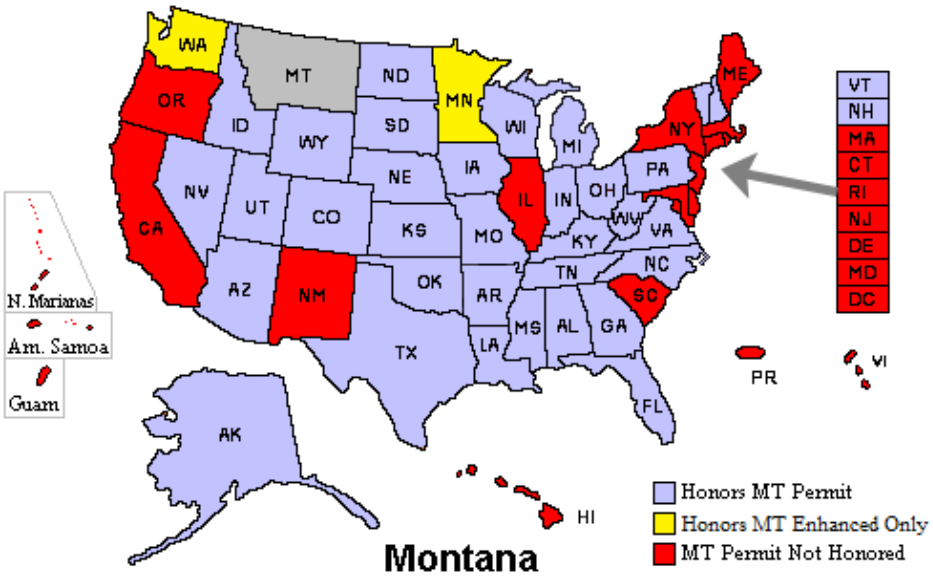
Montana

Permitless Carry State

Shall Issue

Must Inform Officer Immediately: NO

(See Must Inform Section).



Note: Some States only honor a Montana Permit for those 21 or older.

Note: Alabama, Alaska, Arizona, Arkansas, Florida, Georgia, Idaho, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Mississippi, Missouri, Montana, Nebraska, New Hampshire, North Dakota, Ohio, Oklahoma, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, West Virginia and Wyoming have "Permitless Carry" Anyone who can legally possess a firearm under state and federal law may carry in these states without a Permit. Check each states page for age or other restrictions that may apply.

Montana CCW Links√

- State CCW Site
- Sheriff CCW Site
- CCW App & Info
- Renewal Application
- Sheriff CCW FAQs
- State Statutes
- State Admin Rules
- State Reciprocity Info
- State Attorney General
- Sheriff CCW Info Site
- Yellowstone Co CCW Information
- Lewis & Clark Co. App/Instructions
- Secretary of State
- Age to Carry a Firearm In Other States

Last Updated: 9/5/2026

Permits/Licenses This State Honors Listed Below

Alabama	Alaska	Arizona	Arkansas	California	Colorado
Connecticut	Florida	Georgia	Idaho	Indiana	Illinois
Iowa	Kansas	Kentucky	Louisiana	Maryland	Massachusetts
Michigan	Minnesota	Mississippi	Missouri	Nebraska	Nevada
New Jersey	New Mexico	New York	North Dakota	North Carolina	Ohio
Oklahoma	Oregon	Pennsylvania	South Carolina	South Dakota	Tennessee
Texas	Utah	Virginia	Washington	West Virginia	Wisconsin
Wyoming					

Montana Honors Non-Resident Permits/Licenses From the States They Honor.

Reciprocity/How This State Honors Other States Permit/Licenses

45-8-329. Concealed Weapon Permits from Other States Recognized

(1) A concealed weapon permit from another state is valid in this state if:

(a) the person issued the permit has the permit in the person's immediate possession;

(b) the person bearing the permit is also in possession of an official photo identification of the person, whether on the permit or on other identification; and

(c) the state that issued the permit requires a criminal records background check of permit applicants prior to issuance of a permit.

(2) The attorney general shall develop and maintain a list of states from which permits are recognized under this section for the use by law enforcement agencies in this state.

(3) A determination or declaration of a Montana government entity, official, or employee is not necessary to the existence and exercise of the privilege granted by this section. Sec. 1, Ch. 104, L. 2023

Note: Even though Montana is Permitless Carry they still don't honor all other states permit/licenses to carry. Just another item in the law they will most likely clean up later. Handgunlaw.us recommends you carry your state issued ID when carrying under Permitless Carry. Some states require you carry it.

Permitless Carry

45-8-316. Carrying Concealed Firearms -- Exemption.

(1) A person who carries or bears concealed upon the individual's person a firearm shall be punished by a fine not exceeding $500 or by 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 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 the individual's person a firearm shall be punished by a fine not exceeding $1,000 or be imprisoned in the state prison for a period not exceeding 5 years, or both.

(3) This section does not apply to a person eligible to possess a firearm under state or federal law."
Sec. 9, Ch. 3, L. 2021.

How to Apply for a Permit

Notice: (5/2023) Montana now issues two types of Permits to Carry. An **Enhanced Permit** and a **Temporary Restricted Enhanced Permit.** Enhanced are issued to those 21 and older while Temp Restricted Enhanced Permits are issued to those 18 -20. Cost is the same for both permits and the Restricted permit can be converted to an Unrestricted permit at 21 at no costs. Applying is the same for both permits. and they are the same except for age. Some states may not honor the permit issued to those 18-20 that honor the Montana permit for those 21 and older. Your local Sheriff will have all the information you need.

45-8-312 Enhanced Permit to Carry Concealed Weapon -- Temporary Restricted Enhanced Permit for Individuals 18 To 20 Years Of Age.

(15)(a) An applicant between 18 and 20 years of age who otherwise meets the requirements of subsections (2) and (3) and any other specified requirements and qualifications, on approval from the sheriff of the county where the applicant submitted the application, must be issued a temporary restricted enhanced permit that clearly designates the restricted enhanced permit is for individuals who are 18 to 20 years of age.

(b) An individual holding an unexpired restricted enhanced permit who has reached the age of 21 may submit a written request to the sheriff of the county in which the individual resides for an unrestricted enhanced permit. The unrestricted enhanced permit must be issued at no additional cost. Sec. 1, Ch. 526, L. 2023

To obtain a Montana concealed weapons permit, a person must:

- have been a Montana resident for at least six months
- be a U.S. citizen or permanent lawful resident
- be at least 18 years old
- Montana Hunter Ed Course/State Approved Course/Any National Firearms Group Trainer or
- DD214

Applications prepared by the Attorney General's Office are available from the local county sheriff's office. Gather the necessary documentation prior to going to their sheriff's office. Do not sign the application until the Sheriffs Office can witness you signing it.

Cost is approximately $60.00 and the Permit/License is valid for 5 years.

Links to all the **Montana Sheriffs CWP Information Pages.**

Non-Resident Permits

Montana does not issue Non-Resident Permit/Licenses.

Places Off-Limits Even With a Permit/License

45-8-353. Purpose.

The purpose of [sections 1 through 11] is to enhance the safety of people by expanding their legal ability to provide for their own defense by reducing or eliminating government-mandated places where only criminals are armed and where citizens are prevented from exercising their fundamental right to defend themselves and others. En. Sec. 1, Ch. 3, L. 2021.

45-8-354. Legislative Intent.

It is the intent of the legislature to reduce or remove provisions of law that limit or prohibit the ability of citizens to defend themselves by restricting with prior restraint the right to keep or bear arms that the people have reserved to themselves in the Montana constitution, and to further establish that the right to defense of a person's life, liberty, or property is a fundamental right. En. Sec. 2, Ch. 3, L. 2021.

45-8-355. Legislative Findings. Declares and Finds as Follows:

(1) Nowhere in Article X, section 9(2)(a), of the Montana Constitution is any power granted to amend, suspend, alter, or abolish the Montana constitution, nor is any power granted to affect or interfere with the rights the people have reserved to themselves specifically from interference by government entities and government actors in Article II of the Montana constitution.

~~**(2)** The Montana university system was created and is controlled by the Montana constitution and the land and buildings occupied by the university system are public property and not private property and are therefore clearly government entities.~~ **See Notice below after next quoted Statute.**

(3) Any significant prohibition upon the possession of firearms at or on the various campuses of the Montana university system calls into question the rights that the people have reserved to protect themselves from government interference under Article II, section 12, of the Montana Constitution.

(4) Zones where guns are prohibited provide an increased risk to the health and safety of citizens because these zones create an unreasonable expectation of government-provided safety, while that safety cannot be provided or ensured.

(5) In District of Columbia v. Heller, 554 U.S. 570 (2008), and McDonald v. City of Chicago, 561 U.S. 742 (2010), the United States supreme court affirmed that the second amendment to the United States constitution reserves to individuals the fundamental right to keep and bear arms for self-defense and is applicable as a restriction upon state and local governments and all political subdivisions of state and local government through the 14th amendment to the United States constitution. En. Sec. 3, Ch. 3, L. 2021.

45-8-356 Where Concealed Weapon May be Carried -- Exceptions.

A person with a current and valid permit issued pursuant to 45-8-321 or 45-8-312 or recognized pursuant to 45-8-329 may not be prohibited or restricted from exercising that permit anywhere in the state, **except:**

(1) in a correctional, detention, or treatment facility operated by or contracted with the department of corrections or a secure treatment facility operated by the department of public health and human services;

(2) in a detention facility or secure area of a law enforcement facility owned and operated by a city or county;

(3) at or beyond a security screening checkpoint regulated by the transportation security administration in a publicly owned, commercial airport;

(4) in a building owned and occupied by the United States;

(5) on a military reservation owned and managed by the United States; or (**Note:** See Military Personnel Section on the USA Page for information on carry on Military Bases by Military and or LEOSA.)

(6) on private property where the owner of the property or the person who possesses or is in control of the property, including a tenant or lessee of the property, expressly prohibits firearms;

(7) within a courtroom or an area of a courthouse in use by court personnel pursuant to an order of a justice of the peace or judge; or

(8) in a school building as determined by a school board pursuant to 45-8-361. amd. Sec. 4, Ch. 526, L. 2023

Notice: June 29, 2022 Montana Supreme Court ruled that the Montana Board of Regents has total authority to set policy regarding the possession of firearms on the Montana University System property.

Montana Supreme Court Ruling **Synopsis of Montana Supreme Court Ruling**

Note: **Armed Campus Organization** Has information on all the States Campus Carry Statutes, Regulations and Policies with some covering firearms Policies on each school's campus.

45-8-359. Remedy for Violations.

Any person that suffers deprivation of rights enumerated under [sections 1 through 6] has a cause of action against any governmental entity, as defined in 2-9-101. The cause of action must be filed in district court. If a person asserting a deprivation of rights prevails, the person may be awarded reasonable costs, attorney fees and damages. En. Sec. 7, Ch. 3, L. 2021

Note: Putting 45-8-321(3) here so you will know what minimum training is valid and needed to legally carry on campus. Handgunlaw.us recommends that if you are carrying under Montana Permitless Carry law that you carry documentation with you to show any training as described in 45-8-321. All listed training that is accepted and listed below give a certificate of some type to show you have completed that training.

45-8-321 – (3) Training Requirements

(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.

Sec. 1, Ch. 474, L. 2023

45-8-328 Carrying Concealed Weapon in Prohibited Place

(1) Except for a person issued a permit pursuant to 45-8-321 or a person recognized pursuant to 45-8-329 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 portions of a building used for state or local government offices and related areas in the building that have been restricted;.

(2) 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." (**Note**: Areas should be Posted)

amd. Sec. 2, Ch. 526, L. 2023

45-8-361. Possession or Allowing Possession of Weapon in School Building -- Exceptions -- Penalties -- Seizure and Forfeiture or Return Authorized -- Definitions.

(1) A person commits the offense of possession of a weapon in a school building if the person purposely and knowingly possesses, carries, or stores a weapon in a school building.

(2) A parent or guardian of a minor commits the offense of allowing possession of a weapon in a school building if the parent or guardian purposely and knowingly permits the minor to possess, carry, or store a weapon in a school building.

(3) (a) Subsection (1) does not apply to law enforcement personnel.

(b) The trustees of a district may grant persons and entities advance permission to possess, carry, or store a weapon in a school building.

(4) (a) A person convicted under this section shall be fined an amount not to exceed $500, imprisoned in the county jail for a term not to exceed 6 months, or both. The court shall consider alternatives to incarceration that are available in the community.

(b) (i) A weapon in violation of this section may be seized and, upon conviction of the person possessing or permitting possession of the weapon, may be forfeited to the state or returned to the lawful owner.

(ii) If a weapon seized under the provisions of this section is subsequently determined to have been stolen or otherwise taken from the owner's possession without permission, the weapon must be returned to the lawful owner.

(5) As used in this section:

(a) "school building" means all buildings owned or leased by a local school district that are used for instruction or for student activities. The term does not include a home school provided for in 20-5-109.

(b) "weapon" means any type of firearm, a knife with a blade 4 or more inches in length, a sword, a straight razor, a throwing star, nun-chucks, or brass or other metal knuckles. The term also includes any other article or instrument possessed with the purpose to commit a criminal offense. 541, L. 2021

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 unpermitted concealed weapons or the carrying of unconcealed weapons to a publicly owned and occupied building under its jurisdiction.**

(b) Nothing contained in this section allows any government to prohibit the legitimate display of firearms firearms through any jurisdiction, whether in airports or otherwise. amd. Sec. 11, Ch. 3, L. 2021.

70-24-110. Landlords and Tenants -- No Firearm Prohibition Allowed.

A landlord or operator of a hotel or motel may not, by contract or otherwise, prevent a tenant or a guest of a tenant from possessing on the premises a firearm that it is legal for the tenant or guest to possess. A landlord or operator of a hotel or motel may prohibit the discharge of a firearm on the premises except in self-defense. En. Sec. 6, Ch. 332, L. 2009.

For Federal Restrictions on Firearms see the **USA Page**.

Do "No Gun Signs" Have the Force of Law?

"NO"

"No Firearm" signs in Montana have no force of law unless they are posted on property that is specifically mentioned in State Law as being off limits to those with a Permit/License to Carry. If you are in a place not specifically mentioned in the law that is posted and they ask you to leave, you must leave. If you refuse to leave then you are breaking the law and can be charged. Even if the property is not posted and you are asked to leave you must leave. Always be aware of the possibility that responding Police Officers who may have been called without your knowledge and may not know the laws on trespass etc. could arrest you even if you are within the law.

"Handgunlaw.us highly recommends that you not enter a place that is posted "No Firearms" no matter what the state laws read/mean on signage. We recommend you print out the **No Guns = No Money Cards** and give one to the owner of the establishment that has the signage." As responsible gun owners and upholders of the 2nd Amendment we should also honor the rights of property owners to control their own property even if we disagree with them."

Must Inform Officer Immediately on Contact By Law?

"NO"

45-8-329. Concealed Weapon Permits From Other States Recognized -- Advisory Council.

(1)(a) the person issued the permit has the permit in the person's immediate possession;

(1)(b) the person bearing the permit is also in possession of an official photo identification of the person, whether on the permit or on other identification; and Sec. 1, Ch. 104, L. 2023.

Carry In State Parks//WMA/Road Side Rest Areas & St. /Nat. Forests

Carry Allowed in these Areas:

***State Parks:** **YES**

State/National Forests: **YES**

State WMA/Habitat Protection Areas/Fisheries Conservation Areas: **YES** **Rules/Regulations**

Road Side Rest Areas: **YES**

***Notice:** If State Park Carry is Legal in this state and if that state park is located on a lake created by the US Army Corp of Engineers (COE) who owns the land and leases it to the state for that park the park is Off Limits to the legal carrying of firearms per federal law. **36 CFR 327.13** District Commanders received this Memorandum detailing how they could authorize someone to carry on (COE) property. The (COE) has also put out a Pamphlet on carrying firearms on (COE) Property. They do not post their property you must know the boundaries. Hunting **is usually** allowed during hunting season.

RV/Car Carry Without a Permit/License

45-8-316. Carrying Concealed Firearms -- Exemption.

(1) A person who carries or bears concealed upon the individual's person a firearm shall be punished by a fine not exceeding $500 or by 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 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 the individual's person a firearm shall be punished by a fine not exceeding $1,000 or be imprisoned in the state prison for a period not exceeding 5 years, or both.

(3) This section does not apply to a person eligible to possess a firearm under state or federal law."
amd. Sec. 9, Ch. 3, L. 2021

Handgunlaw.us can find no Montana Statutes/Administrative Rules/Hunting Regulations concerning the transporting of firearms in a vehicle.

From the Montana DOJ Webpage on Concealed Weapons.

"Montana has no prohibitions about carrying a weapon in a motor vehicle."

Note: Anyone 18 or Older who can legally possess a firearm can carry concealed in the State of Montana.

Open Carry (Without a Valid Permit/License)

Open Carry is legal in Montana. Places as listed in the "Places Off Limits" above **"May"** apply to those who open carry. See the "RV/Car Carry Without a Permit" section for carrying in a vehicle.

The state preempts all firearm laws in the state and local authorities can't have Laws/Ordinances against open carry.

45-3-111 Openly Carrying Weapon -- Display

(1) Any person who is not otherwise prohibited from doing so by federal or state law may openly carry a weapon and may communicate to another person the fact that the person has a weapon.

(2) If a person reasonably believes that the person or another person is threatened with bodily harm, the person may warn or threaten the use of force, including deadly force, against the aggressor, including drawing or presenting a weapon. amd. Sec. 8, Ch. 3, L. 2021

45-8-351. Restriction on Local Government Regulation of Firearms.

(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 unpermitted concealed weapons or the carrying of unconcealed weapons to a publicly owned and occupied building under its jurisdiction.** amd. Sec. 11, Ch. 3, L. 2021.

In some states Open Carry is forbidden in places where those with a valid permit/license can carry. This is not the last word on Open Carry in this state. Go to Google and type in State Name Open Carry or Open Carry State Name for a search for open carry info in this state. Check with the **State's RKBA** Organization/s. Also see "Attorney General Opinions/Court Cases" Section for any written opinions/Cases on Open Carry.

State Preemption

Title 7. Chapter 1. Part 1. Nature of Self-Government Local Governments

7-1-111. Powers denied. A local government unit with self-government powers is prohibited from exercising the following:

(9) any power that applies to or affects the right to keep or bear arms. HB 809 amd. Sec. 2, Ch. 537, L. 2025

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 unpermitted concealed weapons or the carrying of unconcealed weapons to a publicly owned and occupied building under its jurisdiction.

(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. amd. Sec. 11, Ch. 3, L. 2021.

Deadly Force Laws

Montana Code Annotated 2003
Title 45 Chapter 3 – Part 1
When Force Justified

45-3-101. Definitions.
45-3-102. Use of force in defense of person.
45-3-103. Use of force in defense of occupied structure.
45-3-104. Use of force in defense of other property.
45-3-105. Use of force by aggressor.
45-3-106. Use of force to prevent escape.
45-3-107. Use of force by parent, guardian, or teacher.
45-3-108. Use of force in resisting arrest.
45-3-110. No duty to summon help or flee
45-3-110. Openly Carrying Weapon – Display - Exemption
45-3-112. Investigation of alleged offense involving claim of justifiable use of force**.**
45-3-115. Affirmative defense.

Knife Laws State/Cities

To access State/Local Knife Laws Click "Here"

Carry in Restaurants That Serve Alcohol

YES **45-8-328**

Note: A **"YES"** above means you can carry into places like described below. "NO" means you can't. Handgunlaw.us definition of "Restaurant Carry" is carry in a restaurant that serves alcohol. Places like Friday's or Red Lobster unless posted with "No Gun Signs." This may or may not mean the bar or the bar area of a restaurant. But you can carry your firearm into a restaurant that serves alcohol and sit and eat without consuming. Handgunlaw.us recommends you not sit at the Bar or in the Bar area of such restaurants. In some states it is illegal to be in the Bar area of such restaurants. Handgunlaw.us believes you should never consume alcohol when carrying your firearm. In some states it is illegal to take even one drink while carrying a firearm. If you want further info on carrying in places that serve alcohol check your state laws.

Chemical Sprays/Stun Gun/Higher Capacity Magazine Laws

Handgunlaw.us could find no restrictions in Montana Law concerning Chemical Sprays, Stun Guns Or Higher Capacity Magazine Bans.

LEOSA State Information

Montana LEOSA Info (Scroll to bottom of page)

Note: Instructors who can qualify Active Police Officers can Qualify those Retired under LEOSA.

See the LEOSA Section on the **USA Page** at Handgunlaw.us for more LEOSA Information.

Attorney General Opinions/Court Cases

Montana Supreme Ct – Board of Regents Has Total Say on Firearms on Campus (6/2022)

[Montana Supreme Court – Synopsis of Board of Regents Ruling Above.] (6/2022)

[9th Cir.Ct. 1000 Ft Fed School Zone Law Doesn't Apply to MT Permitless Carrierss Under MT Law.]

Airport Carry/Misc. Information

Link to State Statutes

Airport Carry: **45-8-351** City/County/State Airports can Ban Firearm. Would have to be posted.

Training Valid for: **12 months for Enhanced.**

Time Period to Establish Residency: **6 Months**

Minimum Age for Permit/License: **18**

Permit/License Info Public Information: **NO**

State Reciprocity/How They Honor Other States Statute: **45-8-329.**

State Firearm Laws: **45-8-301 thru 45-8-361**

State Deadly Force Laws: **45-3-101 thru 45-3-115**

State Knife Laws: **45-8-316 & 45-8-331.**

Chemical/Electric Weapons Laws: **No laws found.**

Body Armor Laws: **46-18-224**

Does Your Permit Cover Other Weapons Besides Firearms? **YES** **45-8-316 & 45-8-321**

State Safe Storage/Access by Minors Statute/s: **No Statute Found**

Is carrying of a Concealed Firearm with Permit/License for Defensive Purposes Only While Hunting Legal? **YES?** DNR I can not find any MT law/regulation that says you can't.

Notes

Montana Firearms and Human Rights

1. Sections 1 through 3 - **([49-1-201 - 210])** may be cited as the **"Gun Owners Access to Justice Act".**

2. Definitions. As used in [sections 1 through 3], unless the context clearly indicates otherwise, the following definitions apply:

(1) "Burden" means to directly or indirectly constrain, inhibit, curtail, or deny a person's right to bear arms or to compel any action contrary to a person's right to bear arms. The term includes but is not limited to withholding benefits, excluding the person from government programs, and assessing criminal, civil, or administrative penalties.

(2) "Compelling state interest" means a government interest of the highest magnitude that cannot otherwise be achieved without burdening a person's right to bear arms.

(3) "Person" means an individual, association, partnership, corporation, estate, trust, foundation, or other legal entity.

(4) "Right to bear arms" means the right defined by Article II, section 12, of the Montana constitution.

(5) "State" means the state of Montana or any political subdivision or local government, municipality, or instrumentality of the state.

3. Right to bear arms protected -- Remedies.

(1) The state may not burden a person's right to bear arms unless the state proves that burdening the person's right to bear arms furthers a compelling state interest and is the least restrictive means to further that interest.

(2) A person whose right to bear arms has been burdened by the state, or is likely to be burdened by the state, in violation of subsection (1) may assert the violation or impending violation as a claim or defense against the state in a judicial proceeding. The person asserting the claim or defense may obtain appropriate relief, including but not limited to injunctive relief, declaratory relief, and compensatory damages.

(3) A person who prevails on a claim to enforce the person's rights under Article II, section 12, of the Montana constitution or [sections 1 through 3] must be awarded reasonable attorney fees and costs.

4. Codification instruction. [Sections 1 through 3] are intended to be codified as an integral part of Title 49, chapter 1, part 2, and the provisions of Title 49, chapter 1, part 2, apply to [sections 1 through 3].

En. Sec. 2, Ch. 523, L. 2023

State Emergency Powers

10-3-101. Declaration of Policy

(11) ensure, the protections under the first amendment of the United States constitution and under Article II, sections 6 and 7, of the Montana constitution of the rights of free speech, freedom of assembly, freedom of the press, and the right to petition the government for a redress of grievances; and

(12) ensure the protection of the rights under the second amendment of the United States constitution and under Article II, section 12, of the Montana constitution." amd. Sec. 7, Ch. 504, L. 2021.

10-3-102. Limitations. Parts 1 through 4 of this chapter may not be construed to give any state, local, or interjurisdictional agency or public official authority to:

(7) prohibit, regulate, or curtail the otherwise lawful possession, carrying, sale, transportation, transfer, defensive use, or other lawful use of:

(a) a firearm, including a component or accessory;

(b) ammunition, including any component or accessory;

(c) ammunition-reloading equipment and supplies; or;

(d) a personal weapon other than a firearm

(8) seize, commandeer, or confiscate in any manner:

(a) a firearm, including any component or accessory;

(b) ammunition, including a component or accessory;

(c) ammunition-reloading equipment and supplies; or

(d) a personal weapon other than a firearm;

(9) suspend or revoke a permit to carry a concealed pistol issued pursuant to Title 45, chapter 8, except as expressly authorized in that chapter;

(10) refuse to accept an application for a permit to carry a concealed weapon, provided the application has been properly completed in accordance with Title 45, chapter 8;

(11) close or limit the operating hours of an entity engaged in the lawful selling or servicing of a firearm, including:

(a) a component or accessory;

(b) ammunition, including a component or accessory;

(c) ammunition-reloading equipment and supplies; or

(d) a personal weapon other than a firearm, unless the closing or limitation of hours applies equally to all forms of commerce within the jurisdiction;

(12) close or limit the operating hours of any indoor or outdoor shooting range; or

(13) place restrictions or quantity limitations on an entity regarding the lawful sale or servicing of:

(a) a firearm, including a component or accessory;

(b) ammunition, including a component or accessory;

(c) a mmunition-reloading equipment and supplies; or

(d) a personal weapon other than a firearm. Sec. 1, Ch. 515, L. 2021

10-3-125 Claims or Defense Against State Action -- Remedies -- Limitations.

(1) A person or entity may assert a violation of 10-3-101 or 10-3-102 as a claim against a state, local, or interjurisdictional agency or public official in any judicial or administrative proceeding or as a defense in any judicial proceeding.

(2) In any civil action based on this section, the court may grant:

(a) declaratory relief;

(b) injunctive relief;

(c) compensatory damages for pecuniary and nonpecuniary losses;

(d) reasonable attorney fees and costs; and

(e) any other appropriate relief.

(3) A person or entity may not bring an action to assert a claim under this section later than 2 years after the date that it knew or could have known that a violation occurred. amd. Sec. 2, Ch. 166, L. 2023.

10-3-114. Confiscation of Firearms and Certain Actions by Government Prohibited -- Private Right of Action -- Costs and Expenses

(1) Following a declaration of an emergency or disaster pursuant to this chapter, a peace officer or other person acting or purporting to act on behalf of the state or a political subdivision of the state may not take a confiscation action or;

(a) prohibit, regulate, or curtail the otherwise lawful possession, carrying, sale, transportation, transfer, defensive use, or other lawful use of any:

(i) firearm, including any component or accessory;
(ii) ammunition, including any component or accessory;
(iii) ammunition-reloading equipment and supplies; or
(iv) personal weapons other than firearms;

(b) seize, commandeer, or confiscate in any manner, any:

(i) firearm, including any component or accessory;
(ii) ammunition, including any component or accessory;
(iii) ammunition-reloading equipment and supplies; or
(iv) personal weapons other than firearms;

(c) suspend or revoke a permit to carry a concealed weapon;

(d) refuse to accept an application for a permit to carry a concealed pistol, provided the application has been properly completed under 45-8-321 through 45-8-324;

(e) unless the closing or limitation of hours applies equally to all forms of commerce within the jurisdiction, close or limit the operating hours of any entity engaged in the lawful selling or servicing of any:

(i) firearm, including any component or accessory;
(ii) ammunition, including any component or accessory;
(iii) ammunition-reloading equipment and supplies; or
(iv) personal weapons other than firearms;

(f) close or limit the operating hours of any indoor or outdoor shooting range; or

(g) place restrictions or quantity limitations on any entity regarding the lawful sale or servicing of any:

(i) firearm, including any component or accessory;
(ii) ammunition, including any component or accessory;
(iii) ammunition-reloading equipment and supplies; or
(iv) personal weapons other than firearms.

(2) After a violation of this section has occurred, the party injured by a confiscation action or other action prohibited in subsection (1) may bring an action for damages in a court having jurisdiction.

(3) A party awarded damages pursuant to this section must also be awarded the party's costs and expenses in bringing the action, including reasonable attorney fees.

(4) (a) As used in this section, "confiscation action" means the intentional deprivation by a person in Montana of a privately owned firearm.

(b) The term does not include the taking of a firearm from a person:
(i) in self-defense;
(ii) possessing a firearm while the person is committing a felony or misdemeanor; or
(iii) who may not lawfully possess the firearm because of a prior criminal conviction.

(5) Nothing in this section may be construed to infringe on the rights of private landowners or the person Who is in control of the property, including a tenant or lessee, to regulate firearms on their property.

amd. Sec. 1, Ch. 530, L. 2021.

Note: Federal Law can apply if the state is receiving monetary and/or other assistance from the Federal Government. See **US Code 42-5207** for Federal Law as it applies to States of Emergencies. The state quoted code may also not be all of the law on Emergency Powers held by the state. You should read the entire code on Emergency Powers etc for this state by following the link to the state code.

What Does MT Consider A Loaded Firearm?

Montana law does not define loaded or unloaded firearm.

Note: With no definition on what the state considers a loaded firearm at the minimum I would have no cartridge in the firing chamber, cylinder, internal or attached magazine or attached to the firearm in any way.

Minimum Age for Possessing and Transporting of Handguns.

Montana 14 Y/O

45-8-344. Use of firearms by children under 14 years of age prohibited -- exceptions.

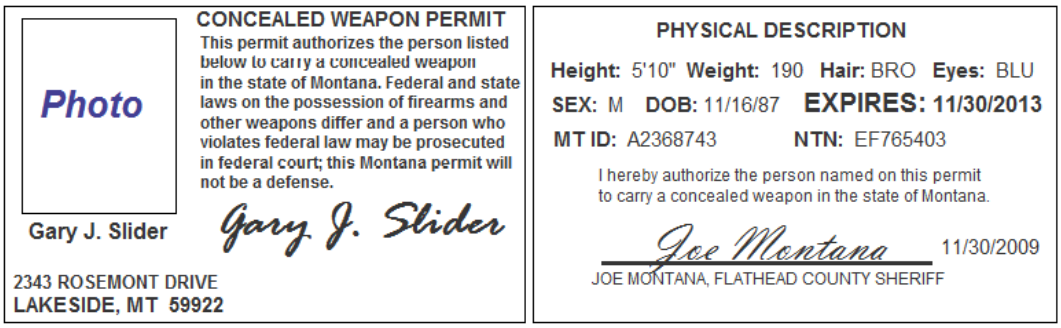
It is unlawful for a parent, guardian, or other person having charge or custody of a minor child under the age of 14 years to permit the minor child to carry or use in public any firearms, except when the child is accompanied by a person having charge or custody of the child or under the supervision of a qualified firearms safety instructor or an adult who has been authorized by the parent or guardian. 1, Ch. 600, L. 1993

This is the minimum age for possessing and transporting a handgun unloaded and secured in a vehicle without any type of permit/license to carry firearms.

Note: In some states Possession and Transportation CAN be very restrictive in that you can ONLY possess and transport a handgun to and from a Shooting Range, Gun Shop, property you own or other places you can legally possess a handgun. Some states do not have this restriction.

This is not the last word on possession and transporting of handguns in this, or any other state. Study your state law further for more information. See "RV/Car Carry" Section Above for more information.

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Updates to this Page

Archive of Previous Updates 2

7/1/2025 – All Links Checked.
10/15/2025 – All External Links, Statutes and Admin Rules Quoted Have Been Checked and are up to Date and Point to the Most Up to Date Published Edition of that Statute/Admin Rule and/or Document.
1/1/2026 – 9th US Dist. Ct Ruling on Fed School Zone and MT Permitless Carriers Added to AG/Court Case Section.
1/20/2026 - All Links Checked and Repaired if Needed. On This Date All Statutes Quoted Checked and are Latest Version of That Statute.
1/20/2026 - All Links Checked and Repaired if Needed. On This Date All Statutes Quoted Checked and are Latest Version of That Statute.
6/7/2026 – All Links Checked.
9/5/2026 – All Links Checked.