



Support Montana "Sheriffs First" Bill

Support Montana "Sheriffs First" Bill HB 439

Members of the Montana Legislature are seeking to enact legislation that would prevent unconstitutional federal law-enforcement activities in Montana.

House Bill No. 439 ([HB 439](#)) is sponsored by Representative Lee Deming (R-Laurel). As amended by the committee, it would [require](#) federal law-enforcement agents to notify the county sheriff before making an arrest or conducting a search in that county. ***Urge your state legislators to restore the original version of the bill, which was far stronger.***

Original Bill Version

As [originally introduced](#), HB 439 would have banned federal agents from making "an arrest, search, or seizure in this state without the written permission of the sheriff or designee of the sheriff of the county in which the arrest, search, or seizure will occur..."

Furthermore, the bill would have nullified any federal law usurping the authority of county sheriffs:

Pursuant to the 10th amendment to the United States constitution and this state's compact with the other states, the legislature declares that any federal law purporting to give federal employees the authority of a county sheriff in this state is not recognized by and is specifically rejected by this state and is declared to be invalid in this state.

HB 439 contained certain exceptions, such as whether the arrest, search, or seizure happens on a federal enclave, or if the sheriff chooses not to enforce the bill's provisions. For some other exceptions, the federal government would still need permission from Montana's attorney general before acting.

Under HB 439, federal agents who violate the law would be guilty of a misdemeanor and punished accordingly.

The John Birch Society

Author: [Peter Rykowski](#)

Date: February 25, 2025



Importance

HB 439 is an excellent application of [Article VI](#) of the U.S. Constitution, [which states](#), “[t]his Constitution, and the Laws of the United States which shall be made in Pursuance thereof ... shall be the supreme Law of the Land.”

[Article I, Section 8](#) of the Constitution does not grant the federal government any authority over law-enforcement matters, nor does it allow the federal government to usurp the authority of county sheriffs. As reinforced by the [10th Amendment](#), such matters are reserved to the states and the people. Accordingly, any federal involvement in local law enforcement is not “in Pursuance” of the Constitution — and state and local officials have a duty to enforce the Constitution by nullifying such edicts.

Also, locally controlled law enforcement is integral to a free society. When local control is diluted, accountability to local voters is also diluted, and big-government power is increased. Federal involvement in local police is dangerous; it makes the latter dependent on the former, thus allowing the federal government to insidiously take over local police departments. This is a major step toward federalized police.

County sheriffs are key to protecting citizens against tyranny — they were at the forefront of nullifying state and federal Covid/vaccine mandates, and they also have protected against state and federal gun-control measures. In countries with federalized law enforcement — such as Canada, China, and the socialist-run European countries — nothing is stopping the central government from violating people’s God-given rights.

Urge your state representative and senator to support HB 439 and every other measure that nullifies unconstitutional federal actions or usurpations.