

Non-Resident Permits

Montana does not issue Non-Resident Permit/Licenses.

Places Off-Limits Even With A Permit/License

Montana Code [45-8-328](#) Carrying concealed weapon in prohibited place

(1) 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.

History: En. Sec. 8, Ch. 759, L. 1991; amd. Sec. 1, Ch. 572, L. 1999.

Montana Code [45-8-339](#) Carrying firearms on train

(1) Except as authorized by the management of a railroad, it is unlawful for a person not authorized to carry a weapon in the course of his official duties to knowingly or purposely carry or transport firearms on a train in this state unless, prior to boarding, the person has delivered all firearms and ammunition, if any, to the operator of the train.

(2) A person violating this section shall be punished by a fine not exceeding \$500 or imprisonment in the county jail for a period not exceeding 6 months, or both.

Montana Code [45-8-361](#). Possession or allowing possession of weapon in school building -- exceptions -- penalties -- seizure and forfeiture or return authorized -- definitions.

(1) 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.

History: En. Sec. 1, Ch. 435, L. 1997; amd. Sec. 6, Ch. 581, L. 1999.

45-3-103 Use of force in defense of occupied structure.

Section 6. Landlords and tenants -- no firearm prohibition allowed.

A landlord or operator of a hotel or motel **may not**, by contract or otherwise, prevent a tenant or a guest of a tenant from possessing on the premises a firearm that it is legal for the tenant or guest to possess. A landlord or operator of a hotel or motel may prohibit the discharge of a firearm on the premises except in self-defense.

Carry In State Parks/State & National Forests/WMA/Road Side Rest Areas

Carry Allowed in these Areas:

State Parks: YES 12.8.202

State/National Forests: YES 36.11.101

WMA's: NO

Road Side Rest Areas: YES

RV/Car Carry Without A Permit/License

Montana Attorney Web Site states the following:

“Montana has no prohibitions against carrying a weapon in a motor vehicle, although federal rules may apply in national parks.”

According to the AG you can carry a firearm inside your vehicle without a permit The Definition of concealed in Montana is "wholly or partially covered by clothing or wearing apparel".

This is from Gary Marbut, President Montana Shooting Sports Association <http://www.mtssa.org> author, Gun Laws of Montana

There is some misinformation on the Montana DOJ Website you link to for Montana at:

<http://doj.mt.gov/enforcement/concealedweapons.asp>

<http://doj.mt.gov/enforcement/criminaljustice/concealedweapons.asp>

In its first paragraph, DOJ states the case to make Montana law sound much more restrictive than it really is. In Montana, nobody needs a permit to carry concealed outside the limits of a city or town, which is 99.4% of Montana. Inside city limits, a permit is required to legally carry concealed, but a permit is not required in one's home or place of business. And, Montana recognizes permits from most (40) other states.

Further, the definition of "concealed" in Montana is not a dictionary definition, such as "hidden." Rather, the definition is specific to Montana CCW law and is "wholly or partially covered by clothing or wearing apparel." Thus, in a vehicle glove box or under the seat is not considered "concealed" for the purposes of the Montana CCW law, nor is inside a briefcase, backpack, or even in a woman's purse (no reliable definition for a fannypack, but I'd argue that it's the same as a woman's purse - an accessory or luggage, not "clothing or wearing apparel").

So, a person may have a firearm in the glove box of a car, even inside city limits in Montana, without a permit.

Note: Use caution when carry a firearm without a permit/license. The law is not clear and you can be arrested and given your day in court. Here is the Montana Law on

45-8-315. **Definition.** "Concealed weapon" means any weapon mentioned in **45-8-316** through **45-8-318** and **45-8-321** through **45-8-328** that is wholly or partially covered by the clothing or wearing apparel of the person carrying or bearing the weapon, except that for purposes of **45-8-321** through **45-8-328**, concealed weapon means a handgun or a knife with a blade 4 or more inches in length that is wholly or partially covered by the clothing or wearing apparel of the person carrying or bearing the weapon.

History: En. Sec. 6, Ch. 74, L. 1919; re-en. Sec. 11307, R.C.M. 1921; re-en. Sec. 11307, R.C.M. 1935; Sec. 94-3530, R.C.M. 1947; redes. by Sec. 29, Ch. 513, L. 1973; R.C.M. 1947, ; amd. Sec. 9, Ch. 759, L. 1991.

State Preemption

45-8-351. Restriction on local government regulation of firearms.

(1) Except as provided in subsection (2), no county, city, town, consolidated local government, or other local government unit may 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 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 herein shall allow any government to prohibit the legitimate display of firearms at shows or other public occasions by collectors and others, nor shall anything contained herein prohibit the legitimate transportation of firearms through any jurisdiction, whether in airports or otherwise.

History: En. Sec. 1, Ch. 589, L. 1985; amd. Sec. 11, Ch. 759, L. 1991.

Deadly Force Laws

Montana Code Annotated 2003

45-3-101. Definitions.

45-3-102. Use of force in defense of person.

45-3-103. Use of force in defense of occupied structure.

45-3-104. Use of force in defense of other property.

45-3-105. Use of force by aggressor.

45-3-106. Use of force to prevent escape.

45-3-107. Use of force by parent, guardian, or teacher.

45-3-108. Use of force in resisting arrest.

45-3-115. Affirmative defense.

Knife Laws State/Cities

To access State/Local Knife Laws Click [“Here”](#)

Carry in Restaurants That Serve Alcohol

NO

Note: What is defined as carry in a restaurant that serves alcohol is a place like Friday’s or Red Lobster. This does not mean a bar or the bar area of a restaurant. Handgunlaw.us believes you should never consume alcohol when carrying your firearm. In some states it is illegal to take even one drink while carrying a firearm.

Chemical Sprays/Stun Gun/Higher Capacity Magazine Laws

Handgunlaw.us could find no restrictions in Montana Law concerning Chemical Sprays, Stun Guns Or Higher Capacity Magazine Bans.

LEOSA State Information

[Montana LEOSA Info](#)

Attorney General Opinions/Court Cases

Handgunlaw.us can find no AG Opinions or Court Cases concerning the carrying of firearms. This does not mean there are no AG Opinions or Court Cases. We could just not find any.

Airport Carry/Misc. Information

Airport Carry: 45-8-301 thru 45-8-361

Training Valid for: No set time period.

Time Period to Establish Residency: 6 Months

Minimum Age for Permit/License: 18

Permit/License Info Public Information: NO

State Fire arm Laws: 45-8-301 thru 45-8-361

State Deadly Force Laws: 45-3-101 thru 45-3-115

State Knife Laws: 45-8-316, 45-8-317, 45-8-331.

Chemical/Electric Weapons Laws: No laws found.

Body Armor Laws: No laws found

Does Your Permit Cover Other Weapons Besides Firearms? YES 45-8-316 & 45-8-321

Updates to this Page

8/21/09 – All links checked and updated if needed.

8/31/09 – NE now honors a MT permit.

9/10/09 - Note and Law links added about carrying in a vehicle without a permit/license.

11/18/09 – Motel/Hotel can't ban firearms from renters of rooms