

CHAPTER 240**(HB 290)**

AN ACT relating to weapons.

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

Section 1. KRS 15.383 is amended to read as follows:

- (1) In order to maintain his or her certification as a peace officer, each certified peace officer shall annually meet the marksmanship qualification requirement for a retired peace officer as specified in KRS 237.140. ***Each law enforcement agency whose officers are required to meet the requirements of this subsection shall retain a record of each of its officers having met the annual marksmanship qualification. These records shall be made available upon request to the Kentucky Law Enforcement Council and to the Justice and Public Safety Cabinet in order to carry out its responsibilities under KRS 15.330 and 15.450.***
- (2) Any law enforcement agency employing a certified peace officer may require the certified peace officer to meet a marksmanship qualification requirement which is in excess of that specified in KRS 237.140. Failure of a certified peace officer to meet the increased marksmanship qualification requirement specified by his or her employing or appointing agency shall not affect the certification of the officer, but may subject the officer to discipline by the agency, including suspension or dismissal of the officer from the agency.

Section 2. KRS 237.110 is amended to read as follows:

- (1) The Department of State Police is authorized to issue ***and renew licenses to carry concealed firearms or other deadly weapons, or a combination thereof, to persons qualified as provided in this section.***
- (2) ***An original or renewal license issued pursuant to this section shall:***
 - (a) ***Be valid throughout the Commonwealth and, except as provided in this section or other specific section of the Kentucky Revised Statutes or federal law, permit the holder of the license to carry firearms, ammunition, or other deadly weapons, or a combination thereof, at any location in the Commonwealth.***
 - (b) ***Unless revoked as provided by law, be valid for a period of five (5) years from the date of issuance;***
 - (c) ***Authorize the holder of the license to carry a concealed firearm or other deadly weapon, or a combination thereof, on or about his or her person; and***
 - (d) ***Authorize the holder of the license to carry ammunition for a firearm on or about his or her person.***
- (3) ***Prior to the issuance of an original or renewal license to carry a concealed deadly weapon, the Department of State Police shall conduct a background check to ascertain whether the applicant is eligible, under 18 U.S.C. sec. 922(g) and (n), any other applicable federal law, and state law, to purchase, receive, or possess a firearm or ammunition, or both. The background check shall include:***
 - (a) ***A state records check covering the items specified in this subsection, together with any other requirements of this section; and***
 - (b) ***A federal records check, which shall include a National Instant Criminal Background Check System (NICS) check.***
- (4) ***The Department of State Police shall issue an original or renewal license if the applicant:***
 - (a) ***Is not prohibited from the purchase, receipt or possession of firearms, ammunition or both pursuant to 18 U.S.C. 922(g), 18 U.S.C. 922(n), or applicable state law; and***
 - (b) ***1. Is a citizen of the United States who is a resident of this Commonwealth and has been a resident for six (6) months or longer immediately preceding the filing of the application; or***
 2. ***Is a citizen of the United States who is a member of the Armed Forces of the United States who is on active duty, who is at the time of application assigned to a military posting in Kentucky, and who has been assigned to a posting in the Commonwealth for six (6) months or longer immediately preceding the filing of the application; and***
 - (c) ***Is twenty-one (21) years of age or older; and***

- (d) *Has not been committed to a state or federal facility for the abuse of a controlled substance, or been convicted of a misdemeanor violation of KRS Chapter 218A or similar laws of any other state relating to controlled substances, within a three (3) year period immediately preceding the date on which the application is submitted; and*
- (e) *Does not chronically and habitually use alcoholic beverages as evidenced by the applicant having two (2) or more convictions for violating KRS 189A.010 within the three (3) years immediately preceding the date on which the application is submitted, or having been committed as an alcoholic pursuant to KRS Chapter 222 or similar laws of another state within the three (3) year period immediately preceding the date on which the application is submitted; and*
- (f) *Does not owe a child support arrearage which equals or exceeds the cumulative amount which would be owed after one (1) year of nonpayment, if the Department of State Police has been notified of the arrearage by the Cabinet for Health and Family Services; and*
- (g) *Has complied with any subpoena or warrant relating to child support or paternity proceedings. If the Department of State Police has not been notified by the cabinet for Health and Family Services that the applicant has failed to meet this requirement, the Department of State Police shall assume that paternity and child support proceedings are not an issue; and*
- (h) *Has not been convicted of a violation of KRS 508.030 or 508.080 within the three (3) years immediately preceding the date on which the application is submitted. The commissioner of the Department of State Police may waive this requirement upon good cause shown and a determination that the applicant is not a danger and that a waiver would not violate federal law; and*
- (i) *Demonstrates competence with a firearm by successful completion of a firearms safety course offered or approved by the Department of Criminal Justice Training. The firearms safety course shall:*

1. *Be not more than eight (8) hours in length;*
2. *Include instruction on handguns, the safe use of handguns, the care and cleaning of handguns, and handgun marksmanship principles;*
3. *Include actual range firing of a handgun in a safe manner, and the firing of not more than twenty (20) rounds at a full-size silhouette target, during which firing, not less than eleven (11) rounds must hit the silhouette portion of the target; and*

4. *Include information on and a copy of laws relating to possession and carrying of firearms, as set forth in KRS Chapters 237 and 527, and the laws relating to the use of force, as set forth in KRS Chapter 503.*~~licenses to carry concealed firearms or other deadly weapons to persons qualified as provided in this section. The Department of State Police or the Administrative Office of the Courts shall conduct a record check, covering all offenses and conditions which are required under 18 U.S.C. sec. 922(g) and this section, in the manner provided by 18 U.S.C. sec. 922(s). Licenses shall be valid throughout the state for a period of five (5) years from the date of issuance, but their validity may be extended beyond the five (5) year period as provided in subsection (12) of this section. Any person in compliance with the terms of the license may carry a concealed firearm or other deadly weapon or combination of firearms and other deadly weapons on or about his person. The licensee shall carry the license at all times the licensee is carrying a concealed firearm or other deadly weapon and shall display the license upon request of a law enforcement officer. Violation of the provisions of this subsection shall constitute a noncriminal violation with a penalty of twenty five dollars (\$25), payable to the clerk of the District Court.~~

~~(2) The Department of State Police, following the record check required by subsection (1) of this section, shall issue a license if the applicant:~~

- ~~(a) 1. Is a resident of the state and has been a resident for six (6) months or longer immediately preceding the filing of the application; or~~
- ~~2. Is a member of the Armed Forces of the United States who is on active duty, who is at the time of application assigned to a military posting in Kentucky, and who has been assigned to a~~

posting in the Commonwealth for six (6) months or longer immediately preceding the filing of the application;

- (b) ~~Is twenty one (21) years of age or older;~~
- (c) ~~Is not ineligible to possess a firearm pursuant to 18 U.S.C. sec. 922(d)(1) or (g) or KRS 527.040;~~
- (d) ~~Has not been committed to a state or federal facility for the abuse of a controlled substance or been convicted of a misdemeanor violation of KRS Chapter 218A or similar laws of any other state relating to controlled substances within a three (3) year period immediately preceding the date on which the application is submitted;~~
- (e) ~~Does not chronically and habitually use alcoholic beverages as evidenced by the applicant having two (2) or more convictions for violating KRS 189A.010 within the three (3) years immediately preceding his application or if the applicant has been committed as an alcoholic pursuant to KRS Chapter 222, or similar laws of any other state, within the three (3) year period immediately preceding the date on which the application is submitted;~~
- (f) ~~Demonstrates competence with a firearm by completion of a firearms safety or training course or class offered or approved by the Department of Criminal Justice Training.~~

~~Classes presented pursuant to this paragraph shall include instruction on handguns, the safe use of handguns, the care and cleaning of handguns, handgun marksmanship principles, and actual range firing of a handgun in a safe manner. Classes presented pursuant to this paragraph shall include information on laws relating to firearms as described in KRS Chapters 237 and 527 and the law of the use of force as described in KRS Chapter 503. The Department of Criminal Justice Training shall promulgate uniform administrative regulations concerning the certification and decertification of all firearms instructors practicing in the Commonwealth of Kentucky. Notwithstanding any other provision of the Kentucky Revised Statutes, no person shall qualify as having demonstrated competence with a firearm pursuant to this subsection, unless certified by a governmental agency of the Commonwealth of Kentucky, or of the federal government. The Administrative Office of the Courts shall publish and make available, at no cost, information in a manner suitable for distribution to class participants.]~~

- (5) A legible photocopy of ~~the~~^a certificate of completion *issued by the Department of Criminal Justice Training* ~~of any of the courses or classes or a notarized affidavit from the instructor, school, club, organization, or group that conducts or teaches the course or class attesting to the completion of the course or class by the applicant~~ shall constitute evidence of qualification under ~~this~~ paragraph (i) of subsection (4) of this section.
- (6) (a) Peace officers who are currently certified as peace officers by the Kentucky Law Enforcement Council pursuant to KRS 15.380 to 15.404 and peace officers who are retired and are members of the Kentucky Employees Retirement System, State Police Retirement System, or County Employees Retirement System or other retirement system operated by or for a city, county, or urban-county in Kentucky shall be deemed to have met the training requirement.
- (b) *Current and retired peace officers of the following federal agencies shall be deemed to have met the training requirement:*
 - 1. *Any peace officer employed by a federal agency specified in KRS 61.365;*
 - 2. *Any peace officer employed by a federal civilian law enforcement agency not specified above who has successfully completed the basic law enforcement training course required by that agency;*
 - 3. *Any military peace officer of the United States Army, Navy, Marine Corps or Air Force, or a reserve component thereof, or of the Army Reserve or Air Force Reserve who has successfully completed the military law enforcement training course required by that branch of the military; and*
 - 4. *Any member of the United States Coast Guard serving in a peace officer role who has successfully completed the law enforcement training course specified by the United States Coast Guard*;

- (g) ~~Has not been adjudicated an incompetent under KRS Chapter 202B or has waited three (3) years from the date his competency was restored by the court order under KRS Chapter 202B; and~~
- (h) ~~Has not been involuntarily committed to a mental institution pursuant to KRS Chapter 202A, unless he possesses a certificate from a psychiatrist licensed in this state that he has not suffered from disability for a period of three (3) years.~~
- (3) ~~The Department of State Police may deny a license if the applicant has been found guilty of a violation of KRS 508.030 or 508.080 within the three (3) year period prior to the date on which the application is submitted or may revoke a license if the licensee has been found guilty of a violation of KRS 508.030 or 508.080 within the preceding three (3) years.~~
- (4) ~~The Department of State Police shall deny, suspend, or revoke a license to carry a concealed deadly weapon upon written notice by the Cabinet for Health and Family Services that the person has a child support arrearage which equals or exceeds the cumulative amount which would be owed after one (1) year of nonpayment, or for failure, after receiving appropriate notice, to comply with a subpoena or warrant relating to paternity or child support proceedings.~~
- (7)~~(5)~~ The application for a *license*~~[permit]~~, or renewal of a *license*~~[permit]~~, to carry a concealed deadly weapon shall be obtained from the office of the sheriff in the county in which the person resides. The completed application and all accompanying material plus an application fee or renewal fee, as appropriate, of sixty dollars (\$60) shall be presented to the office of the sheriff of the county in which the applicant resides. A full-time or part-time peace officer who is currently certified as a peace officer by the Kentucky Law Enforcement Council who is authorized by his or her employer or government authority to carry a concealed deadly weapon at all times and all locations within the Commonwealth pursuant to KRS 527.020 or a retired peace officer who is a member of the Kentucky Employees Retirement System, State Police Retirement System, County Employees Retirement System, or other retirement system operated by or for a city, county, or urban-county in Kentucky shall be exempt from paying the application or renewal fees. The sheriff shall transmit the application and accompanying material to the Department of State Police within five (5) working days. Twenty dollars (\$20) of the application fee shall be retained by the office of the sheriff for official expenses of the office. Twenty dollars (\$20) shall be sent to the Department of State Police with the application. Ten dollars (\$10) shall be transmitted by the sheriff to the Administrative Office of the Courts to fund background checks for youth leaders, and ten dollars (\$10) shall be transmitted to the Administrative Office of the Courts to fund background checks for applicants for concealed weapons. The application shall be completed, under oath, on a form promulgated by the Department of State Police by administrative regulation which shall only include:
- (a) The name, address, place and date of birth, gender, and Social Security number of the applicant;
 - (b) A statement that, to the best of his knowledge, the applicant is in compliance with criteria contained within subsections~~[(2) and]~~ (3) **and** (4) of this section;
 - (c) A statement that the applicant has been furnished a copy of this section and is knowledgeable about its provisions;
 - (d) A statement that the applicant has been furnished a copy of, has read, and understands KRS Chapter 503 as it pertains to the use of deadly force for self-defense in Kentucky; and
 - (e) A conspicuous warning that the application is executed under oath and that a materially false answer to any question, or the submission of any materially false document by the applicant, subjects the applicant to criminal prosecution under KRS 523.030.
- (8)~~(6)~~ The applicant, if a resident of the Commonwealth, shall submit to the sheriff of the applicant's county of residence:
- (a) A completed application as described in subsection (7)~~(5)~~ of this section;
 - (b) A recent color photograph of the applicant, as prescribed by administrative regulation; and
 - (c) A photocopy of a certificate or an affidavit or document as described in subsection (5)~~[(2)(f)]~~ of this section.
- (9)~~(7)~~ The Department of State Police shall, within ninety (90) days after the date of receipt of the items listed in subsection (8)~~(6)~~ of this section, either:

- (a) Issue the license; or
 - (b) Deny the application based solely on the grounds that the applicant fails to qualify under the criteria listed in subsection ~~[(2) or]~~ (3) **or** (4) of this section. If the Department of State Police denies the application, it shall notify the applicant in writing, stating the grounds for denial and informing the applicant of a right to submit, within thirty (30) days, any additional documentation relating to the grounds of denial. Upon receiving any additional documentation, the Department of State Police shall reconsider its decision and inform the applicant within twenty (20) days of the result of the reconsideration. The applicant shall further be informed of the right to seek de novo review of the denial in the District Court of his place of residence within ninety (90) days from the date of the letter advising the applicant of the denial.
- ~~(10) [(8)]~~ The Department of State Police shall maintain an automated listing of licenseholders and pertinent information, and this information shall be available on-line, upon request, at all times to all Kentucky *federal, and other state's* law enforcement agencies. **A request for the entire list of licensees, or for all licensees in a geographic area, shall be denied. Only requests relating to a named licensee shall be honored or available on-line.** ~~[Except as provided in this subsection,]~~ Information on applications for licenses, names and addresses, or other identifying information relating to license holders shall be confidential and shall not be made available except to law enforcement agencies. ~~[Requests for information to be provided to any requester other than a bona fide law enforcement agency which has direct access to the Law Enforcement Information Network of Kentucky shall be made, in writing, directly to the commissioner of the Department of State Police, together with the fee required for the providing of the information. The Department of State Police shall, upon proper application and the payment of the required fee, provide to the requester in hard copy form only, a list of names of all holders in the Commonwealth of a license to carry a concealed deadly weapon. No identifying information other than the name shall be provided, and information for geographic areas or other subdivisions of any type from the list shall not be provided and shall be confidential. The fee to be charged shall be the same as for other public records provided by the Department of State Police.]~~ No request for lists of local or statewide permit holders shall be made to any state or local law enforcement agency, peace officer, or other agency of government other than the Department of State Police, and no state or local law enforcement agency, peace officer, or agency of government, other than the Department of State Police, shall provide any information not entitled to it by law. ~~[The names of all persons, other than law enforcement agencies and peace officers, requesting information under this section shall be a public record.]~~
- ~~(11) [(9)]~~ Within thirty (30) days after the changing of a permanent address, or within thirty (30) days after the loss, **theft**, or destruction of a license, the licensee shall notify the Department of State Police of the loss, **theft**, or destruction. Failure to notify the Department of State Police shall constitute a noncriminal violation with a penalty of twenty-five dollars (\$25) payable to the clerk of the District Court. **No court costs shall be assessed for a violation of this subsection.** When a licensee makes application to change his or her residence address or other information on the license, neither the sheriff nor the Department of State Police shall require a surrender of the license until a new license is in the office of the applicable sheriff and available for issuance. Upon the issuance of a new license, the old license shall be destroyed by the sheriff.
- ~~(12) [(10)]~~ If a license is lost, **stolen**, or destroyed, the license shall be automatically invalid, and the person to whom the same was issued may, upon payment of fifteen dollars (\$15) to the Department of State Police, obtain a duplicate, upon furnishing a notarized statement to the Department of State Police that the license has been lost, **stolen**, or destroyed.
- (13) (a) **The commissioner of the Department of State Police, or his designee in writing, shall revoke the license of any person who becomes permanently ineligible to be issued a license or have a license renewed under the criteria set forth in this section.**
- (b) **The commissioner of the Department of State Police, or his designee in writing, shall suspend the license of any person who becomes temporarily ineligible to be issued a license or have a license renewed under the criteria set forth in this section. The license shall remain suspended until the person is again eligible for the issuance or renewal of a license.**
- (c) **Upon the suspension or revocation of a license, the commissioner of the Department of State Police, or his designee in writing, shall:**
1. **Order any peace officer to seize the license from the person whose license was suspended or revoked; or**

2. *Direct the person whose license was suspended or revoked to surrender the license to the sheriff of the person's county of residence within two (2) business days of the receipt of the notice.*

- (d) *If the person whose license was suspended or revoked desires a hearing on the matter, the person shall surrender the license as provided in paragraph (c)1. of this subsection and petition the commissioner of the Department of State Police to hold a hearing on the issue of suspension or revocation of the license.*
- (e) *Upon receipt of the petition, the commissioner of the Department of State Police shall cause a hearing to be held in accordance with KRS Chapter 13B on the suspension or revocation of the license. If the license has not been surrendered, no hearing shall be scheduled or held.*
- (f) *If the hearing officer determines that the licensee's license was wrongly suspended or revoked, the hearing officer shall order the commissioner of the Department of State Police to return the license and abrogate the suspension or revocation of the license.*
- (g) *Any party may appeal a decision pursuant to this subsection to the District Court in the licensee's county of residence in the same manner as for the denial of a license.*
- (h) *If the license is not surrendered as ordered, the commissioner of the Department of State Police shall order a peace officer to seize the license and deliver it to the commissioner.*
- (i) *Failure to surrender a suspended or revoked license as ordered is a Class A misdemeanor.*
- (j) *The provisions of this subsection relating to surrender of a license shall not apply if a court of competent jurisdiction has enjoined its surrender.*

~~[(11) A license issued under this section shall be suspended or revoked if the licensee becomes ineligible to be issued a license under the criteria set forth in subsection (2)(a), (c), (d), (e), (f), or (h) of this section.]~~

(k) When a domestic violence order or emergency protective order is issued pursuant to the provisions of KRS Chapter 403 against a person holding a license issued under this section, the holder of the permit shall surrender the license to the court or to the officer serving the order. The officer to whom the license is surrendered shall forthwith transmit the license to the court issuing the order. The license shall be suspended until the order is terminated, or until the judge who issued the order terminates the suspension prior to the termination of the underlying domestic violence order or emergency protective order, in writing and by return of the license, upon proper motion by the license holder. Subject to the same conditions as above, a peace officer against whom an emergency protective order or domestic violence order has been issued shall not be permitted to carry a concealed deadly weapon when not on duty, the provisions of KRS 527.020 to the contrary notwithstanding.

(14) (a) ~~[(12)]~~ Not less than *one hundred twenty (120)*~~[ninety (90)]~~ days prior to the expiration date of the license, the Department of State Police shall mail to each licensee a written notice of the expiration and a renewal form prescribed by the Department of State Police. The outside of the envelope containing the license renewal notice shall bear only the name and address of the applicant. No other information relating to the applicant shall appear on the outside of the envelope sent to the applicant. The licensee may renew his license on or before the expiration date by filing with the sheriff of his county of residence the renewal form, a notarized affidavit stating that the licensee remains qualified pursuant to the criteria specified in subsections ~~[(2) and]~~ (3) and (4) of this section, and the required renewal fee. The sheriff shall issue to the applicant a receipt for the application for renewal of the license and shall date the receipt. ~~[The license then presently held by the renewal applicant together with the license renewal application receipt shall constitute a lawful and valid extension of the license until such time as the Department of State Police either revokes the existing license, refuses to renew the existing license, or issues a new license.]~~

(b) *A license which has expired shall be void and shall not be valid for any purpose other than surrender to the sheriff in exchange for a renewal license.*

(c) The license shall be renewed to a qualified applicant upon receipt of the completed renewal application, records check as specified in subsection (3) of this section, determination that the renewal applicant is not ineligible for a license as specified in subsection (4), and appropriate payment of fees. ~~[When a licensee makes application for a renewal of his or her license, neither the sheriff nor the Department of~~

~~State Police shall require a surrender of the license until the new license is in the office of the applicable sheriff and available for issuance.} Upon the issuance of a new license, the old license shall be destroyed by the sheriff. A licensee who fails to file a renewal application on or before its expiration date may renew his license by paying, in addition to the license fees, a late fee of fifteen dollars (\$15). No license shall be renewed six (6) months or more after its expiration date, and the license shall be deemed to be permanently expired six (6) months after its expiration date. A person whose license has permanently expired may reapply for licensure pursuant to subsections ~~(5), (6), and~~ (7), (8), and (9) of this section.~~

(15) *The licensee shall carry the license at all times the licensee is carrying a concealed firearm or other deadly weapon and shall display the license upon request of a law enforcement officer. Violation of the provisions of this subsection shall constitute a noncriminal violation with a penalty of twenty-five dollars (\$25), payable to the clerk of the District Court, but no court costs shall be assessed.*

~~(16)~~~~(13)}~~ Except as provided in KRS 527.020, no license issued pursuant to this section shall authorize any person to carry a concealed firearm into:

- (a) Any police station or sheriff's office;
- (b) Any detention facility, prison, or jail;
- (c) Any courthouse, solely occupied by the Court of Justice courtroom, or court proceeding;
- (d) Any meeting of the governing body of a county, municipality, or special district; or any meeting of the General Assembly or a committee of the General Assembly, except that nothing in this section shall preclude a member of the body, holding a concealed deadly weapon license, from carrying a concealed deadly weapon at a meeting of the body of which he is a member;
- (e) Any portion of an establishment licensed to dispense beer or alcoholic beverages for consumption on the premises, which portion of the establishment is primarily devoted to that purpose;
- (f) Any elementary or secondary school facility without the consent of school authorities as provided in KRS 527.070, any child-caring facility as defined in KRS 199.011, any day-care center as defined in KRS 199.894, or any certified family child-care home as defined in KRS 199.8982, except however, any owner of a certified child-care home may carry a concealed firearm into the owner's residence used as a certified child-care home;
- (g) An area of an airport to which access is controlled by the inspection of persons and property; or
- (h) Any place where the carrying of firearms is prohibited by federal law.

~~(17)~~~~(14)}~~ The owner, business or commercial lessee, or manager of a private business enterprise, day-care center as defined in KRS 199.894 or certified or licensed family child-care home as defined in KRS 199.8982, or a health-care facility licensed under KRS Chapter 216B, except facilities renting or leasing housing, may prohibit persons holding concealed deadly weapon licenses from carrying concealed deadly weapons on the premises and may prohibit employees, not authorized by the employer, holding concealed deadly weapons licenses from carrying concealed deadly weapons on the property of the employer. If the building or the premises are open to the public, the employer or business enterprise shall post signs on or about the premises if carrying concealed weapons is prohibited. Possession of weapons, or ammunition, or both in a vehicle on the premises shall not be a criminal offense so long as the weapons, or ammunition, or both are not removed from the vehicle or brandished while the vehicle is on the premises. A private but not a public employer may prohibit employees or other persons holding a concealed deadly weapons license from carrying concealed deadly weapons, or ammunition, or both in vehicles owned by the employer, but may not prohibit employees or other persons holding a concealed deadly weapons license from carrying concealed deadly weapons, or ammunition, or both in vehicles owned by the employee, except that the Justice Cabinet may prohibit an employee from carrying any weapons, or ammunition, or both other than the weapons, or ammunition, or both issued or authorized to be used by the employee of the cabinet, in a vehicle while transporting persons under the employee's supervision or jurisdiction. Carrying of a concealed weapon, or ammunition, or both in a location specified in this subsection by a license holder shall not be a criminal act but may subject the person to denial from the premises or removal from the premises, and, if an employee of an employer, disciplinary measures by the employer.

- ~~(18)~~~~(15)~~ All moneys collected by the Department of State Police pursuant to this section shall be used to administer the provisions of this section and KRS 237.138 to 237.142. By March 1 of each year, the Department of State Police and the Administrative Office of the Courts shall submit reports to the Governor, the President of the Senate, and the Speaker of the House of Representatives, indicating the amounts of money collected and the expenditures related to this section, KRS 237.138 to 237.142, and KRS 237.115, 244.125, 527.020, and 527.070, and the administration of the provisions of this section, KRS 237.138 to 237.142, and KRS 237.115, 244.125, 527.020, and 527.070.
- ~~(19)~~~~(16)~~ The General Assembly finds as a matter of public policy that it is necessary to provide statewide uniform standards for issuing licenses to carry concealed firearms and to occupy the field of regulation of the bearing of concealed firearms to ensure that no person who qualifies under the provisions of this section is denied his rights. The General Assembly does not delegate to the Department of State Police the authority to regulate or restrict the issuing of licenses provided for in this section beyond those provisions contained in this section. This section shall be liberally construed to carry out the constitutional right to bear arms for self-defense.
- ~~(20)~~~~(17)~~ (a) A person who has a valid license issued by another state of the United States to carry a concealed deadly weapon in that state may, subject to provisions of Kentucky law, carry a concealed deadly weapon in Kentucky, and his license shall be considered as valid in Kentucky.
- (b) The Department of State Police shall, not later than thirty (30) days after July 15, 1998, and not less than once every six (6) months thereafter, make written inquiry of the concealed deadly weapon carrying licensing authorities in each other state as to whether a Kentucky resident may carry a concealed deadly weapon in their state based upon having a valid Kentucky concealed deadly weapon license, or whether a Kentucky resident may apply for a concealed deadly weapon carrying license in that state based upon having a valid Kentucky concealed deadly weapon license. The Department of State Police shall attempt to secure from each other state permission for Kentucky residents who hold a valid Kentucky concealed deadly weapon license to carry concealed deadly weapons in that state, either on the basis of the Kentucky license or on the basis that the Kentucky license is sufficient to permit the issuance of a similar license by the other state. The Department of State Police shall enter into a written reciprocity agreement with the appropriate agency in each state that agrees to permit Kentucky residents to carry concealed deadly weapons in the other state on the basis of a Kentucky-issued concealed deadly weapon license or that will issue a license to carry concealed deadly weapons in the other state based upon a Kentucky concealed deadly weapon license. If a reciprocity agreement is reached, the requirement to recontact the other state each six (6) months shall be eliminated as long as the reciprocity agreement is in force. The information shall be a public record and shall be available to individual requesters free of charge for the first copy and at the normal rate for open records requests for additional copies.
- ~~(21)~~~~(18)~~ By March 1 of each year, the Department of State Police shall submit a statistical report to the Governor, the President of the Senate, and the Speaker of the House of Representatives, indicating the number of licenses issued, revoked, suspended, and denied since the previous report and in total and also the number of licenses currently valid. The report shall also include the number of arrests, convictions, and types of crimes committed since the previous report by individuals licensed to carry concealed weapons.
- ~~(22)~~~~(19)~~ The following provisions shall apply to concealed deadly weapon training classes conducted by the Department of Criminal Justice Training or any other agency pursuant to this section:
- (a) No concealed deadly weapon instructor trainer shall have his or her certification as a concealed deadly weapon instructor trainer reduced to that of instructor or revoked except after a hearing conducted pursuant to KRS Chapter 13B in which the instructor is found to have committed an act in violation of the applicable statutes or administrative regulations;
- (b) No concealed deadly weapon instructor shall have his or her certification as a concealed deadly weapon instructor license suspended or revoked except after a hearing conducted pursuant to KRS Chapter 13B in which the instructor is found to have committed an act in violation of the applicable statutes or administrative regulations;
- (c) The department shall not require prior notification that an applicant class or instructor class will be conducted by a certified instructor or instructor trainer;

- (d) Each concealed deadly weapon instructor or instructor trainer who teaches a concealed deadly weapon applicant or concealed deadly weapon instructor class shall supply the Department of Criminal Justice Training with a class roster indicating ~~which students enrolled but did not successfully complete the class, and~~ which students enrolled and successfully completed the class, **and** which contains the name and address of each student, within five (5) working days of the completion of the class. The information may be sent by mail, facsimile, e-mail, or other method which will result in the receipt of or production of a hard copy of the information. The postmark, facsimile date, or e-mail date shall be considered as the date on which the notice was sent. ***Concealed deadly weapon class applicant, instructor, and instructor trainer information and records shall be confidential. The department may release to any person or organization the name, address, and telephone number of a concealed deadly weapon instructor or instructor trainer if that instructor or instructor trainer authorizes the release of the information in writing. The department shall include on any application for an instructor or instructor trainer certification a statement that the applicant either does or does not desire the applicant's name, address, and telephone number to be made public;***
- (e) An instructor trainer who assists in the conduct of a concealed deadly weapon instructor class or concealed deadly weapon applicant class for more than two (2) hours shall be considered as to have taught a class for the purpose of maintaining his or her certification. All class record forms shall include spaces for assistant instructors to sign and certify that they have assisted in the conduct of a concealed deadly weapon instructor or concealed deadly weapon class;
- (f) An instructor who assists in the conduct of a concealed deadly weapon applicant class for more than two (2) hours shall be considered as to have taught a class for the purpose of maintaining his or her license. All class record forms shall include spaces for assistant instructors to sign and certify that they have assisted in the conduct of a concealed deadly weapon class;
- (g) If the Department of Criminal Justice Training believes that a firearms instructor trainer or certified firearms instructor has not in fact complied with the requirements for teaching a certified firearms instructor or applicant class by not teaching the class as specified in KRS 237.126, or who has taught an insufficient class as specified in KRS 237.128, the department shall send to each person who has been listed as successfully completing the concealed deadly weapon applicant class or concealed deadly weapon instructor class a verification form on which the time, date, date of range firing if different from the date on which the class was conducted, location, and instructor of the class is listed by the department and which requires the person to answer "yes" or "no" to specific questions regarding the conduct of the training class. The form shall be completed under oath and shall be returned to the Department of Criminal Justice Training not later than forty-five (45) days after its receipt. A person who fails to complete the form, to sign the form, or to return the form to the Department of Criminal Justice Training within the time frame specified in this section or who, as a result of information on the returned form, is determined by the Department of Criminal Justice Training, following a hearing pursuant to KRS Chapter 13B, to not have received the training required by law shall have his or her concealed deadly weapon license revoked by the Department of State Police, following a hearing conducted by the Department of Criminal Justice Training pursuant to KRS Chapter 13B, at which hearing the person is found to have violated the provisions of this section or who has been found not to have received the training required by law;
- (h) ~~[The department shall randomly inspect certified firearms instructor classes being conducted by firearms instructor trainers and shall randomly inspect applicant classes being conducted by firearms instructor trainers or certified firearms instructors to ascertain if the class is being conducted in conformity to the provisions of applicable statutes and administrative regulations and that the paperwork in the class matches the paperwork ultimately submitted by the firearms instructor trainer or certified firearms instructor for that same class.]~~The department shall annually, not later than December 31 of each year, report to the Legislative Research Commission:
1. ~~[The number of random inspections;~~
 2. ~~[The results of those inspections;~~
 3. ~~[The number of deficiencies noted;~~
 4. ~~[The nature of the deficiencies noted;~~

- ~~5. If a deficiency was noted, the categories of action taken by the department to either correct the deficiency or discipline the instructor, or a combination thereof;~~
- ~~6.] The number of firearms instructor trainers and certified firearms instructors whose certifications were suspended, revoked, denied, or who were otherwise disciplined;~~
- ~~2.7.] The reasons for the imposition of suspensions, revocations, denials, or other discipline; and~~
- ~~3.8.] Suggestions for improvement of the concealed deadly weapon applicant training program and instructor process;~~
- (i) If a concealed deadly weapon license holder is convicted of, pleads guilty to, or enters an Alford plea to a felony offense, then his or her concealed deadly weapon license shall be forthwith revoked by the Department of State Police as a matter of law;
- (j) If a concealed deadly weapon instructor or instructor trainer is convicted of, pleads guilty to, or enters an Alford plea to a felony offense, then his or her concealed deadly weapon instructor certification or concealed deadly weapon instructor trainer certification shall be revoked by the Department of Criminal Justice Training as a matter of law; and
- (k) The following shall be in effect:
1. Action to eliminate the firearms instructor trainer program is prohibited. The program shall remain in effect, and no firearms instructor trainer shall have his or her certification reduced to that of certified firearms instructor;
 2. The Kentucky State Police shall revoke the concealed deadly weapon license of any person who received no firearms training as required by KRS 237.126 and administrative regulations, or who received insufficient training as required by KRS 237.128 and administrative regulations, if the person voluntarily admits nonreceipt of training or admits receipt of insufficient training, or if either nonreceipt of training or receipt of insufficient training is proven following a hearing conducted by the Department of Criminal Justice Training pursuant to KRS Chapter 13B.

Section 3. KRS 237.120 is amended to read as follows:

- (1) The Department of Criminal Justice Training shall operate and maintain a program for firearms instructor trainers for the concealed deadly weapon training program. Only the General Assembly may eliminate the firearms instructor trainer program.
- (2) A firearms instructor trainer shall meet the requirements to be a firearms instructor and shall:
 - (a) Possess a high school diploma or GED certificate;
 - (b) Successfully complete a firearms instructor trainer course of not more than sixteen (16) hours provided by the department; and
 - (c) Possess at least one (1) of the following valid firearms instructor certifications:
 1. National Rifle Association Personal Protection Instructor;
 2. National Rifle Association Pistol Marksmanship Instructor;
 3. Certification from a Kentucky or other firearms instructor course offered by a state or federal governmental agency; or
 4. Certification from another firearms instructor training course that has been determined by the Commissioner of the Department of Criminal Justice Training to be equivalent to one (1) of the above listed courses.
- (3) Certification as a firearms instructor trainer shall be valid for a period of three (3) years during which an instructor trainer shall:
 - (a) Conduct or assist in at least one (1) firearms instructor course; or
 - (b) Conduct or assist in at least one (1) applicant training course; and
 - (c) Attend an instructor trainer/instructor in-service training course of not more than four (4) hours conducted by the department; and

- (d) Not have become ineligible to be a firearms instructor trainer.
- (4) The department shall conduct in-service training for firearms instructor trainers and certified firearms instructors. In-service training courses shall be held not less than twice each year in each congressional district and shall be offered at various times during the year ensuring that the maximum number of persons can attend. Preference shall be given to conducting in-service training classes on a Friday or a Saturday. Notice of the time, date, and location for in-service training for each calendar year shall be sent to each firearms instructor trainer and certified firearms instructor by mail or by e-mail not less than thirty (30) days prior to the beginning of the first class for each calendar year. The cost of the in-service training shall be not more than fifty dollars (\$50).
- (5) At the end of the certification period, the department shall issue a new firearms instructor trainer certification to a person who has completed the provisions of this section, unless that firearms instructor trainer notifies the department in writing that he or she desires not to be recertified or is otherwise ineligible to be recertified. There shall be no charge for recertification. ***A firearms instructor trainer who has permitted his or her certification to expire may take the in-service course and be recertified for a period of up to one hundred and eighty (180) days from the date of expiration of the certification without having to repeat the requirements of subsection (2) of this section.***
- (6) The fee for a firearms instructor trainer course shall be not more than one hundred dollars (\$100). No portion of the fee shall be refunded to any student who fails or who does not complete the required course of training.
- (7) Any state agency or public university which owns a firing range shall make that range available to the department for the conduct of in-service training without charge if the department determines that for any particular year's in-service training that range firing is required.

Section 4. KRS 237.122 is amended to read as follows:

- (1) The Department of Criminal Justice Training shall operate and maintain a program for certification of firearms instructors for the concealed deadly weapon training program. Only the General Assembly may eliminate the certified firearms instructor program.
- (2) Training courses for certification of firearms instructors shall be conducted by firearms instructor trainers and the department.
- (3) An applicant to be a firearms instructor shall be a citizen of the United States, hold a concealed deadly weapon license issued pursuant to KRS 237.110, and successfully complete a firearms instructor training course of not more than sixteen (16) hours provided by a certified firearms instructor trainer.
- (4) Certification as a firearms instructor shall be valid for a period of three (3) years during which an instructor shall:
- Conduct or assist in at least one (1) applicant training course;
 - Attend an instructor trainer/instructor in-service training course of not more than four (4) hours conducted by the department; and
 - Not have become ineligible to be a firearms instructor.
- (5) The department shall conduct in-service training for firearms instructor trainers and certified firearms instructors as specified in KRS 237.120.
- (6) At the end of the certification period, the department shall issue a new firearms instructor certification to any person who has completed the provisions of this section, unless the firearms instructor notifies the department in writing that he or she desires not to be recertified or is otherwise ineligible to be recertified. There shall be no charge for recertification. ***A firearms instructor who has permitted his or her certification to expire may take the in-service course and be recertified for a period of one hundred and eighty (180) days from the date of expiration of the certification without having to repeat the requirements of subsection (3) of this section.***
- (7) An instructor trainer shall charge a fee not to exceed one hundred ***and fifty*** dollars ***(\$150)***~~(\$100)~~ for a training course for a certified firearms instructor. The instructor shall remit fifty dollars (\$50) to the department to defray the cost of materials which the department shall provide to the instructor.

- (8) No firearms instructor trainer or certified firearms instructor shall charge a fee in excess of seventy-five dollars (\$75) for the conduct of an applicant training course. An instructor trainer or certified firearms instructor may charge a student the actual cost of range use, targets and associated range materials, and classroom rental not to exceed ten dollars (\$10) for all of the items specified in this subsection. The instructor trainer or certified firearms instructor shall remit twenty-five dollars (\$25) to the department to cover the provision of training materials distributed and providing evidence of successful completion of the course.
- (9) No portion of a fee collected pursuant to this section shall be refunded to a student who fails or does not complete the required course of instruction.

Section 5. KRS 237.138 is amended to read as follows:

KRS 237.138 to 237.142 shall apply to any ~~Kentucky~~ elected or appointed peace officer who is honorably retired and who:

- (1) Meets the provisions of Section 3 of the federal Law Enforcement Officers Safety Act of 2004, Pub. L. No. 108-277, 18 U.S.C. sec. 926C;
- (2) Meets the provisions of KRS 237.138 to 237.142; and
- (3) Desires to carry a concealed deadly weapon in conformity with the provisions of the federal Law Enforcement Officers Safety Act of 2004, Pub. L. 108-277.

SECTION 6. A NEW SECTION OF KRS CHAPTER 237 IS CREATED TO READ AS FOLLOWS:

- (1) *No person, unit of government, or governmental organization shall have the authority to suspend, revoke, limit the use of, or impair the validity of a concealed deadly weapon license issued pursuant to KRS 237.110, or a foreign license which is recognized as valid pursuant to KRS 237.110, unless the license is revoked for the reasons specified in KRS 237.110 and the revocation is done in the manner specified in KRS 237.110.*
- (2) *No person, unit of government, or governmental organization shall have the authority to suspend, revoke, limit the use of, or impair the validity of a concealed deadly weapon license which is issued pursuant to KRS 237.138 to 237.142 unless the license is revoked for the reasons specified in KRS 237.110 or 237.138 to 237.142.*
- (3) *No action which may be taken pursuant to KRS Chapter 39A shall apply with regard to a license specified in this section or to a person who is the holder of a license specified in this section.*

SECTION 7. A NEW SECTION OF KRS CHAPTER 237 IS CREATED TO READ AS FOLLOWS:

- (1) *No person, unit of government, or governmental organization shall, during a period of disaster or emergency as specified in KRS Chapter 39A or at any other time, have the right to revoke, suspend, limit the use of, or otherwise impair the validity of the right of any person to purchase, transfer, loan, own, possess, carry, or use a firearm, firearm part, ammunition, ammunition component, or any deadly weapon or dangerous instrument.*
- (2) *No person, unit of government, or governmental organization shall, during a period of disaster or emergency as specified in KRS Chapter 39A or at any other time, take, seize, confiscate, or impound a firearm, firearm part, ammunition, ammunition component, or any deadly weapon or dangerous instrument from any person.*
- (3) *The provisions of this section shall not apply to the taking of an item specified in subsection (1) or (2) of this section from a person who is:*
 - (a) *Forbidden to possess a firearm pursuant to KRS 527.040;*
 - (b) *Forbidden to possess a firearm pursuant to federal law.*
 - (c) *Violating KRS 527.020;*
 - (d) *In possession of a stolen firearm;*
 - (e) *Using a firearm in the commission of a separate criminal offense; or*
 - (f) *Using a firearm or other weapon in the commission of an offense under KRS Chapter 150.*

SECTION 8. A NEW SECTION OF KRS CHAPTER 237 IS CREATED TO READ AS FOLLOWS:

- (1) *No person, including but not limited to an employer, who is the owner, lessee, or occupant of real property shall prohibit any person who is legally entitled to possess a firearm from possessing a firearm, part of a firearm, ammunition, or ammunition component in a vehicle on the property.*
- (2) *A person, including but not limited to an employer, who owns, leases, or otherwise occupies real property may prevent a person who is prohibited by state or federal law from possessing a firearm or ammunition from possessing a firearm or ammunition on the property.*
- (3) *A firearm may be removed from the vehicle or handled in the case of self-defense, defense of another, defense of property, or as authorized by the owner, lessee, or occupant of the property.*
- (4) *An employer that fires, disciplines, demotes, or otherwise punishes an employee who is lawfully exercising a right guaranteed by this section, and who is engaging in conduct in compliance with this statute shall be liable in civil damages. An employee may seek and the court shall grant an injunction against an employer who is violating the provisions of this section when it is found that the employee is in compliance with the provisions of this section.*
- (5) *The provisions of this section shall not apply to any real property:*
 - (a) *Owned, leased, or occupied by the United States government upon which the possession or carrying of firearms is prohibited or controlled;*
 - (b) *Of a detention facility as defined in KRS 520.010; or*
 - (c) *Where a section of the Kentucky Revised Statutes specifically prohibits possession or carrying of firearms on the property.*

SECTION 9. A NEW SECTION OF KRS CHAPTER 39A IS CREATED TO READ AS FOLLOWS:

- (1) *Nothing in KRS 39A.100, 39A.110, 39A.120, 39A.130, or 39A.140, or any other provision of this chapter, shall authorize a taking of property or the taking of any action which is in violation of Section 6 or 7 of this Act.*
- (2) *If a person is relocated to temporary housing before, during, or after a disaster or emergency, he or she shall still possess the rights guaranteed by Sections 6 and 7 of this Act.*

Section 10. KRS 39A.100 is amended to read as follows:

- (1) In the event of the occurrence or threatened or impending occurrence of any of the situations or events contemplated by KRS 39A.010, 39A.020, or 39A.030, the Governor may declare, in writing, that a state of emergency exists. The Governor shall have and may exercise the following emergency powers during the period in which the state of emergency exists:
 - (a) To enforce all laws, and administrative regulations relating to disaster and emergency response and to assume direct operational control of all disaster and emergency response forces and activities in the Commonwealth;
 - (b) To require state agencies and to request local governments, local agencies, and special districts to respond to the emergency or disaster in the manner directed;
 - (c) To seize, take, or condemn property, *excluding firearms and ammunition, components of firearms and ammunition, or a combination thereof*, for the protection of the public or at the request of the President, the Armed Forces, or the Federal Emergency Management Agency of the United States, including:
 1. All means of transportation and communication;
 2. All stocks of fuel of whatever nature;
 3. Food, clothing, equipment, materials, medicines, and all supplies; and
 4. Facilities, including buildings and plants;

- (d) To sell, lend, give, or distribute any of the property under paragraph (c) of this subsection among the inhabitants of the Commonwealth and to account to the State Treasurer for any funds received for the property;
 - (e) To make compensation for the property seized, taken, or condemned under paragraph (c) of this subsection;
 - (f) To exclude all nonessential, unauthorized, disruptive, or otherwise uncooperative personnel from the scene of the emergency, and to command those persons or groups assembled at the scene to disperse. A person who refuses to leave an area in which a written order of evacuation has been issued in accordance with a written declaration of emergency or a disaster may be forcibly removed to a place of safety or shelter, or may, if this is resisted, be arrested by a peace officer. Forcible removal or arrest shall not be exercised as options until all reasonable efforts for voluntary compliance have been exhausted;
 - (g) To declare curfews and establish their limits;
 - (h) To prohibit or limit the sale or consumption of goods, *excluding firearms and ammunition, components of firearms and ammunition, or a combination thereof*, or commodities for the duration of the emergency;
 - (i) *Except as prohibited by this section or other law*, to perform and exercise other functions, powers, and duties deemed necessary to promote and secure the safety and protection of the civilian population;
 - (j) To request any assistance from agencies of the United States as necessary and appropriate to meet the needs of the people of the Commonwealth; and
 - (k) Upon the recommendation of the Secretary of State, to declare by executive order a different time or place for holding state elections in an election district for which a state of emergency has been declared for part or all of the election district. The election shall be held within twenty (20) days from the date of the suspended or delayed election. The State Board of Elections shall establish procedures for election officials to follow.
- (2) In the event of the occurrence or threatened or impending occurrence of any of the situations or events contemplated by KRS 39A.010, 39A.020, or 39A.030, which in the judgment of a local chief executive officer is of such severity or complexity as to require the exercise of extraordinary emergency measures, the county judge/executive of a county other than an urban-county government, or mayor of a city or urban-county government, or chief executive of other local governments or their designees as provided by ordinance of the affected county, city, or urban-county may declare in writing that a state of emergency exists, and thereafter, subject to any orders of the Governor, shall have and may exercise for the period as the state of emergency exists or continues, the following emergency powers:
- (a) To enforce all laws and administrative regulations relating to disaster and emergency response and to direct all local disaster and emergency response forces and operations in the affected county, city, urban-county, or charter county;
 - (b) To exclude all nonessential, unauthorized, disruptive, or uncooperative personnel from the scene of the emergency, and to command persons or groups of persons at the scene to disperse. A person who refuses to leave an area in which a written order of evacuation has been issued in accordance with a written declaration of emergency or a disaster may be forcibly removed to a place of safety or shelter, or may, if this is resisted, be arrested by a peace officer. Forcible removal or arrest shall not be exercised as options until all reasonable efforts for voluntary compliance have been exhausted;
 - (c) To declare curfews and establish their limits;
 - (d) To order immediate purchase or rental of, contract for, or otherwise procure, without regard to procurement codes or budget requirements, the goods and services essential for protection of public health and safety or to maintain or to restore essential public services; and
 - (e) To request emergency assistance from any local government or special district and, through the Governor, to request emergency assistance from any state agency and to initiate requests for federal assistance as are necessary for protection of public health and safety or for continuation of essential public services.

- (3) *Nothing in this section shall be construed to allow any governmental entity to impose additional restrictions on the lawful possession, transfer, sale, transport, carrying, storage, display, or use of firearms and ammunition or components of firearms and ammunition.*

SECTION 11. A NEW SECTION OF KRS CHAPTER 39B IS CREATED TO READ AS FOLLOWS:

- (1) *Nothing in KRS 39B.070 or any other provision of this chapter shall authorize a taking of property or the taking of any action which is in violation of Section 6 or 7 of this Act.*
- (2) *If a person is relocated to temporary housing before, during, or after a disaster or emergency, he or she shall still possess the rights guaranteed by Sections 6 and 7 of this Act.*

SECTION 12. A NEW SECTION OF KRS CHAPTER 27A IS CREATED TO READ AS FOLLOWS:

- (1) *The Administrative Office of the Courts shall support the responsibilities of the Department of State Police in the administration of KRS 237.110 by providing information:*
- (a) *Possessed by the courts with regard to the suitability of an applicant for a license under KRS 237.110; and*
- (b) *Possessed by the courts which may result in the revocation or suspension of a license issued pursuant to KRS 237.110.*
- (2) *The Administrative Office of the Courts shall transmit information regarding a licensee which may result in the revocation or suspension of a license issued pursuant to KRS 237.110 as soon as practicable.*
- (3) *The Administrative Office of the Courts shall not conduct a National Instant Criminal Background Check System (NICS) check for the Department of State Police.*
- (4) *For purposes of conducting the continual background check on licensees pursuant to KRS 237.110, the Department of State Police may provide a list of licensees to the Administrative Office of the Courts. The list of persons holding a license pursuant to KRS 237.110 shall be held confidential by the Administrative Office of the Courts and shall be used only for purposes specified in this section and KRS 237.110. Information regarding licensees or applicants for a license shall be transmitted only to the Department of State Police and shall not be distributed to any other person or organization within or without the Administrative Office of the Courts or the Court of Justice. The provisions of this section shall not be construed to prohibit or limit the distribution of information to or about any person which is authorized to be distributed by law, but the fact that the person is an applicant for or holds a license pursuant to KRS 237.110 shall not be distributed.*

Approved April 22, 2006.