

ADMINISTRATIVE ORDER 2023 – 01

Adoption of City of Bozeman Weapons on City Property Policy

Pursuant to my authority as City Manager, I hereby adopt the attached City of Bozeman Weapons on City Property Policy attached hereto as Attachment A.

DATED this 13th day of April, 2023



Jeff Michelich, City Manager

ATTACHMENT A
Weapons on City Property Policy

City of Bozeman Human Resources Policy: Weapons on City Property

Rev. 03/2023

I. Purpose and Scope

The City of Bozeman (“City”) recognizes the importance of establishing and maintaining a safe and secure environment for City employees and its citizens. The City recognizes the right to bear arms in accordance with state and federal laws. This policy establishes the City’s expectations of employees who wish to lawfully carry a concealed firearm with a valid permit and outlines the procedures involving the possession of weapons, or the threat to use weapons, in the workplace.

This policy applies to all City employees and volunteers with the exception of sworn peace officers and Special Services Officers of the Bozeman Police Department. Violations of this policy will result in disciplinary action up to and including termination.

II. Responsibilities

Supervisory staff are expected to demonstrate their commitment to this policy by communicating it to their staff, ensuring adherence, and addressing violations in a timely manner.

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 they may carry a concealed firearm.

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. An employee who carries a firearm is solely responsible for any injury or property damage involving the firearm. The City of Bozeman is not liable for any wrongful or negligent act or omission related to actions of persons or employees who carry a concealed firearm.

III. Definitions

City property: Property owned, under the governance of the City of Bozeman. City property does not include private property for which an executed, current lease agreement exists.

Concealed-carry: Carrying a concealed weapon in a manner that hides or conceals the weapon’s presence from surrounding observers.

Concealed-weapon: A firearm that is wholly or partially covered by the clothing or wearing apparel of the person carrying or bearing the weapon. [MCA §45-8-315](#).

Concealed weapon permit from another recognized state: A concealed weapon permit from another state is valid in Montana 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,

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whether on the permit or on other identification; and (c) the state that issued the permit requires a criminal records background check. [MCA §45-8-329](#).

Firearm: Any type of gun designed to be readily carried and used by an individual (see [BMC 24.07.160\(A\)\(2\)](#)).

Open-carry: Visibly carrying a firearm in public places.

Permitted, concealed carry: The carrying of a concealed weapon by anyone eligible to possess firearms or the carrying of a firearm into a state government office or state building with a valid concealed weapons permit from Montana or other authorized state.

Unpermitted, concealed carry: Carrying a concealed weapon into a state government office or state building without a concealed weapon permit from Montana or another recognized state.

Weapon: An instrument, article, or substance that, regardless of its primary function, is readily capable of being used to produce death or serious bodily injury ([MCA §45-2-101\(79\)](#)), which includes firearms and other weapons as defined in [BMC 24.07.160\(A\)\(3\)](#).

IV. Policy

A. Firearms

In accordance with Montana state law, employees eligible to possess a firearm under state or federal law ([MCA §45-8-316](#)) are allowed permitted, concealed firearms on City property, excluding the Bozeman Public Safety Center located at 901 North Rouse, Bozeman, MT and any other location where concealed weapons are not prohibited under [MCA §45-8-356](#). Exceptions for 901 North Rouse, Bozeman, MT may be provided for by municipal court order. Additional exceptions may be granted at the sole discretion of the Chief of Police, in accordance with Bozeman Police Department protocol.

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

Employees who work at or visit locations other than City-owned property, such as leased space in a privately owned building, must abide by the conceal carry laws, policies, or requirements that apply to those buildings.

Prior to bringing a permitted firearm onto City property, the employee shall provide Human Resources

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with a copy of their current and valid concealed weapons permit. The employee shall review this policy and sign an acknowledgement of the receipt of this policy.

At no time may an employee openly carry or bring an unpermitted, concealed firearm onto City property.

City employees with a permitted, concealed firearm must comply with the following:

1. A copy of a current and valid concealed weapon permit and a copy of any renewal of that permit must be provided to Human Resources. The copy of the permit, any renewal, and signed acknowledgement of this policy will be placed in the employee's personnel file.
2. The firearm is to remain concealed at all times. An employee cannot show, display, or demonstrate their firearm at any time, to anyone. At no time shall the firearm be visible to others.
3. The firearm shall not be brandished in a threatening manner or otherwise as a means of intimidating, terrorizing, or coercing.
4. The firearm must remain under the control and possession of the employee at all times. The firearm shall not be left unattended in a handbag, backpack, desk drawer, or any other work location.
5. The firearm shall not be used in the regular course and scope of employment, as defined by the employee's job description.
6. The City 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, or necessary for the employee to perform the functions of their position. The Department Director in consultation with Human Resources, shall be responsible for making this determination.
7. A firearm must be carried in a suitable holster or carrying device and must be always on the person. A suitable holster or carrying device is one that covers the trigger guard of the firearm and retains the firearm from being dropped. Carrying a firearm in a handbag, backpack, briefcase, waistband, or in a holster with no retention is prohibited.
8. An employee who wishes to carry a permitted concealed firearm while traveling for work, outside of Montana must understand and comply with all federal and state laws in the state(s) the employee will be travelling, including laws relating to the transportation of the firearm.

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9. Violations of this policy including accidental or unauthorized discharge of the firearm will result in discipline up to and including termination of employment. Accidental or unauthorized discharges may also result in criminal charges. The employee is responsible for accidental or unauthorized discharges.

B. Knives

Knives with a blade length greater than four (4) inches, when utilized in the performance of the employee's job duties, are permitted on City property upon approval from the employee's supervisor. Knives with a blade length greater than four (4) inches that are not utilized in the performance of official job duties, are prohibited on City property.

C. Pepper Spray/Defensive Mace

Employees carrying pepper spray or defensive mace for the purpose of personal protection on City property must comply with the following:

1. The pepper spray/defensive mace shall not be brandished in a threatening manner or otherwise as a means of intimidating, terrorizing, or coercing.
2. The pepper spray/defensive mace must remain under the control and possession of the employee at all times. The pepper spray/defensive mace shall not be left unattended in a handbag, backpack, desk drawer, or any other work location.
3. The pepper spray/defensive mace shall not be used in the regular course and scope of employment, as defined by the employee's job description.

V. Responsibility for Review

The Human Resources Director, or designee, shall be responsible for reviewing this policy as needed, or at least every two (2) years.

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Appendix A: Policy Acknowledgement

Employee Name:		Date:	
Position:		Department:	