

- VEST FIRST RESPONDER -

HELP FOR HEROES

MONTANA

Self-Defense Law Reference Guide

Stand Your Ground | Castle Doctrine | Self-Defense | First Responder Protections | Police Use of Force

CERTIFIED TRAINER SUPPLEMENTAL DOCUMENT

Intended exclusively for VEST Certified Trainers. Not a substitute for legal counsel.

Montana's self-defense laws are codified in Title 45, Chapter 3 of the Montana Code Annotated (MCA). Montana is a Stand Your Ground state with no duty to retreat. Montana Code S. 45-3-110 explicitly states that a person 'has no duty to retreat from a threat or summon law enforcement assistance prior to using force.' Montana also recognizes the Castle Doctrine under S. 45-3-103 for occupied structures. Montana's unique legislative intent provision (S. 45-3-101) frames the state's approach as protecting the individual's right to self-defense without any retreat obligation.

STATUTE	SUBJECT MATTER
MCA S. 45-3-101	Legislative Intent - Right of Self-Defense Without Retreat
MCA S. 45-3-102	Use of Force in Defense of Person - Core Standard
MCA S. 45-3-103	Use of Force in Defense of Occupied Structure - Castle Doctrine
MCA S. 45-3-104	Use of Force in Defense of Other Persons
MCA S. 45-3-105	Exceptions - When Force Is Not Justified
MCA S. 45-3-110	No Duty to Retreat or Summon Help - Stand Your Ground
MCA S. 27-1-722	Civil Immunity for Justified Force
MCA S. 45-5-210	Assault on Peace Officer or Emergency Services Personnel - Felony

PART I: THE MONTANA SELF-DEFENSE STATUTORY FRAMEWORK

MCA S. 45-3-101 - Legislative Intent

Montana's Legislature has explicitly declared the state's self-defense philosophy: individuals have a fundamental right to defend themselves and others, and no person should be required to summon help or retreat before exercising that right. This legislative intent section frames the entire Chapter 3 framework as affirmatively protective of self-defense rights.

MCA S. 45-3-102 - Use of Force in Defense of Person

"A person is justified in the use of force or threat to use force against another when and to the extent that the person reasonably believes that the conduct is necessary for self-defense or the defense of another against the other person's imminent use of unlawful force. However, the person is justified in the use of force likely to cause death or serious bodily harm only if the person reasonably believes that the force is necessary to prevent imminent death or serious bodily harm to the person or another or to prevent the commission of a forcible felony." - MCA S. 45-3-102

Montana's core standard uses 'reasonably believes' - evaluated objectively from the actor's perspective at the moment of the incident. Deadly force is justified when necessary to prevent imminent death, serious bodily harm, or commission of a forcible felony. The standard is proportionate: non-deadly force is available against non-deadly threats; deadly force requires the higher threshold.

MCA S. 45-3-103 - Use of Force in Defense of Occupied Structure (Castle Doctrine)

"A person is justified in the use of force or threat to use force against another when and to the extent that the person reasonably believes that the use of force is necessary to prevent or terminate the other person's unlawful entry into or attack upon an occupied structure." - MCA S. 45-3-103(1)

Montana's Castle Doctrine applies to 'occupied structures' - a term that encompasses homes, businesses, and any occupied building. Deadly force is authorized within an occupied structure when the person reasonably believes such force is necessary to prevent an attack that would cause death or serious bodily harm within the structure, or to prevent commission of a forcible felony.

- Occupied Structure - any building occupied by persons, including homes, businesses, and fire stations.
- Deadly force - justified when necessary to prevent death, serious bodily harm, or forcible felony inside the structure.
- No duty to retreat in an occupied structure when facing an unlawful entry or attack.

MCA S. 45-3-110 - No Duty to Retreat or Summon Help (Stand Your Ground)

"Except as provided in 45-3-105, a person who is lawfully in a place or location and who is threatened with bodily injury or loss of life has no duty to retreat from a threat or summon law enforcement assistance prior to using force." - MCA S. 45-3-110

Montana's Stand Your Ground provision is direct and comprehensive. A lawfully present person facing a threat of bodily injury or loss of life has NO duty to retreat AND NO duty to summon law enforcement before using force. This 'no duty to summon help' language is unique to Montana and reflects the state's recognition that requiring a person to call 911 before defending themselves is unrealistic and dangerous.

MONTANA'S UNIQUE 'NO DUTY TO SUMMON HELP' PROVISION:

MCA S. 45-3-110's 'no duty to summon law enforcement assistance prior to using force' provision is unique among the states in this series. It directly addresses the scenario where a person faces an immediate threat and has no time to call for help before defending themselves. For first responders, this provision also clarifies that they need not attempt to radio for law enforcement backup before using force to defend themselves from an imminent attack.

MCA S. 27-1-722 - Civil Immunity

Montana provides civil immunity for persons who use force justified under Chapter 45-3. A person who uses justified force cannot be sued civilly for injuries caused to the aggressor. This provision also awards attorney's fees and court costs to the person who successfully invokes this civil immunity.

PART II: DUTY TO RETREAT - MONTANA'S POSITION

Montana has NO duty to retreat - and NO duty to summon help before using force. MCA S. 45-3-110 is explicit on both points.

- No retreat required anywhere a person is lawfully present.
- No duty to summon law enforcement before using force - unique to Montana in this series.
- Castle Doctrine covers occupied structures (homes, businesses, stations).
- Civil immunity available for justified force under MCA S. 27-1-722 (with attorney's fees).

- Exception: Initial aggressors who have not clearly withdrawn cannot claim justified force (S. 45-3-105).
- Exception: Persons engaged in a criminal transaction at the time force is used may lose the justification.

PART III: FIRST RESPONDER ASSAULT - ENHANCED CRIMINAL PROTECTIONS

MCA S. 45-5-210 - Assault on Peace Officer or Emergency Services Personnel

Montana's assault statute elevates the offense when the victim is a peace officer or emergency services personnel engaged in official duties. Assault on a peace officer or emergency services provider is a felony offense, carrying enhanced penalties above standard assault. The victim must be engaged in official duties at the time of the assault, and the attacker must know or reasonably should know the victim's status - satisfied by uniform, marked vehicle, or visible EMS/fire identification.

- Emergency services personnel explicitly covered by Montana's enhanced assault statute.
- Felony offense - elevated from misdemeanor when victim is on-duty emergency personnel.
- 'Knows or should know' element satisfied by uniform, marked vehicle, or visible identification.

TRAINER EMPHASIS:

Montana's felony enhancement for assaults on emergency services personnel creates real criminal consequences for any attack on an on-duty EMS or fire provider. VEST trainers should reinforce that uniform visibility and marked apparatus operation satisfy the knowledge element - an attacker who claims not to have known the victim was a first responder when operating in uniform will face a very challenging argument.

PART IV: POLICE USE OF FORCE & NECK RESTRAINT FRAMEWORK

Montana does NOT have a statewide statutory chokehold ban. Police neck restraint policy in Montana is governed by the Montana Law Enforcement Academy (MLEA) and individual agency use-of-force policies.

- NO statewide statutory chokehold or carotid restraint ban as of 2024-2025.
- MLEA training standards address high-risk force techniques.
- Individual agencies may adopt more restrictive policies; some Montana departments have administratively restricted chokeholds.
- Montana's general use-of-force framework governs when any high-risk technique may be applied.

FIRST RESPONDERS VS. LAW ENFORCEMENT:

Montana's law enforcement use-of-force standards do not apply to civilian EMS and fire personnel in personal self-defense. A Montana paramedic or firefighter defending their life is evaluated under MCA S. 45-3-102 and related provisions. There is no statutory restriction on civilian Montana first responders using any defensive technique in genuine life-safety self-defense.

PART V: APPLYING VEST PRINCIPLES UNDER MONTANA LAW

1. No Duty to Retreat AND No Duty to Summon Help

Montana's MCA S. 45-3-110 removes both retreat and pre-force help-summoning requirements. For first responders who may be working in remote areas or situations where backup is not immediately available, this dual protection is practically significant. VEST training emphasizes professional de-escalation as the preferred first response - not because the law requires it, but because it is both ethically correct and legally advantageous.

2. Occupied Structure Castle Doctrine Covers Your Station

MCA S. 45-3-103's occupied structure Castle Doctrine covers any building where persons are present, including fire stations, EMS bases, and hospitals. VEST station security protocols directly support the factual record for Castle Doctrine protection in Montana.

3. Civil Immunity With Attorney's Fees

MCA S. 27-1-722's civil immunity with attorney's fee recovery means that a successful immunity claim protects both from the lawsuit and from legal costs. Documentation remains essential to sustain the immunity claim.

4. De-Escalation Is Sound Even Without a Retreat Requirement

Montana's 'reasonably believes necessary' standard requires genuine proportionality. VEST Level I de-escalation curriculum creates the record that force was a last resort when it was genuinely required - supporting the justification and the immunity claim.

5. Partner Defense Is Explicitly Covered

MCA S. 45-3-104 authorizes force to defend another person under the same standards as self-defense. VEST Level III partner defense training is directly grounded in this statute. Montana's no-retreat and no-summon-help provisions apply equally when defending a partner.

LEGAL DISCLAIMER

This document is produced by VEST First Responder LLC for educational and trainer development purposes only. It does not constitute legal advice. Montana Code Annotated Title 45, Chapter 3; MCA S. 27-1-722 are subject to legislative amendment, and individual incidents are always fact-specific. VEST Certified Trainers and their agencies should consult with a licensed attorney, their medical director, and agency legal counsel before developing or delivering formal use-of-force or defensive tactics policies.

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