



Montana

Summary of State Firearms Law

Last updated April 20, 2012

Overview

In its publication [*Gun Laws Matter: A Comparison of State Firearms Laws and Statistics*](#), LCAV ranked each state based on a review of state laws in 25 different firearm-related policy areas. Montana ranked 41st out of 50 – having enacted few gun violence prevention laws. Among other things, Montana does **not**:

- Require a background check prior to the transfer of a firearm [between private parties](#);
- Prohibit the transfer or possession of [assault weapons](#), [50 caliber rifles](#), or [large capacity ammunition magazines](#);
- License or significantly regulate [firearms dealers](#);
- Limit the number of firearms that may be [purchased at one time](#);
- Regulate [unsafe handguns](#);
- Require the [licensing of gun owners](#); or
- Impose [registration requirements](#) on firearms.

Local governments in Montana generally [lack authority](#) to regulate firearms and ammunition, and Montana requires that local law enforcement issue a [concealed weapons license](#) to any applicant who meets certain basic qualifications.

Statistics

Gun Deaths in Montana

In 2009, Montana ranked 5th among the states in number of gun deaths per capita. 166 people died from firearm-related injuries in Montana that year.¹

Crime Guns in Montana

Mayors Against Illegal Guns recently developed web pages detailing [data about each state's crime gun imports and exports](#). Compared with other states, in 2009, [Montana](#) supplied the 14th highest number of crime guns to other states per capita. Montana exports more crime guns than it imports.²

Number of Federally Licensed Firearms Dealers in Montana

There are 1,030 federally licensed firearms dealers and pawnbrokers in Montana.³

¹ National Center for Injury Prevention and Control, U.S. Centers for Disease Control and Prevention, *WISQARS Fatal Injury Reports, 1999-2009, for National, Regional, and States (RESTRICTED)*, at http://webappa.cdc.gov/sasweb/ncipc/dataRestriction_inj.html. (Mar. 2012).

² For a more comprehensive discussion regarding the patterns of gun trafficking across the states, see Mayors Against Illegal Guns, *Trace the Guns: The Link Between Gun Laws and Interstate Gun Trafficking* (Sept. 2010), at <http://www.tracetheguns.org/report.pdf>.

³ U.S. Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives, *List of Federal Firearms Licensees* (Mar. 2012), at <http://www.atf.gov/about/foia/ffl-list.html>.

Montana “Right to Bear Arms”

The Montana Constitution provides for the keeping and bearing of arms, but permits some firearm-related regulation for public health and safety purposes. See [LCAV’s State Right to Bear Arms Provisions](#) for more-detailed information.

Local Authority to Regulate Firearms in Montana

Montana has preempted most areas of local firearms regulation. See LCAV's [State Preemption/Local Authority to Regulate Firearms summary](#) for further information.

State Firearms Policies

Please note that many firearm-related laws have exceptions for military and law enforcement personnel.

To view the sections of the Montana Statutes provided in the summary below, search for the citation using the [Montana Code Annotated](#).

Persons Prohibited from Firearm Possession

Montana Prohibited Possessors Generally

[Federal law prohibits certain persons from purchasing or possessing firearms](#), such as felons, certain domestic abusers, and certain people with a history of mental illness.

Montana provides that, subject to certain limited exceptions, no person shall possess a firearm if he or she has been convicted of:

- A felony for which he or she received an additional sentence under Montana Code Ann. § 46-18-221 (which imposes an additional sentence for offenses committed with a dangerous weapon); or
- An offense of another state or federal law which is equivalent to a Montana offense which would subject the person to an additional sentence under section 46-18-221.⁴

Prohibited felons may nonetheless be entitled to purchase and possess firearms by applying for and receiving a permit, which will be granted upon a showing of good cause for the possession of each firearm sought to be purchased and possessed.⁵

Possession of a deadly weapon by a prisoner or person in a youth detention facility is also a crime in Montana.⁶ A state administrative regulation prohibits probationers and parolees from owning, possessing or being in control of any firearm.⁷

See [Regulating Guns in America: Prohibited Purchasers](#) for a comprehensive discussion of this issue.

⁴ Mont. Code Ann. § 45-8-313.

⁵ Mont Code Ann. §§ 45-8-313(3), 45-8-314.

⁶ Mont. Code Ann. § 45-8-318.

⁷ Mont. Admin. R. 20.7.1101.

Montana Minimum Age to Purchase / Possess

Montana imposes no specific age restrictions for the purchase or possession of firearms.⁸

[Federal age restrictions](#) also apply.

See [Regulating Guns in America: Minimum Age to Purchase / Possess Firearms](#) for a comprehensive discussion of this issue.

⁸ Montana's child access prevention law generally prohibits a parent, guardian, or other person having charge or custody of a minor child under age 14 from allowing the child to carry or use in public any firearms. See Mont. Code Ann. § 45-8-344.

Domestic Violence and Firearms in Montana

(This section was last updated March 25, 2011.)

Firearm Prohibitions for Domestic Violence Misdemeanants

Montana does not strictly proscribe domestic violence misdemeanants from purchasing or owning firearms. However, courts do have limited authority to regulate firearm use and possession as to anyone who has used a firearm to perpetrate domestic violence. Namely, a court may prohibit the domestic violence offender from using or possessing a firearm that was used in a domestic violence assault.⁹ In addition, a court, at its discretion, may have the county sheriff in the domestic violence offender's county of residence revoke or deny renewal of a concealed weapons permit.¹⁰

Montana defines domestic violence (which it terms "partner or family member assault") as:

- Purposely or knowingly causing bodily injury to a partner¹¹ or family member;¹²
- Negligently causing bodily injury to a partner or family member with a weapon; or
- Purposely or knowingly causing reasonable apprehension of bodily injury in a partner or family member.¹³

Firearm Prohibitions for Persons Subject to Domestic Violence Restraining/Protective Orders

Montana prohibits subjects of certain domestic violence protective orders from possessing or using certain firearms. District courts, justices' courts, municipal courts and city courts are authorized to issue a temporary protective order that prohibits the respondent from possessing or using a firearm used in an assault.¹⁴ In order to secure a temporary protective order, a petitioner is required to file a sworn statement asserting that the petitioner:

- Is in reasonable apprehension of bodily injury; or

⁹ Mont. Code Ann. § 45-5-206(7).

¹⁰ *Id.* See Montana Code Ann. § 45-8-323 (authorizing denial of renewal or revocation of a concealed weapons permit).

¹¹ Mont. Code Ann. § 45-5-206(2)(b) defines "partners" to include spouses, former spouses, persons who have a child in common, and persons who have been or are currently in a dating or ongoing intimate relationship with a person of the opposite sex.

¹² Mont. Code Ann. § 45-5-206(2)(a) defines "family members" to include mothers, fathers, children, brothers, sisters, stepchildren, stepparents, in-laws, adoptive children and parents, and other past or present family members of a household regardless of the ages of the parties and whether the parties reside in the same household.

¹³ Mont. Code Ann. § 45-5-206(1)(a)-(c).

¹⁴ Mont. Code Ann. § 40-15-201(1), (2)(f).

- Is a victim of one of the offenses listed in Montana Code Ann. § 40-15-102, which includes partner or family member assault, and has a relationship to the respondent if required by Montana Code Ann. § 40-15-102; and
- Is in danger of harm if the court does not immediately issue a temporary order of protection.

Thereafter, a court will grant a temporary protective order prohibiting the offender from using and possessing a firearm used in an assault only if it determines both that the petitioner will be in danger if it fails to act immediately and that the firearm restriction constitutes appropriate relief.¹⁵

Removal or Surrender of a Firearm at the Scene of a Domestic Violence Incident

Montana requires a peace officer responding to a call about a partner or family member assault to seize the weapon used or threatened to be used in the alleged assault.¹⁶ The seized weapon may not be returned to the offender until: 1) the offender has been acquitted; or 2) return of the weapon is ordered by the court.¹⁷

Montana does not require the removal or surrender of firearms for persons subject to a domestic violence restraining or protective order.

See [*Regulating Guns in America: Domestic Violence and Firearms*](#) for a comprehensive discussion of this issue.

¹⁵ Mont. Code Ann. § 40-15-201(1) and (2)(f).

¹⁶ Mont. Code Ann. § 46-6-603(1).

¹⁷ Mont. Code Ann. § 46-6-603(3).

Disarming Prohibited Persons in Montana

(This section was last updated March 25, 2011.)

Domestic Violence Incidents

Montana law requires a peace officer responding to a call about a partner or family member assault to seize a weapon used or threatened to be used in the alleged assault.¹⁸ See the [Montana Domestic Violence and Firearms](#) section for further information.

Montana has no other laws requiring the surrender or removal of firearms from [persons who have become prohibited from possessing them](#).

¹⁸ Mont. Code Ann. § 46-6-603(1).

Sales & Transfers

Montana Background Checks

Federal law requires federally licensed firearms dealers (but not private sellers) to initiate a background check on the purchaser prior to sale of a firearm. Federal law provides states with the option of serving as a state “point of contact” and conducting their own background checks using state, as well as federal, records and databases, or having the checks performed by the FBI using only the National Instant Criminal Background Check System (“NICS”) database. (Note that state files are not always included in the federal database.)

Montana is not a point of contact state for NICS. Montana has no law requiring firearms dealers to initiate background check prior to transferring a firearm. In Montana, all firearms transfers by licensed dealers are processed directly through the FBI, which enforces the federal purchaser prohibitions referenced above.¹⁹

Federal law does not require dealers to conduct a background check if a firearm purchaser presents a state permit to purchase or possess firearms that meets certain conditions. As a result, concealed weapons permit holders in Montana are exempt from the federal background check requirement when purchasing a firearm.²⁰ (Note, however, that people who have become prohibited from possessing firearms may continue to hold state firearms licenses if the state fails to remove these licenses in a timely fashion.)

For further information, see the Montana Concealed Weapons Permitting section.

Firearms transfers by private sellers (non-firearms dealers) are not subject to background checks in Montana, although federal and state purchaser prohibitions still apply. See the Montana Private Sales section.

See Regulating Guns in America: Background Checks for a comprehensive discussion of this issue.

¹⁹ Federal Bureau of Investigation, *National Instant Criminal Background Check System Participation Map*, at <http://www.fbi.gov/about-us/cjis/nics/general-information/participation-map> (last visited Mar. 2012).

²⁰ Bureau of Alcohol, Tobacco, Firearms & Explosives, U.S. Department of Justice, *Brady Law: Permanent Brady Permit Chart* (Aug. 26, 2011), at: <http://www.atf.gov/firearms/brady-law/permit-chart.html>.

Mental Health Reporting in Montana

Federal law prohibits possession of a firearm or ammunition by any person who has been “adjudicated as a mental defective” or involuntarily “committed to any mental institution.”²¹ No federal law, however, requires states to report the identities of these individuals to the [National Instant Criminal Background Check System \(“NICS”\) database](#), which the FBI uses to perform background checks prior to firearm transfers.

Montana has no law requiring, or even explicitly authorizing, the reporting of mental health information to NICS.

For general information on the background check process and categories of prohibited purchasers or possessors, see the [Montana Background Checks](#) section and the section entitled [Montana Prohibited Purchasers Generally](#).

See [Regulating Guns in America: Mental Health Reporting](#) for a comprehensive discussion of this issue.

²¹ [18 U.S.C. § 922\(d\)\(4\)](#).

Multiple Purchases / Sales of Firearms in Montana

Montana does not impose restrictions on purchases or sales of multiple firearms.

See [Regulating Guns in America: Restrictions on Multiple Purchases or Sales of Firearms](#) for a comprehensive discussion of this issue.

Retention of Sales / Background Check Record in Montana

Montana does not have a law requiring the retention of firearms sales records or background check records, or requiring the reporting of firearm sales.

See [Regulating Guns in America: Retention of Firearm Sales and Background Check Records](#) for a comprehensive discussion of this issue.

Montana Waiting Periods

Montana has no law imposing a waiting period prior to purchase of a firearm.

See [Regulating Guns in America: Waiting Periods](#) for a comprehensive discussion of this issue.

Gun Dealers & Other Sellers

Montana Dealer Regulations

[Federal law requires firearms dealers to obtain a license](#) from the Bureau of Alcohol, Tobacco, Firearms & Explosives (ATF), although resource limitations prevent the ATF from properly overseeing all its licensees.

Montana does not require firearms dealers to obtain a state license or otherwise significantly regulate firearms dealers. For laws:

- Applicable to both licensed and unlicensed sellers of firearms, see the [Montana Private Sales](#) section;
- Requiring firearms dealers to conduct a background check on the purchaser, see the [Montana Background Checks](#) section;
- Requiring dealers to record or report firearm sales to law enforcement, see the [Montana Retention of Sales / Background Checks Records](#) section.

See [Regulating Guns in America: Dealer Regulations](#) for a comprehensive discussion of this issue.

Private Sales in Montana

Private firearms transfers (*i.e.*, transfers by non-firearms dealers) are not subject to a background check requirement in Montana, although federal and state purchaser prohibitions still apply. See the [Montana Background Checks](#) section.

Montana makes it unlawful to knowingly or purposely transfer any weapon to a person subject to official detention.²² The state also prohibits the transfer of any weapon by a person subject to official detention.²³

See [Regulating Guns in America: Private Sales](#) for a comprehensive discussion of this issue.

²² Mont. Code Ann. § 45-7-307.

²³ *Id.*

Gun Shows in Montana

Montana specifically denies local governments the power to prohibit the legitimate display of firearms at shows or other public occasions by collectors and others.²⁴ Montana has no other relevant laws regulating gun shows. See the [Montana Private Sales](#) section for state laws that apply at gun shows.

See [Regulating Guns in America: Gun Shows](#) for a comprehensive discussion of this issue.

²⁴ Mont. Code Ann. § 45-8-351(2)(b).

Montana Immunity Statutes

(This section was last updated March 25, 2011.)

Montana reserves to the state the right to sue a firearms or ammunition manufacturer, trade association or dealer for abatement, injunctive relief, or tort damages relating to the design, manufacture, marketing, or sale of firearms or ammunition sold to the public.²⁵ The state may bring such lawsuits on its own behalf or on behalf of a local governmental unit.²⁶

In a products liability action in Montana, firearms or ammunition may not be considered defective in design on the ground that their benefits do not outweigh the risk of the injury they pose.²⁷ Montana law further provides that in a products liability action, the potential of firearms and ammunition to cause serious injury, damage or death does not make them defective in design, and cannot proximately cause injuries or damage resulting from the discharge of a firearm or ammunition.²⁸ According to the law governing products liability, such injuries or damages are proximately caused by the actual discharge of the product.²⁹ However, the law does not apply to a products liability cause of action based upon the improper selection of design alternatives.³⁰

For provisions limiting the powers of local governments to regulate and prosecute shooting ranges, see the [Montana State Preemption/Local Authority to Regulate Firearms](#) summary.

For detailed information about government and private party lawsuits against the gun industry, the status of litigation involving gun industry immunity statutes in various states, or pending gun industry immunity legislation, visit the [Brady Center's Legal Action Project](#) and the [Coalition to Stop Gun Violence's Gun Industry Immunity page](#).

See [LCAV's policy page on Immunity Statutes / Manufacturer Litigation](#) for further information.

²⁵ Mont. Code Ann. § 7-1-115.

²⁶ *Id.*

²⁷ Mont. Code Ann. § 27-1-720(1).

²⁸ Mont. Code Ann. § 27-1-720(2).

²⁹ *Id.*

³⁰ Mont. Code Ann. § 27-1-720(3).

Gun Owner Responsibilities

Licensing of Gun Owners or Purchasers in Montana

Montana has no law requiring gun owners or purchasers to obtain a license.

See [Regulating Guns in America: Licensing of Gun Owners or Purchasers](#) for a comprehensive discussion of this issue.

Registration of Firearms in Montana

Montana does not require the registration of firearms.

See [Regulating Guns in America: Registration of Firearms](#) for a comprehensive discussion of this issue.

Reporting Lost or Stolen Firearms in Montana

Montana does not require firearm owners to report the loss or theft of a firearm.

See [*Regulating Guns in America: Reporting Lost or Stolen Firearms*](#) for a comprehensive discussion of this issue.

Firearms in Public Places

Montana Concealed Weapons Permitting

See [*Regulating Guns in America: Carrying Concealed Weapons*](#) for a comprehensive discussion of this issue.

Montana is a “shall issue” state, meaning that local law enforcement must issue a concealed weapons license if the applicant meets certain qualifications.

Montana requires a county sheriff to issue a permit to carry a concealed weapon, within 60 days of receiving an application, to any applicant who:

- Is a United States citizen;
- Is 18 years of age or older;
- Holds a valid Montana driver’s license or other form of picture identification issued by the state; and
- Has been a resident of the state for at least six months.³¹

A license may be denied to a person who:

- Is ineligible under Montana or federal law to possess or receive a firearm;
- Has been charged with and is awaiting judgment in any state or federal court, for a crime punishable by one or more years of incarceration;
- Has been convicted in any state or federal court of a crime punishable by more than one year of incarceration;
- Has been convicted of carrying a concealed weapon while under the influence of an intoxicating substance, or carrying a concealed weapon in a prohibited place, within the last five years and has not been pardoned;
- Is the subject of an arrest warrant issued in any state or by the federal government;
- Has been adjudicated in any state or federal court to be an unlawful user of an intoxicating substance and is under a court order of incarceration, probation, suspended or deferred sentence, treatment, education, or other condition of release or state supervision;

³¹ Mont. Code Ann. § 45-8-321.

- Has been adjudicated in any state or federal court to be mentally ill, defective, or disabled, and remains subject to a disposition order;
- Has been dishonorably discharged from the United States armed forces; or
- Has been convicted in any state or federal court of a crime that includes as an element an act, attempted act, or threat of:
 - Intentional homicide;
 - Serious bodily injury;
 - Unlawful restraint;
 - Sexual abuse; or
 - Non-consensual sexual intercourse or contact.³²

The sheriff may deny a permit if he or she has reasonable cause to believe that the applicant is mentally ill, defective, or disabled, or a threat to the peace and good order of the community to the extent that the applicant should not be allowed to carry a concealed weapon.³³

However, a person who has been denied a permit for any reason – other than conviction for a crime involving intentional homicide, serious bodily harm, unlawful restraint, sexual abuse, or non-consensual sexual intercourse or contact – and who has had their rights restored pursuant to [Article II, section 28 of the Montana Constitution](#), is entitled to issuance of a concealed weapons permit if otherwise eligible.³⁴

The fee for issuance of a permit is \$50.³⁵ In addition, the sheriff may charge the applicant \$5 for fingerprinting.³⁶

Montana generally prohibits a person from carrying a concealed weapon without a license.³⁷ Montana defines a “concealed weapon” as any weapon wholly or partially covered by the clothing or wearing apparel of the person carrying or bearing the weapon.³⁸

³² *Id.*

³³ Mont. Code Ann. § 45-8-321(2).

³⁴ Mont. Code Ann. § 45-8-321(6).

³⁵ Mont. Code Ann. § 45-8-322(3).

³⁶ Mont. Code Ann. § 45-8-322(4). Additional application and background check requirements, as well as permit suspension or disqualification information, are detailed under Montana Code Ann. §§ 45-8-322 through 45-8-324.

³⁷ Mont. Code Ann. § 45-8-316. The state does not prohibit the carrying of a concealed weapon without a license while the possessor is: 1) outside the official boundaries of a city or town or the confines of a logging, lumbering, mining or railroad camp; 2) 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 3) At his or her home, on his or her own premises, or at his or her place of business. Mont. Code Ann. § 45-8-317(1)(i) and (j).

³⁸ Mont. Code Ann. § 45-8-315.

Firearm Safety Training

Montana does not require firearm safety training as a prerequisite to obtaining a concealed weapons permit; however every successful applicant must demonstrate “familiarity with a firearm” by means of one of the following:

- 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;
- 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;
- 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, granted by that state upon completion of a course described above;
- Evidence that the applicant, during military service, was found to be qualified to operate firearms, including handguns; or
- Passage of a physical test in which the applicant demonstrates his or her familiarity with a firearm.³⁹

Duration & Renewal

A permit to carry a concealed weapon is valid for four years.⁴⁰ A permit may be renewed for an additional four-year period, upon payment of a \$25 fee, within 90 days before the expiration of the permit.⁴¹ Renewal applicants are required to complete a form that includes, at a minimum, the applicant’s name, address, physical description, signature, driver’s license number, state identification card number, or tribal identification number and photograph.⁴² The sheriff may deny the renewal of a permit if circumstances arise that would require the sheriff to refuse to grant the permittee an original license.⁴³

³⁹ Mont. Code Ann. §45-8-321.

⁴⁰ Mont. Code Ann. § 45-8-316.

⁴¹ Mont. Code Ann. § 45-8-322(3).

⁴² *Id.*

⁴³ Mont. Code Ann. § 45-8-323.

Disclosure or Use of Information

The county sheriff must keep a copy of each application for a permit to carry a concealed weapon for at least four years.⁴⁴ In addition, within seven days of the sheriff's receipt of the application, a copy must be mailed to the chief of police if the applicant resides in a city or town with a police force.⁴⁵ When a permit is issued, the sheriff must keep a copy and send a copy to the Montana Department of Justice, which shall keep a central repository record of all permits.⁴⁶

Reciprocity

A concealed weapon permit from another state is valid in Montana if:

- The permittee has the permit in her or his immediate possession;
- The permittee is in possession of official photo identification; and
- The state that issued the permit requires a criminal records background check of permit applicants prior to issuance of a permit.⁴⁷

Montana requires the state attorney general to develop and maintain a list of state permits recognized in Montana.⁴⁸ The current list can be found at the [Montana Department of Justice website](#).

⁴⁴ Mont. Code Ann. § 45-8-322(2).

⁴⁵ *Id.*

⁴⁶ Mont. Code Ann. § 45-8-322(3).

⁴⁷ Mont. Code Ann. § 45-8-329.

⁴⁸ Mont. Code Ann. § 45-8-329(2).

Open Carrying in Montana

Montana permits the [open carrying](#) of firearms in public without a permit or license.⁴⁹ Montana law states in relevant part, “[a]ny 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.”⁵⁰

⁴⁹ Mont. Code Ann. § 45-3-111.

⁵⁰ *Id.*

Location Restrictions

Guns in Vehicles in Montana

(This section was last updated March 25, 2011.)

Montana permits open carrying of firearms in a vehicle with no permit or license required.⁵¹

Montana prohibits any individual not authorized to carry firearms in the course of his or her official duties to knowingly or purposely carry a firearm on board a train.⁵² However, individuals may transport firearms and ammunition by train by delivering such items to the operator of the train prior to boarding.⁵³

⁵¹ Mont. Code Ann. § 45-3-111.

⁵² Mont. Code Ann § 45-8-339(1).

⁵³ *Id.*

Guns in Schools in Montana

Montana prohibits any person from purposely and knowingly carrying a firearm in a school building.⁵⁴ However, the trustees of the school district may grant advance permission to possess a firearm within the school.⁵⁵ “School building” means all buildings owned or leased by a local school district that are used for instruction or for student activities.⁵⁶ Montana does not appear to exempt concealed weapons licensees from this prohibition.⁵⁷

In Montana, a teacher, superintendent, or principal shall suspend immediately for good cause a student who brings a firearm to school.⁵⁸ The student must also be expelled from school for a period of not less than one year, except that the trustees may authorize the school administration to modify the requirement for expulsion of a student on a case-by-case basis.⁵⁹ A school district may provide educational services in an alternative setting to an expelled student.⁶⁰

See [LCAV's policy page on Guns in Schools](#) for further information.

⁵⁴ Mont. Code Ann. § 45-8-361(1), (5)(b).

⁵⁵ Mont. Code Ann. § 45-8-361(3)(b).

⁵⁶ Mont. Code Ann. § 45-8-361(5)(a).

⁵⁷ Mont. Code Ann. § 45-3-111(3).

⁵⁸ Mont. Code Ann. § 20-5-202(3).

⁵⁹ Mont. Code Ann. § 20-5-202(2).

⁶⁰ Mont. Code Ann. § 20-5-202(4)(b).

Other Montana Location Restrictions

Montana prohibits any person, whether or not he or she possesses a permit to carry a concealed weapon, from carrying concealed in:

- Portions of a building used for state or local government offices and related areas in the building that have been restricted;
- A room in which alcoholic beverages are sold, dispensed, and consumed under a license for the sale of alcoholic beverages for consumption on the premises;
- A bank, credit union, savings and loan institution, or similar institution during the institution's normal business hours, except:
 - While using an institution's drive-up window, automatic teller machine, or unstaffed night depository; or
 - 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.⁶¹

Montana also generally prohibits any person from carrying a firearm, whether openly or concealed, on a state game preserve, although the Director of Fish, Wildlife, and Parks may issue a permit to carry firearms in these areas.⁶²

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.⁶³

Montana has no statutes prohibiting firearms in the following places, although administrative regulations may apply:

- Hospitals;
- Places of worship;
- Sports arenas;
- Gambling facilities; or
- Polling places.

⁶¹ Mont. Code Ann. § 45-8-328.

⁶² Mont. Code Ann. § 87-5-401.

⁶³ Mont. Code Ann. § 70-24-110.

Consumer & Child Safety

Design Safety Standards for Handguns in Montana

Montana does not specifically regulate junk guns or unsafe firearms. However, according to research conducted by the Center to Prevent Handgun Violence (now Brady Campaign to Prevent Gun Violence), Montana's Attorney General may have the authority to regulate junk guns, as well as promulgate other firearms safety standards.⁶⁴

See [*Regulating Guns in America: Design Safety Standards for Handguns*](#) for a comprehensive discussion of this issue.

⁶⁴ Mont. Code Ann. § 30-14-104(2). For details, see Legal Action Project, Center to Prevent Handgun Violence, *Targeting Safety* (2001), available at <http://www.bradycenter.org/xshare/pdf/reports/targetingsafety.pdf>.

Locking Devices in Montana

Montana does not require a locking device to accompany the sale of a firearm (although [federal law](#) applies), and no state statutes require firearm owners to lock their weapons.

See [Regulating Guns in America: Locking Devices](#) for a comprehensive discussion of this issue.

Personalized / Owner-Authorized Firearms in Montana

Montana does not require firearms to be personalized.

See [*Regulating Guns in America: Personalized Firearms*](#) for a comprehensive discussion of this issue.

Montana Child Access Prevention

Montana prohibits a parent, guardian, or other person having charge or custody of a minor child under the age of 14 from allowing the 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.⁶⁵ The county attorney is required to prosecute reported violations of the law.⁶⁶ A violation constitutes a misdemeanor.⁶⁷

State administrative regulations address storage of firearms in youth foster homes and licensed child care facilities.⁶⁸

See [*Regulating Guns in America: Child Access Prevention*](#) for a comprehensive discussion of this issue.

⁶⁵ Mont. Code Ann. § 45-8-344.

⁶⁶ Mont. Code Ann. § 45-8-345.

⁶⁷ Mont. Code Ann. § 45-8-345(1).

⁶⁸ Mont. Admin. R. 37.51.901(13) and 37.95.121(4).

Classes of Weapons / Ammunition

Assault Weapons in Montana

Montana has no law regulating assault weapons.

See [Regulating Guns in America: Assault Weapons](#) for a comprehensive discussion of this issue.

Large Capacity Ammunition Magazines in Montana

Montana has no law regulating large capacity ammunition magazines.

See [Regulating Guns in America: Large Capacity Ammunition Magazines](#) for a comprehensive discussion of this issue.

Fifty Caliber Rifles in Montana

Montana has no law regulating fifty caliber rifles.

See [*Regulating Guns in America: Fifty Caliber Rifles*](#) for a comprehensive discussion of this issue.

Machine Guns/Automatic Firearms in Montana

(This section was last updated March 25, 2011.)

Montana does not criminalize mere possession of a machine gun. It is legal to possess a machine gun in Montana:

- For a scientific purpose;
- If the machine gun is not usable as a weapon and is possessed as a curiosity, ornament, or keepsake; or
- For a purpose manifestly not aggressive or offensive.⁶⁹

However, possession or use of a machine gun for an offensive or aggressive purpose is a crime punishable by imprisonment in the state penitentiary for a term of not less than 10 years.⁷⁰ Moreover, possession or use of a machine gun in the perpetration or attempted perpetration of a crime of violence is a crime punishable by imprisonment in the state penitentiary for a term of not less than 20 years.⁷¹

Possession or use of a machine gun is presumed to be for an offensive or aggressive purpose when the machine gun is used or possessed by a person who has been convicted of a crime of violence⁷² in any court of record, state or federal, in the U.S. or its territories.⁷³

Federal law generally allows the possession of machine guns manufactured prior to May 19, 1986 so long as they are registered.

See [LCAV's policy page on Machine Guns](#) for further information.

⁶⁹ Mont. Code Ann § 45-8-307(2) and (3).

⁷⁰ Mont. Code Ann. § 45-8-304.

⁷¹ Mont. Code Ann. § 45-8-303.

⁷² Mont. Code Ann. § 45-8-302 defines a “crime of violence” to include any of the following offenses or an attempt to commit any of the following offenses: forcible felony, robbery, burglary, and criminal trespass.

⁷³ Mont. Code Ann. § 45-8-305.

Non-Powder Guns in Montana

(This section was last updated March 25, 2011.)

Montana has no law regulating non-powder (*i.e.*, BB and air) guns.

See [Regulating Guns in America: Non-Powder Guns](#) for a comprehensive discussion of this issue.

Ammunition Regulation in Montana

Regulation of Unreasonably Dangerous Ammunition

Montana does not prohibit the possession, transfer or use of armor-piercing or other unreasonably dangerous ammunition. Montana does mandate a sentence enhancement for any conviction for a crime in which bodily injury was inflicted, attempted, or threatened by someone who knowingly used or carried a handgun loaded with armor-piercing ammunition, however.⁷⁴ Federal law also [regulates armor-piercing ammunition](#).

Montana does **not**:

- Require a license for the sale of ammunition;
- Require sellers of ammunition to maintain a record of the purchasers;
- License persons who purchase or possess ammunition; or
- Prohibit persons who are ineligible to purchase or possess firearms under state law from purchasing or possessing ammunition, although the [federal ammunition purchaser prohibitions](#) apply.

See [Regulating Guns in America: Ammunition Regulation](#) for a comprehensive discussion of this issue.

⁷⁴ Mont. Code Ann. § 46-18-224(1).

Crime Gun Investigation

Microstamping/Ballistic Identification in Montana

Montana has no laws regarding firearm microstamping or ballistic identification.

See [Regulating Guns in America: Ballistic Identification](#) and LCAV's policy page on [Firearm Microstamping](#) for comprehensive discussions of these issues.

Montana Firearms Trafficking

(This section was last updated March 25, 2011.)

Montana prohibits the possession of a firearm with the purpose to conceal, misrepresent, or transfer it knowing that the serial number or other identification number or mark has been removed or otherwise obscured.⁷⁵

See [LCAV's policy page on Firearms Trafficking](#) for a comprehensive discussion of this issue.

⁷⁵ Mont. Code Ann. § 45-6-326.

Montana Links

[Bureau of Alcohol, Tobacco, Firearms and Explosives, Denver Field Division \(CO, MT, UT, WY\)](#)

[State of Montana Department of Justice](#)

[Montana Coalition Against Domestic and Sexual Violence](#)