

## CHAPTER 117

## ( HB 153 )

AN ACT relating to prohibiting the enforcement of a federal ban or regulation of firearms and declaring an emergency.

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

➔Section 1. The General Assembly of the Commonwealth of Kentucky finds that:

(1) Section 1 of the Constitution of Kentucky provides, in part, that all men have an inalienable right to bear arms in defense of themselves and of the state;

(2) The Second Amendment to the Constitution of the United States guarantees the right of the people to keep and bear arms;

(3) The Tenth Amendment to the Constitution of the United States reserves to the states and people all powers not granted to the federal government; and

(4) The Supreme Court of the United States, in the case of *Printz v. United States*, 521 U.S. 898 (1997), affirmed that the federal government does not have the authority to commandeer local or state agents to enforce federal policy.

➔SECTION 2. A NEW SECTION OF KRS CHAPTER 237 IS CREATED TO READ AS FOLLOWS:

(1) *As used in this section:*

(a) *"Ammunition" has the same meaning as KRS 237.060;*

(b) *"Federal ban" means a federal law, executive order, rule, or regulation that is enacted, adopted, or becomes effective on or after January 1, 2021, or a new and more restrictive interpretation of a law that existed on January 21, 2021, that infringes upon, calls into question, prohibits, restricts, or requires individual licensure for or registration of the purchase, ownership, possession, transfer, or use of any firearm, ammunition, or firearm accessory;*

(c) *"Firearm" has the same meaning as KRS 237.060;*

(d) *"Firearm accessory" means an item that is used in conjunction with or mounted on a firearm but is not essential to the basic function of the firearm, including but not limited to a detachable magazine;*

(e) *"Law enforcement agency" means:*

1. *Any public agency that employs a law enforcement officer;*

2. *Any public agency that is composed of or employs other public peace officers; and*

3. *A campus security authority as defined in KRS 164.948 of a public institution operating under KRS Chapter 164;*

(f) *"Law enforcement officer" means any "peace officer" as defined in KRS 446.010 and any "correctional officer" as defined in KRS 441.045(15)(e);*

(g) *"Local government" means any city, county, charter county, urban-county, consolidated local, or unified local government; and*

(h) *"Public agency" has the same meaning as KRS 61.870, including a policy-making board, or any officer, employee, or entity of a public institution operating under KRS Chapter 164.*

(2) *No law enforcement agency, law enforcement officer, employee of a law enforcement agency, public agency, public official, employee of a public agency, or employee of a local government shall enforce, assist in the enforcement of, or otherwise cooperate in the enforcement of a federal ban on firearms, ammunition, or firearm accessories, and shall not participate in any federal enforcement action implementing a federal ban on firearms, ammunition, or firearm accessories.*

(3) *No law enforcement agency, local government, or public agency shall adopt a rule, order, ordinance, or policy under which the entity enforces, assists in the enforcement of, or otherwise cooperates in a federal ban on firearms, ammunition, or firearm accessory.*

- (4) *No local government, employee of a local government, public official, public agency, or employee of a public agency shall expend public funds or allocate resources for the enforcement of a federal ban on firearms, ammunition, or firearm accessories.*
- (5) *A person commits an offense under this section when, while acting in his or her official capacity under color of law, he or she knowingly violates this section. An offense under this section is a Class B misdemeanor for the first offense and a Class A misdemeanor for each subsequent offense.*
- (6) *A person who knowingly commits an offense under this section shall be subject to termination from employment to the extent allowable under state law.*
- (7) *Nothing in this section may be interpreted to prohibit or otherwise limit a law enforcement agency, law enforcement officer, employee of a law enforcement agency, public agency, public official, employee of a public agency, or employee of a local government from cooperating, communicating, or collaborating with a federal agency if the primary purpose is not:*
  - (a) *Law enforcement activity related to a federal ban on firearm, ammunition, or firearm accessories; or*
  - (b) *The investigation of a violation of a federal ban on firearm, ammunition, or firearm accessories.*
- (8) *This section shall be retroactive to January 1, 2021.*

➔Section 3. If any provision of Section 2 of this Act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of Section 2 of this Act that can be given effect without the invalid provision or application, and to this end the provisions of Section 2 of this Act are severable.

➔Section 4. Whereas the federal government continues to commandeer state and local law enforcement to aid in its infringement upon the right to bear arms and no just cause exists for delay, an emergency is declared to exist, and this Act takes effect upon its passage and approval by the Governor, or upon its otherwise becoming a law.

**Became law without Governor's signature March 28, 2023.**