

**CHAPTER 281****(HB 338)**

AN ACT relating to body armor.

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

Section 1. KRS 16.220 is amended to read as follows:

- (1) Subject to the duty to return confiscated firearms to innocent owners pursuant to KRS 500.090, all firearms confiscated by the Kentucky State Police and not retained for official use pursuant to KRS 500.090 shall be sold at public auction to federally licensed firearms dealers holding a license appropriate for the type of firearm sold. The Kentucky State Police shall transfer firearms that are to be sold to the Department of Finance, Division of Surplus Property, for sale. Proceeds of the sale shall be transferred to the account of the Department for Local Government for use as provided in subsection (3) of this section. Prior to the sale of any firearm, the Kentucky State Police shall make an attempt to determine if the firearm to be sold has been stolen or otherwise unlawfully obtained from an innocent owner and return the firearm to its lawful innocent owner, unless that person is ineligible to purchase a firearm under federal law.
- (2) The Kentucky State Police shall receive firearms and ammunition confiscated by or abandoned to every law enforcement agency in Kentucky. The Kentucky State Police shall dispose of the firearms received in the manner specified in subsection (1) of this section. However, firearms which are not retained for official use, returned to an innocent lawful owner, or transferred to another government agency or public museum shall be sold as provided in subsections (1) and (3) of this section.
- (3) The proceeds of firearms sales shall be utilized by the Department for Local Government to provide grants to city, county, charter county, and urban-county police ***departments, university safety and security departments organized pursuant to KRS 164.950,***~~and~~ sheriff's departments for the purchase of body armor for sworn peace officers of those departments ***and service animals, as defined in KRS 525.010, of those departments.*** Body armor purchased by the department receiving grant funds shall meet or exceed the standards issued by the National Institute of Justice for body armor. No police or sheriff's department shall apply for a grant to replace existing body armor unless that body armor has been in actual use for a period of five (5) years or longer.
- (4) The Kentucky State Police may transfer a machine gun, short-barreled shotgun, short-barreled rifle, silencer, pistol with a shoulder stock, any other weapon, or destructive device as defined by the National Firearms Act which is subject to registration under the National Firearms Act, and is not properly registered in the national firearms transfer records for those types of weapons, to the Bureau of Alcohol, Tobacco, and Firearms of the United States Department of the Treasury, after a reasonable attempt has been made to transfer the firearm to an eligible state or local law enforcement agency or to an eligible museum and no eligible recipient will take the firearm or weapon. National Firearms Act firearms and weapons which are properly registered and not returned to an innocent lawful owner or retained for official use as provided in this section shall be sold to properly licensed dealers under subsection (3) of this section.

Section 2. KRS 45A.047 is amended to read as follows:

- (1) When an agency of Kentucky state government *or a public university safety and security department organized pursuant to KRS 164.950* disposes of firearms or ammunition owned by that agency, the disposition shall be by:
  - (a) Public auction to persons who are eligible under federal law to purchase the type of firearm or ammunition;
  - (b) Trade to the federally licensed firearms dealer providing new firearms or ammunition to the agency;
  - (c) Transfer to another government agency or government-operated museum in Kentucky for official use or display; or
  - (d) Sale to a retiring employee as authorized by law.
- (2) If the firearms or ammunition are sold, the proceeds of the sale shall be utilized solely for the purchase of body armor *for officers* meeting or exceeding National Institute of Justice standards, firearms, ammunition, or range facilities, or a combination thereof, by the agency of government. The provisions of this subsection shall not apply to the Department of Fish and Wildlife.
- (3) *Body armor purchased for a service animal shall be purchased only for an animal owned by the law enforcement agency specified in subsection (1) of this section.*

**Approved April 9, 2002**