

**BALLOT LANGUAGE FOR INITIATIVE NO. 175 (I-175)**

INITIATIVE NO. 175

A LAW PROPOSED BY INITIATIVE PETITION

I-175 establishes that a school district may not prohibit or restrict an employee who holds a valid concealed-carry permit from possessing or carrying a concealed handgun at school. An employee authorized under this law is responsible for the safety and security of the handgun. I-175 provides a remedy for the employee whose rights under this law are diminished or denied. I-175 prohibits public schools from spending any funds to implement this law.

YES on Initiative I-175

NO on Initiative I-175

## THE COMPLETE TEXT OF INITIATIVE NO. 175 (I-175)

BE IT ENACTED BY THE PEOPLE OF MONTANA:

NEW SECTION. **Section 1. Short title.** [Sections 1 through 7] may be cited as the "Montana School Safety Act".

NEW SECTION. **Section 2. Purpose.** The purpose of [sections 1 through 7] is to allow any school district employee to possess and carry a concealed handgun in a school so the employee can defend and protect any students at the school as needed if that employee has a concealed weapon permit issued pursuant to 45-8-321, and to prohibit any school authorities from prohibiting or restricting an eligible employee from possessing and carrying a concealed handgun.

NEW SECTION. **Section 3. Definitions.** As used in [sections 1 through 7], the following definitions apply:

- (1) "Employee" means a person who is employed full time by a school district.
- (2) "Permit" means a permit to carry a concealed weapon issued pursuant to 45-8-321.
- (3) "School" means a building, grounds, or property of a school operating under the authority of a school district within the state.
- (4) "School district" means a public school district as provided for in 20-6-101 and 20-6-701.

NEW SECTION. **Section 4. Prohibitions.** (1) A school district may not prohibit or restrict an employee who holds a valid permit from possessing or carrying a concealed handgun pursuant to the permit at school.

(2) An employee who possesses a handgun must carry the handgun concealed at all times and is responsible for the security of the handgun while the employee is at school.

(3) A school district may not punish an employee who holds a valid permit and possesses or carries a concealed handgun at school under [sections 1 through 7]. Prohibited punishments include demotion, failure to promote, or a negative performance evaluation.

NEW SECTION. **Section 5. Remedy.** (1) A person who has been burdened or is likely to be burdened in violation of [sections 1 through 7] may assert the violation or impending violation as a claim against the school district or the person creating the burden. The person asserting the claim may obtain appropriate relief, including but not limited to injunctive relief, declaratory relief, and compensatory damages.

(2) A person who prevails on a claim to enforce the person's rights under [sections 1 through 7] must be awarded reasonable costs and attorney fees.

NEW SECTION. **Section 6. Spending prohibited.** A school district affected by [sections 1 through 7] is prohibited from spending public funds to implement the provisions of [sections 1 through 7].

NEW SECTION. Section 7. Entire policy. [Sections 1 through 7] is intended to occupy the entire area of public policy concerning the ability of school district employees to legally possess firearms in schools.

**Section 8.** Section 45-8-351, MCA, is amended to read:

**"45-8-351. Restriction on local government regulation of firearms.** (1) Except as provided in subsection (2), a county, city, town, consolidated local government, or other local government unit may not prohibit, register, tax, license, or regulate the purchase, sale or other transfer (including delay in purchase, sale, or other transfer), ownership, possession, transportation, use, or unconcealed carrying of any weapon, including a rifle, shotgun, handgun, or concealed handgun.

(2) (a) For public safety purposes, a city or town may regulate the discharge of rifles, shotguns, and handguns. A Except as provided in [sections 1 through 7], a county, city, town, consolidated local government, or other local government unit has power to prevent and suppress the carrying of concealed or unconcealed weapons to a public assembly, publicly owned building, park under its jurisdiction, or school, and the possession of firearms by convicted felons, adjudicated mental incompetents, illegal aliens, and minors.

(b) Nothing contained in this section allows any government to prohibit the legitimate display of firearms at shows or other public occasions by collectors and others or to prohibit the legitimate transportation of firearms through any jurisdiction, whether in airports or otherwise.

(c) A local ordinance enacted pursuant to this section may not prohibit a legislative security officer who has been issued a concealed weapon permit from carrying a concealed weapon in the state capitol as provided in 45-8-317."

**Section 9.** Section 45-8-361, MCA, is amended to read:

**"45-8-361. Possession or allowing possession of weapon in school building -- exceptions -- penalties -- seizure and forfeiture or return authorized -- definitions.** (1) A Except as provided in [sections 1 through 7], a person commits the offense of possession of a weapon in a school building if the person purposely and knowingly possesses, carries, or stores a weapon in a school building.

(2) A parent or guardian of a minor commits the offense of allowing possession of a weapon in a school building if the parent or guardian purposely and knowingly permits the minor to possess, carry, or store a weapon in a school building.

(3) (a) Subsection (1) does not apply to law enforcement personnel.

(b) The trustees of a district may grant persons and entities advance permission to possess, carry, or store a weapon in a school building.

(4) (a) A person convicted under this section shall be fined an amount not to exceed \$500, imprisoned in the county jail for a term not to exceed 6 months, or both. The court shall consider alternatives to incarceration that are available in the community.

(b) (i) A weapon in violation of this section may be seized and, upon conviction of the person possessing or permitting possession of the weapon, may be forfeited to the state or returned to the lawful owner.

(ii) If a weapon seized under the provisions of this section is subsequently determined to have been stolen or otherwise taken from the owner's possession without permission, the weapon must be returned to the lawful owner.

(5) As used in this section:

(a) "school building" means all buildings owned or leased by a local school district that are used for instruction or for student activities. The term does not include a home school provided for in 20-5-109.

(b) "weapon" means any type of firearm, a knife with a blade 4 or more inches in length, a sword, a straight razor, a throwing star, nun-chucks, or brass or other metal knuckles. The term also includes any other article or instrument possessed with the purpose to commit a criminal offense."

**NEW SECTION. Section 10. {standard} Severability.** If a part of [sections 1 through 7] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

**NEW SECTION. Section 11. {standard} Codification instruction.** [Sections 1 through 7] are intended to be codified as an integral part of Title 45, chapter 8, and the provisions of Title 45, chapter 8, apply to [sections 1 through 5].

**NEW SECTION. Section 12. {standard} Effective date.** [This act] is effective upon approval by the electorate.