

## CHAPTER 77

## (HB 108)

AN ACT relating to gun buy-back programs.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

SECTION 1. A NEW SECTION OF KRS CHAPTER 237 IS CREATED TO READ AS FOLLOWS:

- (1) *Each law enforcement agency of state, county, urban-county, charter county, or city government or any other law enforcement agency that participates in a "gun buy-back program" or other program in which firearms or ammunition are purchased or surrendered for the purpose of destruction shall assure that:*
  - (a) *The serial number of each firearm that is purchased or surrendered to the program is checked against local, state, and federal records of stolen firearms and, if it is found that the firearm is a stolen firearm, that the firearm is not destroyed without the written permission of the lawful owner thereof and that if the lawful owner of the firearm does not give written permission for the firearm to be destroyed, that the firearm is returned to its lawful owner;*
  - (b) *If it is determined that a firearm that is purchased by, or surrendered to the "gun buy-back program" is stolen, that the law enforcement makes an effort to arrest the thief or any person who possessed the firearm knowing it was stolen; and*
  - (c) *Prior to the destruction of any firearm that is purchased or surrendered, that a written determination is made as to whether the firearm may have been used in a crime, and that if it is determined that the firearm probably was used in a crime, that it is retained for evidence, and if it is determined that the firearm probably was not used in a crime, if the firearm is a rifled firearm, that a fired bullet and fired cartridge case is retained for possible use as evidence and that if the firearm is a smooth bore firearm, that a fired cartridge case is retained for possible use as evidence.*
- (2) *Prior to returning a stolen firearm to a lawful owner, the law enforcement agency shall determine whether or not the lawful owner is eligible to possess a firearm under federal law. If the lawful owner of the firearm is ineligible to possess a firearm under federal law, the law enforcement agency may destroy the firearm after compliance with subsection (1)(c) of this section.*

Approved March 15, 2001