

CHAPTER 65**(HB 372)**

AN ACT relating to the Kentucky State Police, making an appropriation therefor, and declaring an emergency.

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

Section 1. The Department of State Police is directed not to issue any new recently purchased .45 caliber semiautomatic pistols to any employee of the State Police.

Section 2. The Department of State Police shall pay to the vendor of the recently purchased .45 caliber pistols the amount specified in the contract for all remaining 10mm semiautomatic pistols previously issued as duty weapons.

Section 3. (1) The provisions of any other statute to the contrary notwithstanding, the Department of State Police may sell existing surplus 10mm semiautomatic pistols to sworn officers of the Department of State Police at the price specified in the contract for .45 caliber semiautomatic pistols.

(2) The Department of State Police shall notify all sworn officers of the availability of surplus semiautomatic pistols, the payment arrangements, and a date by which all sales shall be completed.

(3) All money from the sale of surplus 10mm semiautomatic pistols shall be paid to the Department of State Police and utilized for the purposes specified in this Act.

Section 4. (1) Except as provided in Section 6 of this Act the provisions of any other statute to the contrary notwithstanding, the Department of State Police and the Finance and Administration Cabinet shall auction all remaining surplus 10mm semiautomatic duty pistols. One (1) or more auctions may be conducted at the discretion of the Department of State Police.

(2) Bidding at the auction shall be restricted to federally licensed firearms dealers having a license appropriate to the firearms auctioned.

(3) The Finance and Administration Cabinet may set a reserve price for acceptable bids for these firearms.

(4) All money received from the auction of surplus 10mm semiautomatic pistols shall be paid to the Department of State Police and utilized for the purposes specified in this Act.

Section 5. (1) Except as provided in Section 6 of this Act, the provisions of any other statute to the contrary notwithstanding, the Department of State Police shall auction all .45 caliber recently purchased semiautomatic pistols.

(2) Bidding at the auction shall be restricted to federally licensed firearms dealers having a license appropriate to the firearms auctioned.

(3) The Finance and Administration Cabinet may set a reserve price for acceptable bids for these firearms.

(4) All money received from the auction of surplus .45 caliber semiautomatic pistols shall be paid to the Department of State Police and utilized for the purposes specified in this Act.

Section 6. The Department of State Police may retain in their inventory as many 10mm semiautomatic former duty pistols and as many .45 caliber semiautomatic duty pistols as may be

determined by the department to be necessary for historical, training, and forensic laboratory reference purposes.

Section 7. The Department of State Police and the Finance and Administration Cabinet are directed to replace all current and newly purchased primary duty firearms with firearms of the make and caliber indicated by the preference of the officers during State Police testing of firearms from more than one manufacturer.

Section 8. The funding authorized by 2002 Kentucky Acts Chapter 368 (House Bill 97) shall continue until June 30, 2004, and the total funding from the fund specified in KRS 16.220 shall be increased to \$400,000 provided that it is used solely for the purposes set forth in this Act.

Section 9. Any statute to the contrary notwithstanding, and any other act passed by the 2003 regular session of the General Assembly to the contrary notwithstanding, until the earlier of the completion of the acquisition of new semiautomatic pistols, holsters, and related equipment by the Department of State Police or June 30, 2004:

(1) No moneys received from the fund created by KRS 16.220 shall be expended except for the purposes stated in this Act, unless the moneys are expended solely for the purposes specified in KRS 16.220.

(2) No moneys received from the fund created by the auction or sale of 10mm and .45 caliber semiautomatic pistols shall be used for any purpose other than the acquisition of new firearms, holsters, and related equipment by the Department of State Police or to replace funds spent by the Department of State Police from other sources for the acquisition of new firearms, holsters, and related equipment as provided for in this Act. No elected official, public servant, or other person shall authorize an expenditure of these funds for any other purpose.

(3) No elected official, public servant, or other person shall authorize the expenditure of any funds from the fund created by KRS 16.220 or generated from the sale or auction of firearms pursuant to this Act for any purpose other than as specified in this section.

(4) Funds in the account created pursuant to KRS 16.220 shall not be subject to any budget reduction program until June 30, 2004. This restriction shall apply to funds in the fund created pursuant to KRS 16.220 as of the effective date of this Act and to any moneys added to the fund until June 30, 2004, whether as proceeds from the sale of firearms or proceeds received from any other source. The provisions of this Act shall prevail over any other act containing a provision to the contrary enacted by the 2003 Regular Session of the General Assembly.

(5) Funds generated from the sale and auction of surplus firearms owned by the Department of State Police shall not be subject to any budget reduction program until June 30, 2004. The provisions of this Act shall prevail over any other act containing a provision to the contrary enacted by the 2003 Regular Session of the General Assembly.

Section 10. In the event of a conflict, the provisions of this Act shall prevail with regard to any other act passed by the 2003 Regular Session of the General Assembly.

Section 11. Since the present duty firearms of the Department of State Police are in need of replacement and since the General Assembly has determined that the newly purchased firearms not be issued and that both firearms be replaced as provided in Sections 1 to 10 of this Act, an emergency is declared to exist and this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming law.

Approved March 12, 2003