

SENATE BILL NO. 145

INTRODUCED BY F. MOORE, BOULANGER, BRENDEN, T. BROWN, FIELDER, JACKSON, L. JONES, LEWIS, MURPHY, PRIEST, ROSENDALE, SALES, SONJU, TAYLOR, VINCENT, WITTICH, E. ARNTZEN, E. WALKER

A BILL FOR AN ACT ENTITLED: "AN ACT DESIGNATING AS CONFIDENTIAL CRIMINAL JUSTICE INFORMATION THE INFORMATION CONTAINED ON AN APPLICATION FOR A PERMIT TO CARRY A CONCEALED WEAPON; AND AMENDING SECTION 45-8-322, MCA."

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

Section 1. Section 45-8-322, MCA, is amended to read:

"45-8-322. Application, renewal, permit, and fees. (1) The application form must be readily available at the sheriff's office and must read as follows:

CONCEALED WEAPON PERMIT APPLICATION

To be completed by each person making application:

- RESIDENT OF MONTANA AT LEAST 6 MONTHS ( ) Yes ( ) No
CITIZEN OF THE UNITED STATES ( ) Yes ( ) No
18 YEARS OF AGE OR OLDER ( ) Yes ( ) No

PLEASE TYPE OR PRINT

Full name: .....

Last First Middle

Alias/Maiden/Nickname: .....

Address: Home: ..... Zip .....

Employer: ..... Zip .....

Phone: ...../...../.....

Home Employer Message

Place of birth:..... Date of birth: .....

Driver's license #:..... Issuing state: .....

Social Security #:.....



1 Sex ..... Ht. .... Wt. .... Eyes ..... Hair .....

2 LIST EACH FORMER EMPLOYER OR BUSINESS ENGAGED IN FOR THE LAST 5 YEARS:

| 3  | Employer or   |         |                     |
|----|---------------|---------|---------------------|
| 4  | business name | Address | Dates of employment |
| 5  | 1. ....       | .....   | .....               |
| 6  | 2. ....       | .....   | .....               |
| 7  | 3. ....       | .....   | .....               |
| 8  | 4. ....       | .....   | .....               |
| 9  | 5. ....       | .....   | .....               |
| 10 | 6. ....       | .....   | .....               |

11 LIST EACH PLACE IN WHICH YOU HAVE LIVED FOR THE LAST 5 YEARS:

| 12 | City    | State | Dates of residence |
|----|---------|-------|--------------------|
| 13 | 1. .... | ..... | .....              |
| 14 | 2. .... | ..... | .....              |
| 15 | 3. .... | ..... | .....              |
| 16 | 4. .... | ..... | .....              |
| 17 | 5. .... | ..... | .....              |
| 18 | 6. .... | ..... | .....              |

19 MILITARY SERVICE, BRANCH ..... FROM ..... TO .....

20 TYPE OF DISCHARGE ..... RANK UPON DISCHARGE .....

21 HAVE YOU EVER BEEN ARRESTED FOR OR CONVICTED OF A CRIME OR FOUND GUILTY IN A  
22 COURT-MARTIAL PROCEEDING?

23 ( ) YES ( ) NO

24 IF YES, COMPLETE THE FOLLOWING (Exceptions: minor traffic violations) (Attach additional sheet if  
25 necessary):

| 26 | City    | State | Charge | Date  |
|----|---------|-------|--------|-------|
| 27 | 1. .... | ..... | .....  | ..... |
| 28 | 2. .... | ..... | .....  | ..... |
| 29 | 3. .... | ..... | .....  | ..... |
| 30 | 4. .... | ..... | .....  | ..... |



1 5. ....

2 LIST THREE PERSONS WHOM YOU HAVE KNOWN FOR AT LEAST 5 YEARS THAT WILL BE CREDIBLE

3 WITNESSES TO YOUR GOOD MORAL CHARACTER AND PEACEABLE DISPOSITION (DO NOT include

4 relatives or present/past employers):

| 5 | Name    | Address | Phone |
|---|---------|---------|-------|
| 6 | 1. .... | .....   | ..... |
| 7 | 2. .... | .....   | ..... |
| 8 | 3. .... | .....   | ..... |

9 PLEASE EXPLAIN YOUR REASONS FOR REQUESTING THIS PERMIT (Attach additional sheet if necessary):

10 .....

11 .....

12 .....

13 I, the undersigned applicant, swear that the foregoing information is true and correct to the best of my knowledge

14 and belief and is given with the full knowledge that any misstatement may be sufficient cause for denial or

15 revocation of a permit to carry a concealed weapon. I authorize any person having information concerning me

16 that relates to the information requested by this application and the requirements for a concealed weapon permit,

17 either public record or otherwise, to furnish it to the sheriff to whom this application is made.

18 .....

19 Signature

20 .....

21 Date of application

22 This application must be

23 signed in the presence of

24 the sheriff or a designee.

25 (2) The application must be in triplicate. The applicant must be given the original at the time the

26 completed application is filed with the sheriff, the sheriff shall keep a copy for at least 4 years, and a copy must,

27 within 7 days of the sheriff's receipt of the application, be mailed to the chief of police if the applicant resides in

28 a city or town with a police force.

29 (3) The fee for issuance of a permit is \$50. The permit must be renewed for additional 4-year periods

30 upon payment of a \$25 fee for each renewal and upon request for renewal made within 90 days before expiration



1 of the permit. The permit and each renewal must be in triplicate, in a form prescribed by the department of justice,  
2 and must, at a minimum, include the name, address, physical description, signature, driver's license number,  
3 state identification card number, or tribal identification card number, and a picture of the permittee. A person in  
4 the United States armed forces satisfies the requirement of submitting a picture if the person submits pictures  
5 of the front of the person's military identification card and the person's Montana driver's license. The permit must  
6 state that federal and state laws on possession of firearms and other weapons differ and that a person who  
7 violates the federal law may be prosecuted in federal court and the Montana permit will not be a defense. The  
8 permittee must be given the original, and the sheriff shall keep a copy and send a copy to the department of  
9 justice, which shall keep a central repository record of all permits. Replacement of a lost permit must be treated  
10 as a renewal under this subsection.

11 (4) The sheriff shall conduct a background check of an applicant to determine whether the applicant is  
12 eligible for a permit under 45-8-321, may require an applicant to submit the applicant's fingerprints, and may  
13 charge the applicant \$5 for fingerprinting.

14 (5) Permit, background, and fingerprinting fees may be retained by the sheriff and used to implement  
15 45-8-321 through 45-8-325.

16 (6) A state or local government law enforcement agency or other agency or any of its officers or  
17 employees may not request a permittee to voluntarily submit information in addition to that required on an  
18 application and permit.

19 (7) All of the information on the application is confidential, and the sheriff shall treat the confidential  
20 information on the application as confidential criminal justice information pursuant to Title 44, chapter 5."

21 - END -