

## CHAPTER 117

## ( HB 500 )

AN ACT relating to the regulation of firearms, firearms parts and accessories, ammunition, and ammunition components.

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

➔Section 1. KRS 65.870 is amended to read as follows:

- (1) No *existing or future* city, county,~~[-or-]~~ urban-county government, *charter county, consolidated local government, unified local government, special district, local or regional public or quasi-public agency, board, commission, department, public corporation, or any person acting under the authority of any of these organizations* may occupy any part of the field of regulation of the *manufacture, sale, purchase, taxation*, transfer, ownership, possession, carrying, *storage*, or transportation of firearms, ammunition,~~[-or-]~~ components of firearms, *components of ammunition, firearms accessories*, or combination thereof.
- (2) *Any existing or future ordinance, executive order, administrative regulation, policy, procedure, rule, or any other form of executive or legislative action in violation of this section or the spirit thereof is hereby declared null, void, and unenforceable.*
- (3) *Any person or organization specified in subsection (1) of this section shall repeal, rescind, or amend to conform, any ordinance, administrative regulation, executive order, policy, procedure, rule, or other form of executive or legislative action in violation of this section or the spirit thereof within six (6) months after the effective date of this Act.*
- (4) *Pursuant to Section 231 of the Constitution of Kentucky insofar as any person or organization specified in subsection (1) of this section is considered an agent of the Commonwealth, it is the intent of the General Assembly to exempt them from any immunity provided in Section 231 of the Constitution of Kentucky to the extent provided in this section. A person or an organization whose membership is adversely affected by any ordinance, administrative regulation, executive order, policy, procedure, rule or any other form of executive or legislative action promulgated or caused to be enforced in violation of this section or the spirit thereof may file suit against any person or organization specified in subsection (1) of this section in any court of this state having jurisdiction over any defendant to the suit for declaratory and injunctive relief. A court shall award the prevailing party in any such suit:*
  - (a) *Reasonable attorney's fees and costs in accordance with the laws of this state; and*
  - (b) *Expert witness fees and expenses.*
- (5) *If any person or organization specified in subsection (1) of this section violates this section or the spirit thereof, the court shall declare the improper ordinance, administrative regulation, executive order, policy, procedure, rule, or other form of executive or legislative action specified in subsection (1) of this section null, void, and unenforceable, and issue a permanent injunction against the person or organization specified in subsection (1) of this section prohibiting the enforcement of such ordinance, administrative regulation, executive order, policy, procedure, rule, or any other form of executive or legislative action specified in subsection (1) of this section.*
- (6) *A violation of this section by a public servant shall be a violation of either KRS 522.020 or 522.030 depending on the circumstances of the violation.*
- (7) *The provisions of this section shall not apply where a statute specifically authorizes or directs an agency or person specified in subsection (1) of this section to regulate a subject specified in subsection (1) of this section.*

Signed by Governor April 11, 2012.