearm from a gun case or holster unless the removal is done in self-defense or within the domicile on campus of the lawful possessor of the firearm;
   (c) the pointing of a firearm at another person unless the lawful possessor is acting in self-defense;
   (d) the carrying of a firearm outside of a domicile on campus unless the firearm is within a case or holster;
   (e) the failure to secure a firearm with a locking device whenever the firearm is not in the possession of or under the immediate control of the lawful possessor of the firearm;
   (f) the possession or storage of a firearm in an on-campus dormitory or housing unit without the express permission of any roommate of the lawful possessor of the firearm;
   (g) the possession or storage of a firearm by any individual who has a history of adjudicated university system discipline arising out of the individual's interpersonal violence or substance abuse; and
   (h) the possession of a firearm at an event on campus where campus authorities have authorized alcohol to be served and consumed; and
   (i) the possession of a firearm at an athletic or entertainment event open to the public with controlled access and armed security on site.

Montana College/Universities covered by the Montana University System. The Board of Regents has put out a draft for a new policy for the firearms carry law. The existing policy on firearms is also linked below.
Handgunlaw.us is not sure Community Colleges on Tribal Lands would fall under the new law and would not carry on Tribal Community Colleges unless they put out specific information for their schools.

<table>
<thead>
<tr>
<th>University of Montana</th>
<th>Montana State University</th>
<th>Community Colleges</th>
</tr>
</thead>
<tbody>
<tr>
<td>Missoula</td>
<td>Bozeman</td>
<td>Dawson</td>
</tr>
<tr>
<td>Missoula College UM</td>
<td>Gallatin College MSU</td>
<td>Flathead Valley</td>
</tr>
<tr>
<td>Bitterroot College</td>
<td>Billings</td>
<td>Miles</td>
</tr>
<tr>
<td>Montana Tech</td>
<td>City College at MSU Billings</td>
<td></td>
</tr>
<tr>
<td>Highlands College of MT Tech</td>
<td>Northern</td>
<td></td>
</tr>
<tr>
<td>Western</td>
<td>Great Falls College MSU</td>
<td>Tribal Colleges</td>
</tr>
<tr>
<td>Helena College UM</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Note:** Read section 6 above very carefully especially (d), (e) and (f)! Firearm must be in a holster or case. Must be secured if not in your immediate possession or control. You must have the OK of a roommate if living in a Dorm Room. I would get this OK in writing as you could have a falling out with your roommate and this would be a very good revenge item. Would it be in control on your dorm room night stand while you slept? There are still many other questions. Protect yourself as no one else will protect you like you do.

**Note:** Gary Marbut, president (MSSA) [Effects of LR-130 and HB 102 An Explanation by Gary Marbut](#), president Montana Shooting Sports Association (MSSA) had this little item that could go unnoticed by most. “cities are allowed to “prevent and suppress the carrying of unpermitted concealed weapons or the carrying of unconcealed weapons” to a publicly owned and occupied building under its jurisdiction.” 45-8-351(2)(a). This may affect campus carry if a campus is inside city limits and if the city has adopted an ordinance asserting this local authority. If so, this will only affect inside buildings on campus.”

Handgunlaw.us recommends you read all of his article linked above.

**Section 7. Remedy for Violations.**

Any person that suffers deprivation of rights enumerated under [sections 1 through 6] has a cause of action against any governmental entity, as defined in 2-9-101. The cause of action must be filed in district court. If a person asserting a deprivation of rights prevails, the person may be awarded reasonable costs, attorney fees and damages.

**Note:** Putting 45-8-321(3) here so you will know what minimum training is valid and needed to legally carry on campus. Handgunlaw.us recommends that if you are carrying under Montana Permitless Carry law that you carry documentation with you to show any training as described in 45-8-321. All listed training that is accepted and listed below give a certificate of some type to show you have completed that training.

**45-8-321 – (3) Training Requirements**

(3) An applicant for a permit under this section must, as a condition to issuance of the permit, be required by the sheriff to demonstrate familiarity with a firearm by:

(a) completion of a hunter education or safety course approved or conducted by the department of fish, wildlife, and parks or a similar agency of another state;

(b) completion of a firearms safety or training course approved or conducted by the department of fish, wildlife, and parks, a similar agency of another state, a national firearms association, a law enforcement agency, an institution of higher education, or an organization that uses instructors certified by a national firearms association;

(c) completion of a law enforcement firearms safety or training course offered to or required of public or private law enforcement personnel and conducted or approved by a law enforcement agency;
possession of a license from another state to carry a firearm, concealed or otherwise, that is granted by
that state upon completion of a course described in subsections (3)(a) through (3)(c); or

evidence that the applicant, during military service, was found to be qualified to operate firearms,
including handguns.

45-8-328  Carrying Concealed Weapon in Prohibited Place

(1) Except for a person issued a permit pursuant to 45-8-321 or a person recognized pursuant to 45-8-329 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 portions of a building used for state or local government offices
and related areas in the building that have been restricted;

(2) 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." (Note: Areas should be Posted) HB102, 2021

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.

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 unpermitted concealed weapons or the carrying of unconcealed weapons to a publicly owned and occupied building under its jurisdiction.

(b) Nothing contained in this section allows any government to prohibit the legitimate display of firearms through any jurisdiction, whether in airports or otherwise.

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.

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.

(1)(a) the person issued the permit has the permit in the person's immediate possession;

(1)(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

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

Carry Allowed in these Areas:

State Parks: YES 12.8.202

www.handgunlaw.us
**State/National Forests:**  YES  
36.25.149c & Rules for Using State Lands (Under Restrictions Header)

**State WMA/Habitat Protection Areas/Fisheries Conservation Areas:**  YES  
Rules/Regulations

**Road Side Rest Areas:**  YES

---

**RV/Car Carry Without a Permit/License**

**45-8-316. Carrying Concealed Firearms -- Exemption.**

(1) A person who carries or bears concealed upon the individual's person a firearm 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.

(2) A person who has previously been convicted of an offense, committed on a different occasion than the offense under this section, in this state or any other jurisdiction for which a sentence to a term of imprisonment in excess of 1 year could have been imposed and who carries or bears concealed upon the individual's person a firearm shall be punished by a fine not exceeding $1,000 or be imprisoned in the state prison for a period not exceeding 5 years, or both.

(3) This section does not apply to a person eligible to possess a firearm under state or federal law."

**Note:** Anyone 18 or Older who can legally possess a firearm can carry concealed in the State of Montana.

---

**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.

**45-3-111 Openly Carrying Weapon -- Display**

(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.

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

(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 unpermitted concealed weapons or the carrying of unconcealed weapons to a publicly owned and occupied building under its jurisdiction.

This is not the last word on Open Carry in this state. Check at 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.

www.handgunlaw.us
State Preemption


7-1-111. Powers denied. A local government unit with self-government powers is prohibited from exercising the following:

(9) any power that applies to or affects the right to keep or bear arms. HB357 LR-130 2020

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 unpermitted concealed weapons or the carrying of unconcealed weapons to a publicly owned and occupied building under its jurisdiction.

(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. HB357 LR-130 2020

Deadly Force Laws

Montana Code Annotated 2003
Title 45 Chapter 3 – Part 1
When Force Justified

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
45-3-110. Openly Carrying Weapon – Display - Exemption
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”
www.handgunlaw.us
## Carry in Restaurants That Serve Alcohol

**YES** 45-8-328

**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)

**Note:** Instructors who can qualify Active Police Officers can Qualify those Retired under LEOSA. 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:** 45-8-351 City/County/State Airports can Ban Firearm. Would have to be posted.

**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 Firearm Laws:** 45-8-301 thru 45-8-361

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

www.handgunlaw.us
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

State Safe Storage/Access by Minors Statute/s: No Statute Found

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

10-3-101. Declaration of Policy

(11) ensure, the protections under the first amendment of the United States constitution and under Article II, sections 6 and 7, of the Montana constitution of the rights of free speech, freedom of assembly, freedom of the press, and the right to petition the government for a redress of grievances; and

(12) ensure the protection of the rights under the second amendment of the United States constitution and under Article II, section 12, of the Montana constitution."

SB 370 2021

10-3-102. Limitations. Parts 1 through 4 of this chapter may not be construed to give any state, local, or interjurisdictional agency or public official authority to:

(7) prohibit, regulate, or curtail the otherwise lawful possession, carrying, sale, transportation, transfer, defensive use, or other lawful use of:

(a) a firearm, including a component or accessory;
(b) ammunition, including any component or accessory;
(c) ammunition-reloading equipment and supplies; or;
(d) a personal weapon other than a firearm

(8) seize, commandeer, or confiscate in any manner:

(a) a firearm, including any component or accessory;
(b) ammunition, including a component or accessory;
(c) ammunition-reloading equipment and supplies; or
(d) a personal weapon other than a firearm;
(9) suspend or revoke a permit to carry a concealed pistol issued pursuant to Title 45, chapter 8, except as expressly authorized in that chapter;

(10) refuse to accept an application for a permit to carry a concealed weapon, provided the application has been properly completed in accordance with Title 45, chapter 8;

(11) close or limit the operating hours of an entity engaged in the lawful selling or servicing of a firearm, including:
   
   (a) a component or accessory;
   
   (b) ammunition, including a component or accessory;
   
   (c) ammunition-reloading equipment and supplies; or

   (d) a personal weapon other than a firearm, unless the closing or limitation of hours applies equally to all forms of commerce within the jurisdiction;

(12) close or limit the operating hours of any indoor or outdoor shooting range; or

(13) place restrictions or quantity limitations on an entity regarding the lawful sale or servicing of:
   
   (a) a firearm, including a component or accessory;
   
   (b) ammunition, including a component or accessory;
   
   (c) ammunition-reloading equipment and supplies; or

   (d) a personal weapon other than a firearm.

Section 3. Claims or defense against state action -- remedies -- limitations.

(1) A person or entity may assert a violation of 10-3-101 or 10-3-102 as a claim against a state, local, or interjurisdictional agency or public official in any judicial or administrative proceeding or as a defense in any judicial proceeding.

(2) In any civil action based on this section, the court may grant:
   
   (a) declaratory relief;
   
   (b) injunctive relief;
   
   (c) compensatory damages for pecuniary and nonpecuniary losses;
   
   (d) reasonable attorney fees and costs; and

   (e) any other appropriate relief.

(3) A person or entity may not bring an action to assert a claim under this section later than 2 years after the date that it knew or could have known that a violation occurred.

Section 4. Codification instruction. [Section 3] is intended to be codified as an integral part of Title 10, chapter 3, and the provisions of Title 10, chapter 3, apply to [section 3].

Note: 101 and 102 sections were amended in 2021 and it may be some time before Montana adds these changes to their statutes. Click on SB 370 to read the bill and see the changes.

10-3-114. Confiscation of Firearms and Certain Actions 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 or;
(a) prohibit, regulate, or curtail the otherwise lawful possession, carrying, sale, transportation, transfer, defensive use, or other lawful use of any:
   (i) firearm, including any component or accessory;
   (ii) ammunition, including any component or accessory;
   (iii) ammunition-reloading equipment and supplies; or
   (iv) personal weapons other than firearms;
(b) seize, commandeer, or confiscate in any manner, any:
   (i) firearm, including any component or accessory;
   (ii) ammunition, including any component or accessory;
   (iii) ammunition-reloading equipment and supplies; or
   (iv) personal weapons other than firearms;
(c) suspend or revoke a permit to carry a concealed weapon;
(d) refuse to accept an application for a permit to carry a concealed pistol, provided the application has been properly completed under 45-8-321 through 45-8-324;
(e) unless the closing or limitation of hours applies equally to all forms of commerce within the jurisdiction, close or limit the operating hours of any entity engaged in the lawful selling or servicing of any:
   (i) firearm, including any component or accessory;
   (ii) ammunition, including any component or accessory;
   (iii) ammunition-reloading equipment and supplies; or
   (iv) personal weapons other than firearms;
(f) close or limit the operating hours of any indoor or outdoor shooting range; or
(g) place restrictions or quantity limitations on any entity regarding the lawful sale or servicing of any:
   (i) firearm, including any component or accessory;
   (ii) ammunition, including any component or accessory;
   (iii) ammunition-reloading equipment and supplies; or
   (iv) personal weapons other than firearms.
(2) After a violation of this section has occurred, the party injured by a confiscation action or other action prohibited in subsection (1) 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.
(5) Nothing in this section may be construed to infringe on the rights of private landowners or the person Who is in control of the property, including a tenant or lessee, to regulate firearms on their property.

2021 HB 504.

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 14 Y/O**

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

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**

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
- **Links Checked:** 7/22/2021

- 2/20/2021 - Permitless Carry, Places Off Limits, Do No Gun Signs Have the Force of Law, RV/Car Carry, Open Carry, State Preemption and Carry in Restaurants That Serve Alcohol Sections Updated per HB102. Link to All the Montana Sheriff’s CWP Information Pages Added to How to Apply Section.
- 3/10/2021 – 2nd Note added to Section 6 in the Places Off Limits Section.
- 5/5/2021 - Utah Added to Listing Under Map at Top of Page as Permitless Carry State.
- 5/15/2021 - 10-3-101 and 10-3-102 added to Notes Section Per SB 370. 10-3-114 Updated in Emerg. Powers Section per HB 504
- 5/25/2021 - Links to Univ/College Draft Firearms Policy and List of Schools Added to Places Off Limits Section.
- 6/11/2021 – Updated Notice added Places off Limits to Campus Carry Law that Local Court has put Stay On.
- 7/1/2021 – Iowa, Tennessee and Wyoming Added Under Map at Top of Page as Permitless Carry States.