From:	Bryan von Lossberg
To:	J. Kevin Hunt
Cc:	Grp. City Council and City Web Site
Subject:	Re: You CAN prohibit open carry at demonstrations
Date:	Wednesday, June 17, 2020 3:45:55 PM

Mr. Hunt,

Through Council action in the fall of 2018, the City exercised its power under 45-8-351 to prohibit firearms for public safety purposes in several designated areas. The details are available in Missoula code 8.58 here: https://www.ci.missoula.mt.us/DocumentCenter/View/1029/Municipal-Code-Title-08-Health--Safety?bidId=#Chapter_8_58

One of the key issues we were trying to address was safety at election locations (since some were not at schools). And we were also codifying long-standing administrative policy at developed parks prohibiting firearms.

The County Courthouse lawn is an area under the County's jurisdiction.

It is worth noting that Caras Park is identified in 8.58.010 Exhibit A as an area where firearms are prohibited.

It is also worth noting that LR-130 is on the ballot in November and will strip local jurisdictions of some of these powers should it pass.

Regards,
Bryan

Bryan von Lossberg
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On Jun 17, 2020, at 3:01 PM, J. Kevin Hunt <jkhesq23@gmail.com> wrote:

June 16, 2020

Mayor and Council:

Contrary to Mayor Engen's claims, it appears that Missoula CAN prohibit open carry of firearms at demonstrations. The 2019 Montana Code Annotated provides (see, section 2):

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 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.

Why don't you either adopt an ordinance permitted by section 2, or refer one to Missoula voters for consideration?

/s/ J. Kevin Hunt
Ward 1