

MONTANA CODE ANNOTATED 2015

IMPORTANT
THIS IS *NOT* THE MOST CURRENT MCA
THE 2017 MCA IS AVAILABLE HERE.
PLEASE UPDATE YOUR BOOKMARKS.

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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.

History: En. Sec. 1, Ch. 435, L. 1997; amd. Sec. 6, Ch. 581, L. 1999.

Provided by Montana Legislative Services

Voyd St. Pierre

From: Elizabeth Kaleva <eakaleva@kalevalaw.com>
Sent: Thursday, June 13, 2019 2:31 PM
To: Voyd St. Pierre
Subject: Re: MCA 45-8-361

As long as the Board approves it and you follow all the safety regulations (NO BALL!!) you are fine

From: Voyd Pierre <voydsp@rockyboy.k12.mt.us>
Date: Thursday, June 13, 2019 at 1:25 PM
To: Elizabeth Kaleva <eakaleva@kalevalaw.com>
Subject: MCA 45-8-361

Bea, we are running a summer school program and in one of our courses [JH US History] the teacher is inquiring about the possibility of bringing in a gentleman to show and demonstrate a black powder rifle. I assume the demonstration would be the firing of "caps" and not a real ball. Under the above referenced code, 3b does not discuss discharge. Would this be an allowable activity or should we avoid this demonstration? Of course, the demonstration would be away from the school area on the football field. I was planning to present to the board on Tuesday for approval, if advisable.

Voyd