AN ACT AUTHORIZING A PERSON TO CARRY A FIREARM ON UNITED STATES POSTAL SERVICE PROPERTY; PROVIDING THAT FEDERAL LAWS PROHIBITING FIREARMS ON POSTAL SERVICE PROPERTY ARE NOT ENFORCEABLE; AMENDING SECTION 45-8-317, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

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

Section 1. Possession of firearms on postal service property. (1) A person may carry a lawfully possessed firearm on any portion of property open to the public and owned or leased by the United States postal service, including within postal service stores or mailrooms or on adjacent sidewalks, streets, and parking lots.

(2) A person may store a firearm, rifle, or shotgun in a vehicle temporarily parked on postal service property while the person is conducting postal service business.

(3) A federal law or regulation making it unlawful for a person to carry a firearm on postal service property or to store a firearm, rifle, or shotgun in a vehicle temporarily parked on postal service property is not effective in this state and may not be enforced by a peace officer or other official with the authority to enforce a law or regulation concerning the carrying or possession of firearms in this state.

(4) For purposes of this section, the term "firearm" means a handgun, revolver, or pistol capable of being concealed that may be fired by the use of a single hand.

Section 2. Section 45-8-317, MCA, is amended to read:

"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; or

(l) the carrying of a firearm as provided in [section 1].

(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."

Section 3. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 45, chapter 8, part 3, and the provisions of Title 45, chapter 8, part 3, apply to [section 1].

Section 4. Effective date. [This act] is effective on passage and approval.

- END -

I hereby certify that the within bill,

HB 0246, originated in the House.

_____

Speaker of the House

Signed this _____ day

of _____ , 2017.

_____

Chief Clerk of the House

_____

President of the Senate

Signed this _____ day

of _____ , 2017.

HOUSE BILL NO. 246

INTRODUCED BY R. BRODEHL, N. BALLANCE, D. BARTEL, B. BROWN, R. EHLI, D. FERN, C. GLIMM, B. GRUBBS, B. HAMLETT, B. HARRIS, A. HERTZ, K. HOLMLUND, M. HOPKINS, D. JONES, J. PATELIS, B. TSCHIDA

AN ACT AUTHORIZING A PERSON TO CARRY A FIREARM ON UNITED STATES POSTAL SERVICE PROPERTY; PROVIDING THAT FEDERAL LAWS PROHIBITING FIREARMS ON POSTAL SERVICE PROPERTY ARE NOT ENFORCEABLE; AMENDING SECTION 45-8-317, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.