



AN ACT PROHIBITING THE ENFORCEMENT OF A FEDERAL BAN ON OR REGULATION OF FIREARMS, MAGAZINES, AMMUNITION, AMMUNITION COMPONENTS, OR FIREARM ACCESSORIES; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY DATE.

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

Section 1. Short title. [Sections 1 through 4] may be cited as the "Montana Federal Firearm, Magazine, and Ammunition Ban Enforcement Prohibition Act".

Section 2. Declaration of authority. [Sections 1 through 4] are done under the authority of the 2nd and 10th amendments to the United States constitution, Article II, section 12, of the Montana constitution, Montana's compact with the United States, and *Printz v. U.S.*, 521 U.S. 898 (1997).

Section 3. Definitions. As used in [sections 1 through 4], the following definitions apply:

(1) "Federal ban" means a federal law, executive order, rule, regulation that is enacted, adopted, or becomes effective on or after January 1, 2021, or a new and more restrictive interpretation of a law that existed on January 1, 2021, that infringes upon, calls in question, or prohibits, restricts, or requires individual licensure for or registration of the purchase, ownership, possession, transfer, or use of any firearm, any magazine or other ammunition feeding device, or other firearm accessory.

(2) "Firearm" means any self-loading rifle, pistol, revolver, or shotgun or any manually loaded rifle, pistol, revolver, or shotgun.

(3) "Peace officer" has the meaning provided in 45-2-101, except that [sections 1 through 4] do not apply to federal employees.

(4) "Political subdivision" means a city, town, county, consolidated government, or other political

subdivision of the state.

Section 4. Prohibition of enforcement. (1) A peace officer, state employee, or employee of a political subdivision is prohibited from enforcing, assisting in the enforcement of, or otherwise cooperating in the enforcement of a federal ban on firearms, magazines, or ammunition and is also prohibited from participating in any federal enforcement action implementing a federal ban on firearms, magazines, or ammunition.

(2) An employee of the state or a political subdivision may not expend public funds or allocate public resources for the enforcement of a federal ban on firearms, magazines, or ammunition.

(3) Nothing in this section may be construed to prohibit or otherwise limit a peace officer, state employee, or employee of a political subdivision from cooperating, communicating, or collaborating with a federal agency if the primary purpose is not:

- (a) law enforcement activity related to a federal ban; or
- (b) the investigation of a violation of a federal ban.

Section 5. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

Section 6. Codification instruction. [Sections 1 through 4] are intended to be codified as an integral part of Title 45, chapter 7, and the provisions of Title 45, chapter 7, apply to [sections 1 through 4].

Section 7. Effective date. [This act] is effective on passage and approval.

Section 8. Retroactive applicability. [This act] applies retroactively, within the meaning of 1-2-109, to a federal law, executive order, rule, or regulation adopted or enacted on or after January 1, 2021, or a new and more restrictive interpretation of a law that existed on January 1, 2021.

END -

I hereby certify that the within bill,
HB 258, originated in the House.

Chief Clerk of the House

Speaker of the House

Signed this _____ day
of _____, 2021.

President of the Senate

Signed this _____ day
of _____, 2021.

HOUSE BILL NO. 258

INTRODUCED BY J. HINKLE, M. BLASDEL, K. BOGNER, B. BROWN, J. ELLSWORTH, C. FRIEDEL, T. GAUTHIER, B. GILLESPIE, C. GLIMM, S. HINEBAUCH, D. HOWARD, D. KARY, T. MANZELLA, B. MOLNAR, C. SMITH, G. VANCE, F. ANDERSON, B. BEARD, D. BEDEY, S. BERGLEE, M. BINKLEY, J. CARLSON, J. DOOLING, P. FIELDER, S. GALLOWAY, W. GALT, J. GILLETTE, S. GUNDERSON, E. HILL, C. HINKLE, B. LER, D. LOGE, R. MARSHALL, T. MOORE, B. PHALEN, J. READ, A. REGIER, K. SEEKINS-CROWE, L. SHELDON-GALLOWAY, D. SKEES, M. STROMSWOLD, J. TREBAS, B. USHER, S. VINTON, K. WHITMAN

AN ACT PROHIBITING THE ENFORCEMENT OF ANY A FEDERAL BAN ON OR REGULATION OF FIREARMS, MAGAZINES, AMMUNITION, AMMUNITION COMPONENTS, OR FIREARM ACCESSORIES; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY DATE.