

MONTANA SHOOTING SPORTS ASSOCIATION
2011 LEGISLATIVE ISSUES

2010 LEGISLATIVE CANDIDATE QUESTIONNAIRE

Please check the response that best describes your position on each issue.

1. **Sheriffs First - Law Enforcement Cooperation.** Many Montanans, both citizens and people in public office, are concerned about the lack of accountability of federal officers conducting law enforcement operations in Montana. In Montana, we know the county sheriff and he is elected and accountable locally. We believe the sheriff is the chief law enforcement officer in the county, and ought to have the tools to implement that status. MSSA will offer a bill to require federal officers to obtain the written permission of the local sheriff before conducting an arrest, search, or seizure in the sheriff's county. There are exceptions for federal reservations, Border Patrol, Immigration and Naturalization Service, close pursuit, when a federal officer witnesses a crime that requires an immediate response, if the sheriff or his personnel are under investigation, and other necessary exceptions. This bill was passed by the Legislature in 1995, but was vetoed by the Governor. You may read the bill at: <http://www.SheriffsFirst.net>

I would: Sponsor() Cosponsor() Support() Be Neutral() Oppose()

2. **Smokeless powder and primer production.** There is a serious threat to our right to bear arms because of narrow, monolithic and federally-controlled manufacture of essential ammunition components, smokeless powder (propellant), primers and cartridge brass. For example, there are only two manufacturers of smokeless powder in the U.S., one plant owned by defense contractor General Dynamics and another owned by defense contractor Alliant Systems (ATK). All other smokeless powder used in the U.S. is imported, and subject to immediate and arbitrary import restrictions. And, General Dynamics and Alliant Systems are subject to a standard condition of military contracts that 100% of their production may be commandeered for military use at any time. Without ammunition, our firearms and our right to bear ammunition are worth nothing. We propose certain incentives to encourage small-scale production of ammunition components in Montana. That model includes offering liability protection to future producers, providing that such producers qualify for existing state assistance with financing, and will include a 20-year tax amnesty from start of business, which would give up zero current tax income to the state but would provide jobs for Montana.

I would: Sponsor() Cosponsor() Support() Be Neutral() Oppose()

3. **Harmonizing concealed weapon permit (CWP) requirements.** Since 1991, a CWP has not been required for a law-abiding person to carry a concealed weapon in 99.4% of Montana - outside the limits of cities or towns. With over a decade of experience that not requiring CWPs for nearly all of Montana has not created any problems, we propose legislation to harmonize the law so a permit will no longer be required for a law abiding person to carry a concealed weapon in the remaining small part of Montana, inside cities and towns. We intend to leave the permitting process in place, so citizens who desire them may still obtain CWPs for travel to

other states that recognize Montana CWPs, and for firearm purchases at gun stores under the federal Brady Law. This change would require a person to be eligible to apply for a CWP in order to carry concealed, thus no youth (under 18), no criminals, and with firearms safety still required.

<http://www.progunleaders.org/lcq2009/permitless.html>

I would: Sponsor() Cosponsor() Support() Be Neutral() Oppose()

4. Prohibited places. Montana has long been plagued with a nonsensical "prohibited places" law. 45-8-328 is a list of places where a person may not exercise a CWP. What is nonsensical about this is that the safest people in Montana with firearms are those sheriff-certified people who have been issued a Montana CWP. While these people are prohibited from exercising their CWP in the prohibited places, people not trained and not checked out by the sheriff may legally carry openly in these same places. Even CWP holders may carry openly, legally, in these same places. Even law enforcement personnel are not exempted from prohibited places. When a law enforcement officer enters the county courthouse or city hall with a coat covering his or her firearm, he or she commits a crime in Montana, a gun crime that would end their law enforcement career if he or she were prosecuted. The only reason LEOs are not being prosecuted under this badly-written statute is because police and prosecutors engage in selective enforcement. Our proposal would exempt sheriff-certified CWP-holders and LEO's from the effects of this badly-conceived law.

<http://www.progunleaders.org/lcq2009/prohibited/html>

I would: Sponsor() Cosponsor() Support() Be Neutral() Oppose()

5. Firearms in vehicles in parking lots. Many Montana citizens must travel to work to and from places where danger of attack exists, and where police cannot and will not protect them. Yet they are prevented from being able to protect themselves by employers who make it a firing offense to have a firearm in the employee's vehicle in the company-provided parking lot. A typical example might be a nurse who gets off shift late at night and must travel through a bad part of town or along deserted country roads to get home to a dark and unsecured house. The employer will not accompany this nurse to make sure she arrives home safely. However, the employer may also terminate the nurse if she is found to have a self-defense firearm in her vehicle in the company parking lot, a firearm with which the nurse could protect herself going home from work. It is radically unfair for employers to effectively require unprotected employees to be fair game for any criminal attack during to and from work travel. Employers are held responsible for reasonable workplace safety. Why should employers be allowed to insist on employee risk going to and from work? Our proposal would prohibit employers from firing employees because they have a self-defense firearm in a private vehicle in the company-provided parking lot. Caution: Institutional employers in Montana will probably oppose this measure claiming that they can only ensure workplace safety if they are allowed to fire employees with firearms in their cars. However, we know that someone bent on workplace mayhem will not be concerned about job security or company policy. And, if this thinking were common, we wouldn't have the right to bear arms in the Montana Constitution. Remember, it

was a firearm in the workplace parking lot that prevented a multiple-victim massacre at the Glasgow, Montana hospital not long ago.
<http://www.progunleaders.org/lcq2009/parking>

I would: Sponsor() Cosponsor() Support() Be Neutral() Oppose()

6. Deprivation of constitutional rights - official oppression. A number of states have state laws that call it "official oppression" when government employees, acting as if they have the authority of law, deprive people of essential constitutional rights. Official oppression happened following Hurricane Katrina when police were ordered to go door to door to disarm otherwise unprotected citizens. We propose a measure to make it a crime in Montana for a public employee to exceed his authority to deprive a Montana citizen of constitutional rights. This bill would also set up a simple procedure whereby such an employee may be held accountable in a civil action, in case the public prosecutor refuses to file criminal charges.
<http://www.progunleaders.org/lcq2009/oppression>

I would: Sponsor() Cosponsor() Support() Be Neutral() Oppose()

7. Wolf diseases - monitoring, legality. Evidence is emerging that wolves carry, spread and propagate diseases that infect people and livestock. Some of these diseases are potentially life threatening to people. Montana may have a large public health issue looming because of diseases spread by wolves. We propose a bill to require identification and monitoring of people in high risk categories, with mandatory reporting of evidence so the public may assess the level of risk.
<http://www.progunleaders.org/lcq2009/diseases>

I would: Sponsor() Cosponsor() Support() Be Neutral() Oppose()

8. Shooting range funding. Montana began using some hunter license money to make matching grants to develop shooting ranges in 1989. The program to build safe and suitable places for Montana people to shoot was put into state law in 1999, as the Shooting Range Development Program (SRDP). The funds for this program are approved each legislative session in the appropriations process for the Department of Fish, Wildlife and Parks budget. There are **no general tax revenues** used for this program, only money hunters pay for licenses. The 2007 Legislature appropriated \$1,000,000 for the SRDP. \$600,000 was appropriated in 2009.

About application of SRDP funds by FWP, Montana law at 87-1-279, MCA, says: "Program rules. (3) The department **shall make every effort** to expend or obligate funds for shooting range improvement grants within the year for which they are appropriated."

We ask that \$1,000,000 be appropriated to the SRDP again in the 2011 legislative session, regardless of any FWP opposition to that level of funding.

I would: Sponsor() Cosponsor() Support() Be Neutral() Oppose()

9. **Self defense legal costs.** A few prosecutors use the tactic of "throwing the book" at persons accused in order to make legal defense costs so unaffordable that the accused has no choice but to plead guilty to some prosecutor-approved charges. We propose that, in cases where self defense is alleged, prosecutors must pay the legal defense costs associated with any charges that are dropped, dismissed, or for which the accused is found not guilty.

<http://www.progunleaders.org/lcq2009/costs.html>

I would: Sponsor() Cosponsor() Support() Be Neutral() Oppose()

10. **Born in Montana to hunt.** Montana has the highest percentage of its population purchasing hunting licenses of any state. We have a strong hunting culture in Montana. Some of our children who grew up in our Montana hunting culture have found it necessary to leave Montana for school, work, or other reasons. Some other states allow anyone born in the state to return home and hunt at the same cost as residents. We propose that anyone born in Montana be allowed to purchase a resident hunting license.

<http://www.progunleaders.org/lcq2009/born.html>

I would: Sponsor() Cosponsor() Support() Be Neutral() Oppose()

11. **Prohibiting FWP from regulating ammunition.** The Montana Department of Fish, Wildlife and Parks (FWP) has earned a reputation for thinking of itself as an 800-pound gorilla. FWP assumes it has authority to do anything the Legislature has not very specifically forbidden under the very general authority of managing wildlife. Recently, FWP presumed to propose a regulation to ban the use of lead shot for bird hunting over thousands of acres of Montana, with no scientific basis offered for the proposal. This ban could well become only the first step in FWP banning all lead-based ammunition, a serious threat to the right to bear arms in Montana. This bill would clarify that FWP has no authority to regulate ammunition type without approval by the Legislature.

<http://www.progunleaders.org/lcq2009/ammo.html>

I would: Sponsor() Cosponsor() Support() Be Neutral() Oppose()

12. **Suppressors afield.** In 1997, the Legislature removed from the statute books some nonsensical laws about firearm suppressors (sometimes incorrectly called "silencers"). Overlooked then was an obscure statute, 87-3-123, M.C.A, making it illegal to be "in the field or forest" with a suppressor. Although suppressors are designed to reduce the muzzle blast of a firearm, they cannot "silence" a firearm, especially including the sonic boom a rifle bullet makes going through the air at supersonic speeds. In some other parts of the world, suppressors are required for hunting, both to protect the hearing of hunters, and to reduce the disturbance of persons within the sound range of gunshots. When this was discussed by the Legislature in 2009, some suggested that hunting with a suppressor was unethical hunting. These critics did not also discuss the ethics of much more silent archery hunting. Another critic suggested it was desirable for hunters to make a lot of noise to help discover poaching, but that critic declined to

support an alternate law requiring all hunters to remove the mufflers from their vehicles during hunting season. This old and nonsensical statute should simply be repealed.
<http://data.opi.mt.gov/bills/mca/87/3/87-3-123.htm>

I would: Sponsor() Cosponsor() Support() Be Neutral() Oppose()

13. When police may take firearms and how long they may keep them. There are no clear directions to law enforcement in current Montana law about under what circumstances law enforcement officers may disarm citizens, and how long they may keep guns taken. This leaves it up to the discretion of individual officers to make this call. A few officers abuse this discretion by insisting on disarming every armed citizen they encounter - treating citizens like criminals. The right to bear arms the people have reserved to themselves at Article II, Section 12 of the Montana Constitution does NOT say "except when in the presence of a law enforcement officer." Rather, the Constitution says the right to bear arms "shall not be called into question ..." We propose legislation to establish some clear but workable rules for when and for how long law enforcement officers may disarm citizens.

<http://www.progunleaders.org/lcq2009/seizure.html>

I would: Sponsor() Cosponsor() Support() Be Neutral() Oppose()

14. Controlling wolves. Federally-introduced wolves have become a serious problem in Montana. They are decimating Montana's valuable herds of huntable game, killing or impacting an unacceptable amount of livestock in Montana's already stressed agricultural community, and are carrying diseases that may cause serious human and livestock health problems. We propose again a bill introduced in 2009 for Montana to take a much more aggressive posture in managing and controlling wolves.

<http://data.opi.mt.gov/bills/2009/billhtml/SB0183.htm>

I would: Sponsor() Cosponsor() Support() Be Neutral() Oppose()

15. Home guard. The Montana Home Guard is already recognized in Montana law, but current statutes do not sufficiently enable this institution. We propose to refurbish and expand existing law to create an all-volunteer organization under the authority of the governor, but disconnected from federal authority. This would allow resources for the governor to use for in-state needs or emergencies, unlike the National Guard units which have been determined to be units of the U.S. military and are frequently taken out of state by the U.S.

<http://data.opi.mt.gov/bills/2009/billhtml/HB0479.htm>

I would: Sponsor() Cosponsor() Support() Be Neutral() Oppose()

16. **Disorderly conduct - fixing bad law.** The existing disorderly conduct statute in Montana is badly written because it makes it a potential crime for a person to discharge a firearm, except at an established shooting range. While inappropriate prosecutions under this existing law have not been a problem in Montana, it is susceptible to abuse and should be repaired. This bill would simply strike the offense of firing firearms from the disorderly conduct statute.
<http://www.progunleaders.org/lcq2009/disorderly.html>

I would: Sponsor() Cosponsor() Support() Be Neutral() Oppose()

The foregoing responses are actually my positions on these issues, to the best of my knowledge and at this time.

Candidate Signature

Date

Candidate printed name

Office sought

Mailing address if different than envelope.

Thank you for being willing to serve your community and state in public office, and thank you very much for helping to provide us information about your views on issues related to firearms.

Please return questionnaire to MSSA, P.O. Box 4924, Missoula 59806.

Any additional comments may be added here or on separate sheet: