

## Procedure for obtaining a concealed weapons permit

### Call for an appointment 357-3903 or 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.

The Blaine County Sheriff's Office offers a Legal Review/Concealed Carry class on every third Tuesday of each month. It is mandatory to complete this class prior to turning in your application for a permit. The class starts at 7:00 P.M. at the Sheriff's Office.

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.

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## 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