

Procedure for obtaining a concealed weapons permit

Call for an appointment 357-3260

- A. You must be **at least 18 years of age** and have been a resident of the State of Montana for **at least 6 months**.
- B. **Any Criminal convictions** per the Montana Codes may result in denial of the permit, or **any omissions of arrests and/or convictions** may result in denial of the permit.
- C. It is **REQUIRED BY LAW** that you complete a **certified firearms safety** course before the application is submitted. EXAMPLE: Hunter's Safety, DD-214, or any other NRA Certified Instructed course. **Proof of completion** of such course can be a photocopy of certificate, an affidavit from the entity or instructor that conducted the course or a copy of any other document that attests to completion of the course & can be certified through contact with the entity or instructor that conducted the course.
- D. **Applications** for Concealed Weapons Permits will be taken by **appointment only**. You may schedule an appointment by calling 357-3260. [Download an application](#) to fill out here.
- E. Bring the application, **completed but unsigned**, and your **proof of firearms certification** at the time of your scheduled appointment to the Sheriff's Office 420 Ohio St. Chinook, MT.
- F. Application fee for a new **Concealed Weapons Permit is \$55.00**, and the fee for a **Renewal is \$30.00**. This includes the \$5.00 Administrative Research fee. Please bring exact cash or a personal check. This fee is non-refundable. Fingerprinting and photographs will be taken at this time and **no applications will be accepted without an appointment**.
- G. **Please allow sixty (60) days for approval** of your permit. A permit is valid for four (4) years. You will not be reminded of your permits expiration. Sixty (60) days should be allowed for processing of new applications.
- H. **Renewals** are handled in the same manner as new applications, and fingerprints and photographs will be retaken. Please call at least thirty (30) days prior to your expiration date to make your appointment. **An appointment is required**, and you must fill out a [new application form](#) for renewals.

[State Statutes](#)

45-8-321. Permit to carry concealed weapon.

(1) A county sheriff shall, within 60 days after the filing of an application, issue a permit to carry a concealed weapon to the applicant. The permit is valid for 4 years from the date of issuance. An applicant must be a United States citizen who is 18 years of age or older and who holds a valid Montana driver's license or other form of identification issued by the state that has a picture of the person identified. An applicant must have been a resident of the state for at least 6 months. Except as provided in subsection (2), this privilege may not be denied an applicant unless the applicant:

- (a) is ineligible under Montana or federal law to own, possess, or receive a firearm;

(b) has been charged and is awaiting judgment in any state or federal crime that is punishable by incarceration for 1 year or more;

(c) subject to the provisions of subsection (6), has been convicted in any state or federal court of:

(i) a crime punishable by more than 1 year of incarceration; or

(ii) regardless of the sentence that may be imposed, a crime that includes as an element of the crime an act, attempted act, or threat of intentional homicide, serious bodily harm, unlawful restraint, sexual abuse, or sexual intercourse or contact without consent;

(d) has been convicted under [45-8-327](#) or [45-8-328](#), unless the applicant has been pardoned or 5 years have elapsed since the date of the conviction;

(e) has a warrant of any state or the federal government out for the applicant's arrest;

(f) has been adjudicated in a criminal or civil proceeding in any state or federal court to be an unlawful user of an intoxicating substance and is under a court order of imprisonment or other incarceration, probation, suspended or deferred imposition of sentence, treatment or education, or other conditions of release or is otherwise under state supervision;

(g) has been adjudicated in a criminal or civil proceeding in any state or federal court to be mentally ill, mentally defective, or mentally disabled and is still subject to a disposition order of that court; or

(h) was dishonorably discharged from the United States armed forces.

(2) The sheriff may deny an applicant a permit to carry a concealed weapon if the sheriff has reasonable cause to believe that the applicant is mentally ill, mentally defective, or mentally disabled or otherwise may be a threat to the peace and good order of the community to the extent that the applicant should not be allowed to carry a concealed weapon. At the time an application is denied, the sheriff shall, unless the applicant is the subject of an active criminal investigation, give the applicant a written statement of the reasonable cause upon which the denial is based.

(3) An applicant for a permit under this section must, as a condition to issuance of the permit, be required by the sheriff to demonstrate familiarity with a firearm by:

(a) completion of a hunter education or safety course approved or conducted by the department of fish, wildlife, and parks or a similar agency of another state;

(b) completion of a firearms safety or training course approved or conducted by the department of fish, wildlife, and parks, a similar agency of another state, a national firearms association, a law enforcement agency, an institution of higher education, or an organization that uses instructors certified by a national firearms association;

(c) completion of a law enforcement firearms safety or training course offered to or required of public or private law enforcement personnel and conducted or approved by a law enforcement agency;

(d) possession of a license from another state to carry a firearm, concealed or otherwise, that is granted by that state upon completion of a course described in subsections (3)(a) through (3)(c); or

(e) evidence that the applicant, during military service, was found to be qualified to operate firearms, including handguns.

(4) A photocopy of a certificate of completion of a course described in subsection (3), an affidavit from the entity or instructor that conducted the course attesting to completion of the course, or a copy of any other document that attests to completion of the course and can be verified through contact with the entity or instructor that conducted the course creates a presumption that the applicant has completed a course described in subsection (3).

(5) If the sheriff and applicant agree, the requirement in subsection (3) of demonstrating familiarity with a firearm may be satisfied by the applicant's passing, to the satisfaction of the sheriff or of any

person or entity to which the sheriff delegates authority to give the test, a physical test in which the applicant demonstrates the applicant's familiarity with a firearm.

(6) A person, except a person referred to in subsection (1)(c)(ii), who has been convicted of a felony and whose rights have been restored pursuant to Article II, section 28, of the Montana constitution is entitled to issuance of a concealed weapons permit if otherwise eligible.

MCA 45-8-316 Carrying concealed weapons.

(1) Every person who carries or bears concealed upon his person a dirk, dagger, pistol, revolver, slingshot, sword cane, billyclub, knuckles made of any metal or hard substance, knife having a blade 4 inches long or longer, razor, not including safety razor, or other deadly weapon shall be punished by a fine not exceeding \$500, or imprisonment in the county jail for a period not exceeding 6 months, or both.

(2) A person who has previously been convicted of an offense, committed on a different occasion than the offense under this section, in this state, or in any other jurisdiction for which a sentence to a term of imprisonment in excess of 1 year could have been imposed and who carries or bears concealed upon his person any of the weapons described in subsection (1) shall be punished by a fine not exceeding \$1,000 or imprisoned in the state prison for a period not exceeding 5 years, or both.

History: En. Sec. 1, Ch. 74, L. 1919; re-en. Sec. 11302, R.C.M. 1921; re-en. Sec. 11302, R.C.M. 1935; Sec. 94-3525; R.C.M. 1947; red... 94-8-210 by Sec. 29, Ch. 513, L. 1973; amd. Sec. 36, Ch. 359, L. 1977; amd. Sec. 1, Ch. 411, L. 1977; R.C.M. 1947, 94-8-210.

45-8-317. Exceptions. (1) Section 45-8-136 does not apply to:

- (a) any peace officer of the State of Montana or any other state who has the power to make arrests;
- (b) any officer of the United States government authorized to carry a concealed weapon;
- (c) a person in actual service as a member of the national guard;
- (d) a person summoned to the aid of any persons named in subsections (1)(a) through (1)(c);
- (e) a civil officer or the officer's deputy engaged in the discharge of official business;
- (f) a probation and parole officer authorized to carry a firearm under 46-23-1002;
- (g) a person issued a permit under 45-8-321 or a person with a permit recognized under 45-8-329;
- (h) an agent of the department of justice or a criminal investigator in a county attorney's office;
- (i) a person who is outside the official boundaries of a city or town or the confines of a logging, lumbering, mining, or railroad camp or who is lawfully engaged in hunting, fishing, trapping, camping, hiking, backpacking, farming, ranching, or any other outdoor activity in which weapons are often carried for recreation or protection; or
- (j) the carrying of arms on one's own premises or at one's home or place of business.
- (k) With regard to a person issued a permit under 45-8-321, the provisions of 45-8-328 to this section.

45-8-318. Possession of deadly weapon by prisoner or youth in facility.

(1) A person commits the offense of possession of a deadly weapon by a prisoner if the person purposely or knowingly possesses or carries or has under the person's custody or control without lawful authority a dirk, dagger, pistol, revolver, slingshot, sword cane, billyclub, knuckles made of any metal or hard substance, knife, razor not including a safety razor, or other deadly weapon while the person is:

(a) a person committed to a state prison or incarcerated in a county jail, city jail, or regional jail and is:

- (i) at a state prison, a state prison farm or ranch, or jail;
- (ii) being conveyed to or from a place listed in this subsection (1)(a); or
- (iii) under the custody of prison or jail officials, officers, or employees; or

(b) a person in a youth detention facility, secure detention facility, regional detention facility, short-term detention center, state youth correctional facility, or shelter care facility, as those terms are defined in [41-5-103](#), and is at the facility, being conveyed to or from the facility, or under the custody of the facility officials, officers, or employees.

(2) A person convicted of the offense of possession of a deadly weapon by a prisoner shall be punished by imprisonment in the state prison for a term not less than 5 years or more than 15 years, by a fine of not more than \$50,000, or by both fine and imprisonment.

(3) The youth court has jurisdiction of any violation of subsection (1)(b) unless the charge is filed in district court, in which case the district court has jurisdiction.

45-8-325. Permittee change of county of residence -- notification to sheriffs and chief of police.

A person with a permit to carry a concealed weapon who changes the person's county of residence shall within 10 days of the change inform the sheriffs of both the old and new counties of residence of the change of residence and that the person holds the permit. If the person's residence changes either from or to a city or town with a police force, the person shall also inform the chief of police in each of those cities or towns that has a police force.

45-8-327. Carrying concealed weapon while under influence. A person commits the offense of carrying a concealed weapon while under the influence if the person purposely or knowingly carries a concealed weapon while under the influence of an intoxicating substance. 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 be fined an amount not to exceed \$500, or both.

45-8-328. Carrying concealed weapon in prohibited place -- penalty.

(1) Except for legislative security officers authorized to carry a concealed weapon in the state capitol as provided in [45-8-317](#)(1)(k), 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.

No weapons concealed or otherwise, are allowed in school buildings in Montana.

Even with a concealed weapons permit, you may **not** carry a concealed weapon in the following places:

- buildings owned or leased by the federal, state or local government
- financial institutions
- any place where alcoholic beverages are sold, dispensed and consumed

Montana has no prohibitions against carrying a weapon in a motor vehicle.

ADDITIONAL INFORMATION

Additional information can be found on line at Montana Department of Justice, Division of Criminal Investigation.

Montana Concealed Weapon Permits

Federal Prohibitors

Per Montana law (45-8-321 MCA), a Sheriff cannot issue a concealed weapon permit to any person ineligible under federal law to own, possess or receive a firearm. The Gun Control Act of 1968; Title 18, U.S.C. Sections 922 documents the federal firearm prohibitors:

1. SECTION 922(g)(1) - PERSONS WHO HAVE BEEN CONVICTED IN ANY COURT OF A CRIME PUNISHABLE BY IMPRISONMENT FOR TERM EXCEEDING ONE YEAR and

The felony conviction prohibitor applies to convictions that are punishable by imprisonment for a term exceeding 1 year, regardless of the sentence imposed. The only exception applies to offenses pertaining to antitrust violations, unfair trade practices, or business regulation offenses.

The definition of a felony conviction is established by the laws of jurisdiction in which the proceedings were held. Any conviction which has been expunged, set aside, pardoned, or if the person has had all their civil rights restored, shall not be considered a conviction, unless such action expressly states the person may not possess firearms.

Section 922(n) includes individuals under indictment or information for such a crime.

2. SECTION 922(g)(2) - PERSONS WHO ARE FUGITIVES FROM JUSTICE

Any person with an outstanding felony or misdemeanor warrant, that may have fled the state to avoid prosecution, is disqualified from firearms until that warrant has been satisfied. The only exception applies to outstanding civil traffic warrants, which are not disqualifying.

3. SECTION 922(g)(3) - PERSONS WHO ARE UNLAWFUL USERS OF OR ADDICTED TO ANY CONTROLLED SUBSTANCE

Any person who uses a controlled substance and has lost the power of self-control or is using a controlled substance in a manner other than as prescribed by a physician is disqualified from firearms for 1 year. Use may be established by a conviction, documented positive drug tests, or recent military disciplinary action related to drug use or failure to complete drug rehabilitation, within the last year. A "controlled substance" includes but is not limited to marijuana, depressants, stimulants, and narcotic drugs (21 USC 802 & 21 CFR Part 1308). It does not include distilled spirits, wine, malt beverages, or tobacco.

4. SECTION 922(g)(4) - PERSONS WHO HAVE BEEN ADJUDICATED AS MENTAL DEFECTIVES OR HAVE BEEN COMMITTED TO A MENTAL INSTITUTION

Any person that has been involuntarily committed to a mental institution, found guilty by reason of insanity or lack of mental capacity, or found incompetent to stand trial, is federally disqualified from firearms. This does not include individuals that have voluntarily been admitted to a mental institution, or been committed for a brief period of observation for evaluation purposes. A person may be granted relief through due process from this federal prohibitor.

5. SECTION 922(g)(5) - PERSONS WHO ARE ALIENS AND ARE ILLEGALLY OR UNLAWFULLY IN THE UNITED STATES

U.S. citizenship is required in order to qualify for a Montana concealed weapon permit.

6. SECTION 922(g)(6) - PERSONS WHO HAVE BEEN DISCHARGED FROM THE U.S. ARMED FORCES UNDER DISHONORABLE CONDITIONS

Any person that has been dishonorably discharged from the U.S. Armed Forces is disqualified from firearms.

7. SECTION 922(g)(7) - PERSONS WHO, HAVING BEEN CITIZENS OF THE UNITED STATES, HAVE RENOUNCED THEIR U.S. CITIZENSHIP

Any person who has renounced U.S. citizenship on foreign soil at a U.S. Consulate's office or, during time of war, at a U.S. Attorney's office, is federally disqualified from firearms.

8. SECTION 922(g)(8) - PERSONS SUBJECT TO A COURT ORDER THAT RESTRAINS THEM FROM HARASSING, STALKING, OR THREATENING AN INTIMATE PARTNER OR CHILD OF SUCH INTIMATE PARTNER, OR FROM ENGAGING IN OTHER CONDUCT THAT WOULD PLACE THE PARTNER OR CHILD IN REASONABLE FEAR OF BODILY INJURY

Any person, who is a respondent in a valid, permanent (after a hearing) protection order when the relationship was between intimate partners, or the petitioner is the child of the respondent, is disqualified from firearms. The term intimate partner includes the spouse, former spouse, or an individual who cohabits/has cohabited intimately, but it does not include roommates.

9. SECTION 922(g)(9) - PERSONS CONVICTED IN ANY COURT OF A MISDEMEANOR CRIME OF DOMESTIC VIOLENCE

A person convicted of a local, state, tribal or federal offense that meets ALL of the following criteria is federally disqualified from firearms:

- (1) Is a misdemeanor or punishable by imprisonment for a term of one year or less, or by fine only; and
- (2) Has, as an element, the use or attempted use of physical force (e.g. assault and battery), or the threatened use of a deadly weapon; and
- (3) Was committed by a current or former spouse, parent, or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim as a spouse, parent, or guardian, or by a person similarly situated to a spouse, parent, or guardian of the victim.