



AN ACT CREATING THE GUN OWNERS ACCESS TO JUSTICE ACT; PROVIDING THAT THE RIGHT TO BEAR ARMS MAY NOT BE RESTRICTED BY THE STATE UNLESS A COMPELLING STATE INTEREST EXISTS; PROVIDING FOR A RIGHT TO A JUDICIAL PROCEEDING; PROVIDING FOR AN AWARD OF ATTORNEY FEES AND COSTS; AND PROVIDING DEFINITIONS.

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

Section 1. Short title. [Sections 1 through 3] may be cited as the "Gun Owners Access to Justice Act".

Section 2. Definitions. As used in [sections 1 through 3], unless the context clearly indicates otherwise, the following definitions apply:

(1) "Burden" means to directly or indirectly constrain, inhibit, curtail, or deny a person's right to bear arms or to compel any action contrary to a person's right to bear arms. The term includes but is not limited to withholding benefits, excluding the person from government programs, and assessing criminal, civil, or administrative penalties.

(2) "Compelling state interest" means a government interest of the highest magnitude that cannot otherwise be achieved without burdening a person's right to bear arms.

(3) "Person" means an individual, association, partnership, corporation, estate, trust, foundation, or other legal entity.

(4) "Right to bear arms" means the right defined by Article II, section 12, of the Montana constitution.

(5) "State" means the state of Montana or any political subdivision or local government, municipality, or instrumentality of the state.

Section 3. Right to bear arms protected -- remedies. (1) The state may not burden a person's right to bear arms unless the state proves that burdening the person's right to bear arms furthers a compelling state interest and is the least restrictive means to further that interest.

(2) A person whose right to bear arms has been burdened by the state, or is likely to be burdened by the state, in violation of subsection (1) may assert the violation or impending violation as a claim or defense against the state in a judicial proceeding. The person asserting the claim or defense may obtain appropriate relief, including but not limited to injunctive relief, declaratory relief, and compensatory damages.

(3) A person who prevails on a claim to enforce the person's rights under Article II, section 12, of the Montana constitution or [sections 1 through 3] must be awarded reasonable attorney fees and costs.

Section 4. Codification instruction. [Sections 1 through 3] are intended to be codified as an integral part of Title 49, chapter 1, part 2, and the provisions of Title 49, chapter 1, part 2, apply to [sections 1 through 3].

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.

- END -

I hereby certify that the within bill,
HB 631, originated in the House.

Chief Clerk of the House

Speaker of the House

Signed this _____ day
of _____, 2023.

President of the Senate

Signed this _____ day
of _____, 2023.

HOUSE BILL NO. 631

INTRODUCED BY J. HINKLE, C. GLIMM, D. ZOLNIKOV, B. BROWN, M. NOLAND, D. LOGE, D. BARTEL, J.
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HINKLE, T. SMITH, G. PARRY, N. NICOL, G. NIKOLAKAKOS, N. HASTINGS

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