



AN ACT ESTABLISHING THE CRIME OF POSSESSION OF A STOLEN FIREARM; PROVIDING A PENALTY; AND AMENDING SECTION 45-8-405, MCA.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Possession of stolen firearm -- penalty. (1) A person commits the offense of possession of a stolen firearm if the person purposely and knowingly receives, possesses, conceals, stores, barter, sells, or disposes of a stolen firearm.

(2) A person convicted of the offense of possession of a stolen firearm shall be imprisoned in the state prison for a term not to exceed 10 years.

Section 2. Section 45-8-405, MCA, is amended to read:

"45-8-405. Pattern of criminal street gang activity. (1) For purposes of this part, "pattern of criminal street gang activity" means the commission, solicitation, conspiracy, or attempt, the adjudication as a delinquent youth for the commission, attempt, or solicitation, or the conviction of two or more of the offenses listed in subsection (2) within a 3-year period, which offenses were committed on separate occasions.

(2) The offenses that form a pattern of criminal street gang activity include:

- (a) deliberate homicide, as defined in 45-5-102;
- (b) assault with a weapon, as defined in 45-5-213;
- (c) intimidation, as defined in 45-5-203;
- (d) kidnapping, as defined in 45-5-302;
- (e) aggravated kidnapping, as defined in 45-5-303;
- (f) robbery, as defined in 45-5-401;
- (g) sexual intercourse without consent, as defined in 45-5-503;

- (h) aggravated sex trafficking, as defined in 45-5-706;
- (i) child sex trafficking, as defined in 45-5-711;
- (j) criminal mischief, as defined in 45-6-101;
- (k) arson, as defined in 45-6-103;
- (l) burglary, as defined in 45-6-204;
- (m) theft, as defined in 45-6-301;
- (n) forgery, as defined in 45-6-325;
- (o) tampering with witnesses and informants, as defined in 45-7-206;
- (p) bringing armed individuals into the state, as defined in 45-8-106;
- (q) unlawful possession of a firearm by a convicted person, as defined in 45-8-313;
- (r) carrying a concealed weapon, as defined in 45-8-316;
- (s) possession of a stolen firearm, as defined in [section 1];
- ~~(s)~~(t) possession of a deadly weapon by a prisoner, as defined in 45-8-318;
- ~~(t)~~(u) possession of a destructive device, as defined in 45-8-334;
- ~~(u)~~(v) possession of explosives, as defined in 45-8-335;
- ~~(v)~~(w) possession of a sawed-off firearm, as defined in 45-8-340;
- ~~(w)~~(x) the sale, possession for sale, transportation, manufacture, offer for sale, offer to manufacture, or other offense involving a dangerous drug as prohibited by Title 45, chapter 9;
- ~~(x)~~(y) use of threat to coerce criminal street gang membership or use of violence to coerce criminal street gang membership provided in 45-8-403."

Section 3. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 45, chapter 8, part 3, and the provisions of Title 45, chapter 8, part 3, apply to [section 1].

- END -

I hereby certify that the within bill,
HB 493, originated in the House.

Chief Clerk of the House

Speaker of the House

Signed this _____ day
of _____, 2025.

President of the Senate

Signed this _____ day
of _____, 2025.

HOUSE BILL NO. 493

INTRODUCED BY S. KELLY, J. ETCHART, T. SHARP, E. BYRNE, D. BAUM

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