

HOUSE BILL NO. 433

INTRODUCED BY G. NIKOLAKAKOS, M. NIKOLAKAKOS, C. COCHRAN, J. KASSMIER, B. LER, G.

OBLANDER, B. MITCHELL, J. HINKLE

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT THE DEPRIVATION OF THE RIGHT TO KEEP AND BEAR ARMS WHEN CHARGED WITH CERTAIN CRIMES IS PROHIBITED; AND PROVIDING ~~AN EXCEPTION FOR FORCIBLE FELONIES AND CRIMES USING A WEAPON~~ EXCEPTIONS FOR CERTAIN CRIMES."

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

NEW SECTION. **Section 1. Deprivation of right to keep and bear arms prohibited -- exceptions.**

~~Except when a person is charged with committing a forcible felony as defined in 45-2-101 or charged with a crime of violence using a weapon as defined in 45-2-101, a~~ A person may not be deprived, pending trial, of any rights protected by Article II, section 12, of the Montana constitution or the second amendment to the United States constitution except when the person is charged with:

(1) committing a forcible felony as defined in 45-2-101;

(2) a crime of violence as defined in 46-18-104;

(3) partner or family member assault as defined in 45-5-206;

(4) stalking as defined in 45-5-220;

(5) sexual intercourse without consent as defined in 45-5-503;

(6) violation of an order of protection as provided in 45-5-626;

(7) a sexual offense as defined in 46-23-502; or

(8) a crime in which the person is alleged to have used threats to coerce membership in a gang.

NEW SECTION. **Section 2. Codification instruction.** [Section 1] is intended to be codified as an integral part of Title 45, chapter 8, part 3, and the provisions of Title 45, chapter 8, part 3, apply to [section 1].

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