

CONCEALED WEAPON PERMITS

NEW CWP APPLICANT:

When the application is completely filled out and you have the required certification document (fire arms training) and are ready to come in and submit them and complete the application process, please call the Sheriff's Office before coming in at 406-466-5781. When you arrive you will first be fingerprinted and then taken to meet with the Undersheriff or Chief Deputy.

Payment of \$50.00 cash or check is to be paid upon receipt of the permit.

FOR RENEWAL:

A renewal Request form must be filled out and signed in the presence of the Sheriff or his designee. MCA 45-8-322. Application, renewal, permit, and fees. (3) The permit must be renewed for additional four year periods upon payment of a \$25.00 fee per renewal and upon request for renewal made within 90 days before expiration of permit.

We will **NOT** renew permits after the permit has expired. A new application will need to be filled out and processed like a new applicant.

CONCEALED WEAPON PERMIT

An applicant must provide a photocopy of a certificate of completion of a course, such as:

- a) hunter education or safety course approved or conducted by the department of fish, wildlife, and parks or a similar agency from another state.
- b) 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.
- c) 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.
- d) Possession of a license from another state to carry a firearm, concealed or otherwise, that is granted by that state upon the completion of a course described in previous sections.
- e) Evidence that the applicant, during military service was found to be qualified to operate firearms, including handguns.
- f) An affidavit from the entity or instructor that conducted the course attesting to the completion of the course, or a copy of any other document that attests to the completion of the course and can be verified through contact with the entity or instructor that conducted the course. 45-8-321 MCA.

Application For concealed Weapon Permit

45-8-321. Permit to carry concealed weapon. (1) A county sheriff shall, within 60 days after the filing of an application, issue a permit to carry a concealed weapon to the applicant. The permit is valid for 4 years from the date of issuance. An applicant must be a United States citizen who is 18 years of age or older and holds a valid Montana driver's license or other form of identification issued by the state that has a picture of the person identified. An applicant must have been a resident of the state for at least 6 months. Except as provided in subsection (2), this privilege may not be denied an applicant unless the applicant:

- a) is ineligible under Montana or federal law to own, possess, or receive a firearm;
- b) has been charged and is awaiting judgment in any state or federal crime that is punishable by incarceration for 1 year or more;
- c) subject to the provisions of subsection (6), has been convicted in any state or federal court of a crime punishable by more than 1 year of incarceration or, regardless of the sentence that may be imposed, a crime that includes as an element of the crime an act, attempted act, or threat of intentional homicide, serious bodily harm, unlawful restraint, sexual abuse, or sexual intercourse or contact without consent;
- d) has been convicted under 45-8-327 or 45-8-328, unless the applicant has been pardoned or 5 years have elapsed since the date of conviction;
- e) has a warrant of any state or the federal government out for the applicant's arrest;
- f) has been adjudicated in a criminal or civil proceeding in any state or federal court to be an unlawful user of an intoxicating substance and is under a court order of imprisonment or other incarceration, probation, suspended or deferred imposition of sentence, treatment or education, or other conditions of release or is otherwise under state supervision;
- g) has been adjudicated in a criminal or civil proceeding in any state or federal court to be mentally ill, mentally disordered, or mentally disabled and is still subject to a disposition order of that court; or
- h) was dishonorably discharged from the United States armed forces.

(2) The sheriff may deny an applicant a permit to carry a concealed weapon if the sheriff has reasonable cause to believe that the applicant is mentally ill, mentally disordered, or mentally disabled or otherwise may be 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. At the time an application is denied, the sheriff shall, unless the applicant is the subject of an active criminal investigation, give the applicant a written statement of the reasonable cause upon which the denial is based.

(3) An applicant for a permit under this section must, as a condition to issuance of the permit, be required by the sheriff to demonstrate familiarity with a firearm by:

- a) 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;
- b) 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;
- c) 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;
- d) possession of a license from another state to carry a firearm, concealed or otherwise, that is granted by that state upon completion of a course described in subsections (3)(a) through (3)(c); or
- e) evidence that the applicant, during military service, was found to be qualified to operate firearms, including handguns.

(4) A photocopy of a certificate of completion of a course described in subsection (3), an affidavit from the entity or instructor that conducted the course attesting to completion of the course, or a copy of any other document that attest to completion of the course and can be verified through contact with the entity or instructor that conducted the course creates a presumption that the applicant has completed a course described in subsection (3).

(5) If the sheriff and applicant agree, the requirement in subsection (3) of demonstrating familiarity with a firearm may be satisfied by the applicant's passing, to the satisfaction of the sheriff or of any person or entity to which the sheriff delegates authority to give the test, a physical test in which the applicant demonstrates the applicant's familiarity with a firearm.

(6) A person, except a person referred to in subsection (1)(c), who has been convicted of a felony and whose rights have been restored pursuant to Article II, section 28, of the Montana constitution is entitled to issuance of a concealed weapons permit if otherwise eligible.

CONCEALED WEAPON PERMIT APPLICATION

The sheriff will require first time applicants to provide certification from an approved weapons training program, and may require renewal applicants, at the sheriff's discretion, to re-certify through an approved weapons training program.

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:

Last Name _____ First name _____
 Middle name _____ Alias/Maiden/Nickname _____
 Address: Home _____ City _____ State _____ Zip _____
 Employer _____ City _____ State _____ Zip _____
 Phone: Home _____ Work _____ Cell/Msg _____
 Place of Birth: City _____ State _____ Date of Birth _____
 Driver's license No. _____ Issuing State _____
 Social Security No. _____ Sex: _____ Ht. _____ Wt. _____ Eyes _____ Hair _____

List each former employer or business engaged in for the last 5 years:

Employer/Business:
 Name _____ Address _____ Dates of employment _____
 Name _____ Address _____ Dates of employment _____
 Name _____ Address _____ Dates of employment _____
 Name _____ Address _____ Dates of employment _____
 Name _____ Address _____ Dates of employment _____

List each place you have lived in the past 5 years:

City _____ State _____ Dates of residence _____
 City _____ State _____ Dates of residence _____
 City _____ State _____ Dates of residence _____
 City _____ State _____ Dates of residence _____

Military Service:

Branch _____ From _____ To _____ Type of discharge _____ Rank _____

Have you ever been arrested for or convicted of a crime or found guilty in a court-martial proceeding? Yes _____ No _____

If yes, complete the following (Exceptions: minor traffic violations) (Attach additional sheets if necessary):

City _____ State _____ Charge _____ Date _____
 City _____ State _____ Charge _____ Date _____
 City _____ State _____ Charge _____ Date _____
 City _____ State _____ Charge _____ Date _____

List three persons whom you have known at least 5 years that will be credible witnesses to your good moral character and disposition. (Do not include relatives or present/past employers.):

Name: _____ Address _____ Phone _____
 Name: _____ Address _____ Phone _____
 Name: _____ Address _____ Phone _____

Please explain your reasons for requesting this permit. (Attach additional sheets if necessary.)

I, the undersigned applicant, swear that the foregoing information is true and correct to the best of my knowledge and belief and is given with the full knowledge that any misstatement may be sufficient cause for denial or revocation of a permit to carry a concealed weapon. I authorize any person having information concerning me that relates to the information requested by this application and the requirements for a concealed weapon permit, either public record or otherwise to furnish it to the sheriff to whom this application is made.

THIS APPLICATION MUST BE SIGNED IN THE PRESENCE OF THE SHERIFF OR A DESIGNEE.

Signature Date of application

- (2) The application must be in triplicate. The applicant must be given the original at the time the completed application is filed with the sheriff. The sheriff shall keep a copy for at least 4 years, and a copy must, within 7 days of the sheriff's receipt of the application, be mailed to the chief of police if the applicant resides in a city or town with a police force.
- (3) The fee for issuance of a permit is \$50.00. The permit must be renewed for additional 4-year periods upon payment of a \$25.00 fee for each renewal and upon request for renewal made within 90 days before expiration of the permit. The permit and each renewal must be in triplicate, in a form prescribed by the department of justice, and must, at a minimum, include the name, address, physical description, signature, driver's license number, state identification card number, or tribal identification card number, and a picture of the permittee. A person in the United States armed forces satisfies the requirement of submitting a picture if the person submits pictures of the front of the person's military identification card and the person's Montana driver's license. The permit must state that federal and state laws on possession of firearms and other weapons differ and that a person who violates the federal law may be prosecuted in federal court and the Montana permit will not be a defense. The permittee must be given the original, and the sheriff shall keep a copy and send a copy to the department of justice, which shall keep a central repository record of all permits. Replacement of a lost permit must be treated as a renewal under this subsection.
- (4) The sheriff shall conduct a background check of an applicant to determine whether the applicant is eligible for a permit under 45-8-321, may require an applicant to submit the applicant's fingerprints, and may charge the applicant \$5.00 for fingerprinting. A renewal does not require repeat fingerprinting.
- (5) Permit, background, and fingerprinting fees may be retained by the sheriff and used to implement 45-8-321 through 45-8-325.
- (6) A state or local government law enforcement agency or other agency or any of its officers or employees may not request a permittee to voluntarily submit information in addition to that required on an application and permit.
- (7) All the information on the application is confidential, and the sheriff shall treat the confidential information on the

application as confidential criminal justice information pursuant to Title 44, chapter 5.

45-8-323. Denial of renewal – revocation of permit. A permit to carry a concealed weapon may be revoked or its renewal denied by the sheriff of the county in which the permittee resides if circumstances arise that would require the sheriff to refuse to grant the permittee an original license. A decision to deny an applicant a renewal must be made within 60 days after a filing of an application.

45-8-324. Appeal. The denial or revocation of a permit to carry a concealed weapon or refusal of a renewal is subject to appeal to the district court, which may consider and determine facts as law and which is not bound by any factual, legal, or other determination of the sheriff, and from that court to the Montana supreme court. To the extent applicable, Title 25, chapter 33, governs the appeal.

45-8-325. Permittee change of county of residence – notification to sheriff's and chief of police. A person with a permit to carry a concealed weapon who changes the person's county of residence shall within 10 days of the change inform the sheriffs of both the old and new counties of residence of the change of residence and that the person holds the permit. If the person's residence changes either from or to a city or town with a police force, the person shall also inform the chief of police in each of those cities or towns that has a police force.

45-8-326. Immunity from liability. A sheriff, employee of a sheriff's office, or county is not liable for damages in a civil action by a person or entity claiming death, personal injury, or property damage arising from alleged wrongful or improper grant of, renewal of, or failure to revoke a permit to carry a concealed weapon, except for actions that constitute willful misconduct or gross negligence.

45-8-327. Carrying concealed weapon while under the influence. A person commits the offense of carrying a concealed weapon while under the influence if the person purposely or knowingly carries a concealed weapon while under the influence of an intoxicating substance. 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 \$500.00, or both.

45-8-328. Carrying a concealed weapon in prohibited places – penalty. (1) Except for legislative security officers authorized to carry a concealed weapon in the state capital 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 a 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 \$500.00, or both.

45-8-331. Switchblade knives. (1) A person who carries or bears upon the individual's person, who carries or bears within or on any motor vehicle or other means of conveyance owned or operated by the person, or who owns, possesses, uses, stores, gives away, sells, or offers for sale a switchblade knife shall be punished by a fine not exceeding \$500.00 or by imprisonment in the county jail for a period not exceeding 6 months, or both.

(2) A bona fide collector whose collection is registered with the sheriff of the county in which the collection is located is exempted from the provisions of this section.

(3) For the purpose of this section, a switchblade knife is defined as any knife that has a blade 1 ½ inches long or longer that opens automatically by hand pressure applied to a button, spring, or other device in the handle of the knife.