

**CHAPTER 123****( SB 210 )**

AN ACT relating to possession of a firearm by a felon.

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

➔Section 1. KRS 527.040 is amended to read as follows:

- (1) A person is guilty of possession of a firearm by a convicted felon when he possesses, manufactures, or transports a firearm when he has been convicted of a felony, as defined by the laws of the jurisdiction in which he was convicted, in any state or federal court and has not:
  - (a) Been granted a full pardon by the Governor or by the President of the United States; *or*
  - (b) Been granted relief by the United States Secretary of the Treasury pursuant to the Federal Gun Control Act of 1968, as amended.
- (2)
  - (a) Possession of a firearm by a convicted felon is a Class D felony unless the firearm possessed is a handgun in which case it is a Class C felony.
  - (b) *If a felon is convicted of a criminal offense other than possession of a firearm by a convicted felon, and he or she possessed a firearm in commission of that offense, then the felon shall be penalized for violating this section one (1) class more severely if it is a second or subsequent violation of this section.*
- (3) The provisions of this section shall apply to any youthful offender convicted of a felony offense under the laws of this Commonwealth. The exceptions contained in KRS 527.100 prohibiting possession of a handgun by a minor shall not apply to this section.
- (4) The provisions of this section with respect to handguns, shall apply only to persons convicted after January 1, 1975, and with respect to other firearms, to persons convicted after July 15, 1994.

**Signed by Governor April 10, 2018.**