From: J. Kevin Hunt
To: Grp. City Council and City Web Site
Subject: Proposed Msla Open Carry Ordinance
Date: Wednesday, June 17, 2020 4:31:29 PM

June 16, 2020

Dear Mayor and Council:

Here is a proposed ordinance complying with Montana law that would constitutionally regulate open carrying of firearms at public assemblies within the City of Missoula:

AN ORDINANCE REGULATING OPEN CARRYING OF FIREARMS

Be it ordained by the City of Missoula:

Section 1. The people of the City of Missoula find and declare that:

(a) The open carrying of firearms by individuals at public assemblies within the boundaries of the City of Missoula has a chilling effect on the people's exercise of their constitutional rights of peaceful assembly, and constitutes a threat to public safety by imbuing such individuals with the ability to intimidate, coerce, and cause apprehension of harm to, persons lawfully assembled. Incidents of racial intimidation, assault, and unlawful restraint that have been committed against persons engaged in their right of peaceful assembly, by individuals openly carrying firearms at such lawful assemblages within city boundaries, exemplify that public safety threat.

(b) Montana Code Annotated (2019), 45-8-351 expressly provides that, "for public safety," 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."

Section 2. OPEN CARRYING OF FIREARMS AT PUBLIC ASSEMBLIES PROHIBITED; EXCEPTIONS; PENALTIES.

(a) Except as provided in subsections (b), (c) and (d) of this Section, it is unlawful for any person to openly carry any firearm at any public assembly within the boundaries of the City of Missoula.

(b) Nothing contained in this section prohibits the legitimate display of firearms at shows or other public occasions by collectors and others, or prohibits the legitimate transportation of firearms through places under the jurisdiction of the City of Missoula.

(c) The Chief of Police or his/her Police Department designee may issue a no-fee permit allowing the open carrying of firearms by: participants in bona fide historic reenactments; active and reserve members of the United States Armed Forces and members of the Montana National Guard, and similar organizations participating in lawful parades and Honor Guards and memorial services, and by actors in public theatrical performances. Such permits shall provide that they do not authorize possession of firearms by convicted felons, adjudicated

mental incompetents, illegal aliens, minors, or persons under any domestic violence protective order. Such permits may prohibit open carry of firearms loaded with live ammunition, and may prohibit any person subject to said permit from being in physical possession of live ammunition while exercising the privileges bestowed by the permit. A single permit under this subsection may be issued to a group provided that the group applying for the permit supplies the Police Department, at time of application, with a roster of the names and dates of birth of all persons requested to be included within the scope of the permit. The permit shall be valid for a definite period of time recited thereon, with specific dates and times of commencement and expiration of the privileges therein granted. Such permits shall be issued upon timely and complete submission of application by the applicant unless issuance would violate any provision of this ordinance. To be timely, such application shall be submitted not less than ten days prior to the date of commencement of the privileges sought, excluding Saturdays, Sundays and legal holidays.

(d) Nothing in this ordinance prohibits open carrying of firearms at public assemblies by sworn law enforcement officers wearing uniform and displaying badge.

(e) Any person who openly carries a firearm in violation of subsection (a) of this subsection or contrary to a permit issued pursuant to subsection (c) of this ordinance, commits the offense of Unpermitted Open Carry of Firearm at Public Assembly, a misdemeanor, and upon conviction shall be imprisoned for a period not to exceed six months, and/or fined an amount not to exceed five hundred dollars and not less than two-hundred-fifty dollars.

Section 3. Following its adoption, the City Attorney shall cause this ordinance to be duly and properly codified in the Municipal Code of the City of Missoula.

Section 4. This ordinance being necessary for the immediate safety of the community, it shall take effect immediately upon its adoption by the Missoula City Council.

Regards,

/s/ J. Kevin Hunt
Ward 1