



STATE OF IDAHO

OFFICE OF THE ATTORNEY GENERAL

LAWRENCE G. WASDEN

Does the state of Montana recognize Idaho's Concealed Weapons License?

Yes Regular: IDAHO CODE § 18-3302
Yes Enhanced: IDAHO CODE § 18-3302K
Both
Neither

Does the state of «State» require a reciprocity agreement?

X No
Yes

If yes, is a formal agreement, such as a Memorandum of Agreement, required or will a less formal agreement, such as exchange of letters acknowledging reciprocity of our states' Concealed Weapons Licenses suffice?

Memorandum of Agreement
Exchange of Letters

Cory J. Swanson
Name
Deputy Attorney General
Title
Sep. 6, 2013
Date
406-444-5774
Telephone

Montana Department of Justice
State Agency Department
215 N. Sanders, P.O. Box 201401
Address
Helena, MT 59620-1401
City, State, Zip
coswanson@mt.gov
Email

ATTORNEY GENERAL
STATE OF MONTANA

Tim Fox
Attorney General



Department of Justice
215 North Sanders
PO Box 201401
Helena, MT 59620-1401

September 6, 2013

Stephanie A. Altig
Lead Deputy Attorney General
Office of the Idaho Attorney General
Idaho State Police
700 South Stratford Drive
Meridian, ID 83642-6202

Re: Montana Recognition of Idaho Concealed Weapons License and Enhanced Concealed Weapons License

Dear Ms. Altig:

I am writing in response to your letters of July 1 and August 23 of this year to our office regarding Idaho's new Enhanced Concealed Weapons License ("CWL"). I apologize for the delay in addressing this matter and providing a response to the question of whether Montana recognizes Idaho's Enhanced CWL, and whether Montana needs to enter into a reciprocity agreement with Idaho to recognize each other's concealed weapons permits or licenses.

Montana's recognition of concealed weapons licenses or permits from other states is governed by Montana Code Annotated § 45-8-329(1), which states:

- (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.

Based on your representation of Idaho law that a holder of a valid Idaho CWL or Enhanced CWL had undergone a criminal background check prior to issuance, the Idaho licenses meet the requirements of Montana law. In order for an Idaho licensee to lawfully carry a concealed weapon in Montana, he or she must also meet the conditions of having the permit and a valid

Stephanie A. Altig

September 6, 2013

Page 2

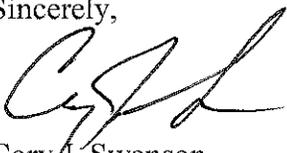
photo identification in his or her immediate possession. As you can see from clause (b) cited above, the Montana statute contemplates and accepts a photo identification that is contained on the actual concealed weapons license.

In answer to your additional question of whether Montana needs to enter a reciprocity agreement with Idaho in order to recognize Idaho's CWL or Enhanced CWL, the Montana statute also makes it clear no such agreement is necessary. Montana Code Annotated § 45-8-329(3) states, "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."

Every state has slightly different laws governing possession of firearms, whether concealed or open carry. In order to provide the clearest notice to citizens of where and how they can lawfully exercise their right to keep and bear arms, our office has recently updated its list of frequently asked questions, which we have found to be very useful to non-Montanans who are visiting our beautiful state. Please feel free to refer citizens of Idaho to this helpful link if they have questions about the use and possession of firearms in Montana. This information can be found at: <https://doj.mt.gov/featuredemp/frequently-asked-firearms-questions/>. In addition, Montana Code Annotated Title 45, Chapter 8, Part 3 contains the relevant state law on firearms use and possession.

Please notify me if I can be of further assistance to you.

Sincerely,



Cory J. Swanson
Deputy Attorney General
Montana Department of Justice