



LINCOLN COUNTY MONTANA

Resolution 2021-06

RESOLUTION TO PROHIBIT ARMS ON THE SECOND FLOOR OF THE LINCOLN COUNTY COURTHOUSE BUILDING AND THE FIRST FLOOR OF THE LINCOLN COUNTY ANNEX BUILDING

THE BOARD OF COUNTY COMMISSIONERS FOR LINCOLN COUNTY, MONTANA FINDS:

1. On February 18, 2021 House Bill 102 of the 67th Montana Legislature was duly passed by the Legislature and approved (signed into law) by the Governor. As it applies to relevant sections of HB 102, the bill has an immediate effective date “upon passage and approval”;
2. Section 4 of HB 102 provides as follows: A person with a current and valid permit issued pursuant to 45-8-321 or recognized pursuant to 45-8-329 may not be prohibited or restricted from exercising that permit anywhere in the state, except: ... (7) 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;
3. The third floor of the Lincoln County Court House holds Montana’s 19th Judicial District court room, along with district court judicial offices;
4. Additionally, the first floor of the Lincoln County Annex Building holds the Lincoln County Justice of the Peace and Libby City Judge court rooms and judicial offices;
5. Both the third floor of the Lincoln County Court House and the first floor of the Lincoln County Annex Building require judicial officers to walk from secured chambers to courtrooms and/or clerk offices through open and unsecured areas;
6. Judicial officers and other court personnel routinely handle domestic and criminal matters that involve high levels of emotion and angst, which may subject them to reprisal or attack while walking through open and unsecured areas.

THE BOARD RESOLVES:

Therefore, the Board of Lincoln County Commissioners hereby resolves that all persons are prohibited from possessing or carrying firearms or other weapons on the third floor of the Lincoln County Court House and the first floor of the Lincoln County Annex Building, except law enforcement or judicial personnel with a current and valid permit. This prohibition specifically extends to persons with a valid permit issued pursuant to Mont. Code Ann. §45-8-321 or recognized pursuant to Mont. Code Ann. §45-8-329.



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THE BOARD FURTHER RESOLVES:

1. If a provision of this resolution conflicts with a provision of a previously adopted resolution, this resolution will prevail.
2. This resolution and its various sections, clauses and paragraphs are severable. If any part, sentence, clause or phrase is adjudged to be unconstitutional or invalid, the remainder of the resolution will not be affected.
3. This resolution will be effective immediately upon adoption, in accordance with § 7-5-123, MCA.
4. This Board directs that this resolution be entered into the minutes and signed by the Chair of the Board in accordance with § 7-5-121, MCA.

END OF RESOLUTION

Approved as to Form:




 Marcia Boris, County Attorney

Date presented to the Board 30th March 2021 Approved Disapproved () Amended ()

Adopted this 30th day of March, 2021.

LINCOLN COUNTY BOARD OF COMMISSIONERS

ATTEST:



 Robin Benson, Clerk of the Board



 Jerry Bennett, Chair