

OFFICE OF THE GOVERNOR
STATE OF MONTANA

BRIAN SCHWEITZER
GOVERNOR

JOHN BOHLINGER
LT. GOVERNOR



April 22, 2011

The Honorable Jim Peterson
President of the Senate
State Capitol
Helena, MT 59620

Dear President Peterson:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return with amendments Senate Bill No. 279 (SB 279), **"AN ACT PROVIDING AN EXCEPTION TO THE OFFENSE OF CARRYING A CONCEALED WEAPON FOR LEGISLATIVE SECURITY STAFF IN THE STATE CAPITOL WHO HAVE BEEN ISSUED A CONCEALED WEAPON PERMIT; PROVIDING THAT A LOCAL ORDINANCE MAY NOT PROHIBIT LEGISLATIVE SECURITY STAFF WITH A CONCEALED WEAPON PERMIT FROM CARRYING A CONCEALED WEAPON IN THE STATE CAPITOL; AND AMENDING SECTIONS 45-8-317 AND 45-8-351, MCA."**

Senate Bill 279 authorizes legislative security officers in the state capitol to carry a concealed weapon if they have a concealed weapons permit. However, § 45-8-328, MCA, which was not amended in SB 279, prohibits a person from carrying a concealed weapon in state or local government offices. My amendment provides an exception to § 45-8-328, MCA, for legislative security staff in the capitol who have a concealed weapons permit. Without my amendment, security officers will be prohibited from carrying concealed weapons in the capitol under § 45-8-328, and SB 279 will have no effect.

I ask for your concurrence in my proposed amendments.

Sincerely,

A handwritten signature in black ink, appearing to read "B. Schweitzer".

BRIAN SCHWEITZER
GOVERNOR

cc: Legislative Services Division

Amendments to Senate Bill No. 279
Reference Copy

Requested by the Governor

For the Senate Committee of the Whole

Prepared by Todd Everts
April 22, 2011 (11:06am)

1. Title, line 12.

Following: "45-8-317"

Insert: ", 45-8-328,"

2. Page 2, line 4.

Insert: "Section 2. Section 45-8-328, MCA, is amended to read:

"45-8-328. Carrying concealed weapon in prohibited place -- penalty. (1) A Except for legislative security officers authorized to carry a concealed weapon in the state capitol as provided in 45-8-317(1)(k), a person commits the offense of carrying a concealed weapon in a prohibited place if the person purposely or knowingly carries a concealed weapon in:

(a) portions of a building used for state or local government offices and related areas in the building that have been restricted;

(b) a bank, credit union, savings and loan institution, or similar institution during the institution's normal business hours. It is not an offense under this section to carry a concealed weapon while:

(i) using an institution's drive-up window, automatic teller machine, or unstaffed night depository; or

(ii) 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.

(c) a room in which alcoholic beverages are sold, dispensed, and consumed under a license issued under Title 16 for the sale of alcoholic beverages for consumption on the premises.

(2) It is not a defense that the person had a valid permit to carry a concealed weapon. A person convicted of the offense shall be imprisoned in the county jail for a term not to exceed 6 months or fined an amount not to exceed \$500, or both."

{Internal References to 45-8-328:

45-8-315 x 45-8-315 x 45-8-317 x 45-8-321 x }"

Renumber: subsequent section

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