

	Montana Operations Manual Policy	Category	Human Resources/ Employee Benefits
		Effective Date	02/26/2021
		Last Revised	6/4/2021
Issuing Authority	Department of Administration State Human Resources Division		
Permitted Conceal Carry Firearm Policy			

I. Purpose

The State of Montana is committed to a safe working environment and recognizes the right to bear arms in accordance with state and federal laws. This policy establishes the State’s expectations of eligible state employees who wish to carry a concealed firearm with a valid permit.

II. Scope

This policy covers all employees, except for those statutorily authorized to carry a firearm, in Montana’s executive branch agencies that are under the authority of the Governor.

This policy is consistent with HB 102 passed in the 2021 legislative session and permits eligible state employees to carry a concealed firearm with a valid permit. Nothing in this policy should be interpreted to require, encourage, or authorize any employee who lawfully possesses a firearm to use it in any manner for any reason. A person or employee who carries a firearm is solely responsible for any injury or property damage involving the firearm. The State of Montana is not liable for any wrongful or negligent act or omission related to actions of persons or employees who carry a concealed firearm.

III. Eligibility to Conceal Carry a Firearm

- A. For purposes of this policy, an “eligible employee” is an employee with a current and valid Montana concealed weapon permit (“CWP”) issued pursuant to 45-8-321, MCA, or recognized pursuant to 45-8-329, MCA. It is the employee’s responsibility to be aware of, understand, and comply with any state and federal laws on the right to carry a concealed firearm and to know whether the employee may legally carry a concealed firearm.
- B. Agency management has the authority to restrict employees otherwise eligible to carry a concealed firearm when it has reasonable cause to believe a restriction is necessary to keep the workplace safe and free from a recognizable hazard.

IV. Responsibilities and Requirements

- A. An eligible employee shall keep a firearm concealed and remain in immediate control of the firearm. "Concealed" means a firearm that is not apparent that the person is in possession of a firearm because it is wholly or partially covered by the clothing or apparel of the person carrying or bearing the weapon (45-8-315, MCA). For example, if a person's jacket opens in the act of raising an arm to ask a question and a gun can be seen, it is not a violation. An example of a violation would be a person taking a gun out of concealment to display or brandish it or intentionally lifting a jacket to make it known the person is carrying a firearm.
- B. A firearm must be carried in a suitable holster or carrying device. A suitable holster or carrying device is one that covers the trigger guard of the firearm and retains the firearm from accidental droppage. Carrying a firearm in a purse, backpack, briefcase, or in a holster with no retention is prohibited.
- C. If an eligible employee is using a state vehicle and comes to a location that prohibits firearms, the employee shall take steps to safely store and secure the firearm inside the locked vehicle. This safe, secure storage requires the firearm to be out of plain view in a locked location, e.g., glove box or trunk.
- D. If an eligible employee is using a personal vehicle for work-related travel and is in a paid status, the employee shall comply with the storage requirements set forth in IV (C) while performing the employee's job duties.

V. Location of Conceal Carrying a Firearm

Eligible employees are responsible for understanding state and federal laws relating to where a concealed firearm may be legally carried. Eligible employees must abide by the conceal carry laws, policies, or requirements of the location or building where they work or visit while engaged in their duties of employment. An eligible employee is encouraged to check local building rules before carrying a concealed firearm onto the premises.

Eligible employees who work at or visit locations other than state-owned buildings, such as a leased building, must abide by the conceal carry laws, policies, or requirements that apply to those buildings. For example, a leased building on private property may have a restriction regarding firearms on the premises that an eligible employee must comply with when visiting or working in the building. A list of state-leased buildings where state employees work may be accessed [HERE](#).

Additionally, under Montana law, eligible employees are specifically prohibited from carrying a concealed firearm in the following locations:

- A. 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;
- B. in a detention facility or secure area of a law enforcement facility owned and operated by a city or county;

- C. at or beyond a security screening checkpoint regulated by the transportation security administration in a publicly owned, commercial airport;
- D. in a building owned and occupied by the United States;
- E. on a military reservation owned and managed by the United States;
- F. 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;
- G. 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
- H. in a school building as determined by a school board pursuant to 45-8-361, MCA.

An eligible employee who wishes to carry a concealed firearm while traveling for work outside of Montana shall understand and comply with all federal and state laws in the states the employee will be traveling, including laws related to the transportation of a firearm.

VI. Prohibited Acts

- A. Agency management may prohibit the carry of a concealed firearm in certain circumstances when the nature of the employee's job duty poses an increased risk of accidental discharge. For example, an eligible employee may not carry a concealed firearm when performing job duties such as but not limited to climbing a ladder, operating machinery or equipment, or painting.
- B. A state employee is prohibited from carrying a concealed firearm without a valid permit under Montana law while performing the employee's job duties.
- C. An eligible employee in possession of a concealed firearm may not disclose or display the possession of the firearm with the intent to to coerce, intimidate, or interfere with another individual.

VII. Policy Violations

- A. An employee who violates this policy is subject to discipline, up to and including discharge.
- B. A policy violation includes a manager with knowledge who allows or fails to take appropriate action to correct conduct that violates this policy.