



Written by [Christian Gomez](#) on March 14, 2013

Montana Legislature Passes Gun Control Nullification Bill

After a vote of 28-21 in the state Senate on Wednesday, March 13, Montana is moving toward being the first state in the country to approve a bill prohibiting the enforcement of a potential federal ban on semiautomatic firearms and large-capacity magazines within its borders. The bill, HB 302, also calls for criminal penalties for any employee, official, or officer of either local or state government who enforces such a measure within Montana.



"I view this bill basically as pushback to the discussion in Washington, D.C.," said state Sen. Jennifer Fielder (R-Thompson Falls). "It has come to the point where the people are saying enough is enough," Fielder told the [Missoulian](#).

House Bill 302, the "Montana Federal Semiautomatic Firearm and Large Magazine Ban Enforcement Prohibition Act," passed the state House 56-42 on February 22. Because the original bill was amended by the Senate Judiciary Committee, both legislative chambers need to reconcile the two versions of the bill.

Once reconciled, the bill will be sent to the desk of Governor Steve Bullock, a Democrat. The governor has not taken a public position on the bill, which now awaits either his signature or veto. If Bullock signs the bill, Montana will be the first state to have officially nullified federal gun control, since the horrific tragedy at Sandy Hook Elementary School, in Newtown, Connecticut, last year.

On its website, the Tenth Amendment Center encourages residents of Montana to e-mail Governor Bullock or call him locally at 406-444-3111 or toll-free at 855-318-1330, to encourage him to sign HB 302.

The key portion of HB 302 reads:

A peace officer, state employee, or employee of any political subdivision is prohibited from enforcing, assisting in the enforcement of, or otherwise cooperating in the enforcement of a federal ban on semiautomatic weapons or large magazines and is also prohibited from participating in any federal enforcement action implementing a federal ban on semiautomatic weapons or large magazines.

Another portion of the bill declares that Montana may not use "public funds or allocate public resources for the enforcement of a federal ban on semiautomatic weapons or large magazines." Violation of this section of the bill would be considered as an act theft, which is a misdemeanor under state law.

The previous day, the Montana House approved another bill 89-11, Senate Bill 145, which would require Montana concealed weapon permit information to be kept confidential. SB 145 already passed the state Senate 37-13 on January 31, 2013, and like HB 302 is also expected to go to Gov. Bullock's desk.

Montana's nullification efforts against gun control are not without historical precedent. Historian Thomas Woods has written an excellent brief history of state nullification of federal laws in his article,



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“The States’ Rights Tradition Nobody Knows.” In recent years, [dozens of states have introduced nullification-type legislation](#) to stop Real ID, affirm the Tenth Amendment, reject a federal mandate to buy healthcare insurance, and to reject federal firearm laws for guns manufactured, sold, and used intrastate (known as Firearms Freedom Acts or FFA). Not just in Montana, but all across the country, [sheriffs and legislators are acting to nullify proposed federal gun controls](#).

The total number of states that have introduced pro-Second Amendment nullification bills in their state legislatures currently stands at 32. These states include: Alabama, Alaska, Arizona, Colorado, Kansas, Kentucky, Ohio, Oklahoma, Oregon, Idaho, Indiana, Iowa, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Mexico, North Dakota, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, and Wyoming.

Of those 32 states, bills have passed at least one chamber in six states — Alaska, Kansas, Kentucky, Idaho, North Dakota, Utah, and Wyoming — and now both chambers in Montana.

This past Monday, on March 11, the Idaho House of Representatives approved 55-13 a bill prohibiting the enforcement of any ban or restriction on the ownership of a semiautomatic firearm or any magazine within the state’s borders. House Bill 219, the “[Idaho Federal Firearm, Magazine and Register Ban Enforcement Act](#),” would make it a felony to confiscate the firearm or magazine of a law abiding citizen who has not committed a crime and is legally residing within the state borders of Idaho.

Idaho’s HB 219 would also provide criminal penalties of up to \$1,000 in fines and a year in jail to any official, agent or employee of the state of Idaho, or any of its political subdivisions, caught enforcing any such federal restriction, regulation, or confiscation of semiautomatic firearms and magazines.

With the passage of HB 302 in both chambers of the Montana state legislature, Montana is the closest state in the country to making history. If Gov. Bullock signs the bill, Montana will be sending a clear and loud message to Washington that any violation or infringement of the people’s Second Amendment right to keep and bear arms will not be tolerated in the Big Sky Country.

Image: [Montana Capitol building in Helena with beautiful big blue sky](#) via Shutterstock



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