

502 KAR 11:060. License denial and reconsideration process.

RELATES TO: KRS 237.110

STATUTORY AUTHORITY: KRS 16.080, 17.080, 237.110

NECESSITY, FUNCTION, AND CONFORMITY: KRS 237.110(9) requires the department to deny an application for a license to carry a concealed deadly weapon if an applicant fails to meet the statutory requirements for licensure and to reconsider its denial of an application upon the applicant's submission of documentation relating to the application. This administrative regulation establishes the procedures for denial, notification of denial, and reconsideration.

Section 1. If the department determines that it will deny an application for a license because an applicant fails to meet criteria specified in KRS 237.110(3) or (4), the department shall notify the applicant on a Denial Notice:

- (1) Of the reason the license is denied; and
- (2) That the applicant may request reconsideration by the department by completing the "Request for Reconsideration" Section of the Denial Notice in the presence of the sheriff within thirty (30) days of the date of the Denial Notice.

Section 2. If an applicant completes the Request for Reconsideration Section of the Denial Notice, the sheriff shall:

- (1) Place the completed Denial Notice and related material, if applicable, in a single applicant packet; and
- (2) Transmit the completed single applicant packet to the department on the date established by the CCDW-LEOSA Application Mailing Schedule For Sheriffs.

Section 3. The department may require the applicant to submit any of the following in support of his or her request for reconsideration:

- (1) Certified copies of records from a court clerk or law enforcement agency showing the disposition of criminal charges against the applicant;
- (2) A certificate or statement from a court clerk or law enforcement agency showing that the applicable records have been destroyed or are otherwise unavailable;
- (3) A certificate or statement from the appropriate department of the Armed Forces or other government agency showing the disposition of charges against the applicant;
- (4) A certificate or statement from the appropriate department of the Armed Forces showing the nature of the applicant's discharge or separation from the Armed Forces;
- (5) A notarized statement by the applicant setting forth the disposition of criminal charges against the applicant;
- (6) A notarized statement by the applicant setting forth the nature of the applicant's discharge or separation from the Armed Forces;
- (7) A notarized statement by the applicant setting forth the identity of the victim of the criminal offense, the nature of the applicant's relationship to the victim at the time of the offense, and whether or not the applicant and the victim shared a child in common at the time of the offense; or
- (8) Any other documentation relevant to evaluating the request for reconsideration.

Section 4. If the department determines that the request for reconsideration is valid and that the applicant is not disqualified from being issued a license, it shall issue a license as set forth in 502 KAR 11:010, Section 11.

Section 5. If the department determines that the request for reconsideration of the denial of the

application should be denied, the department shall notify the applicant of the denial by mail.

Section 6. Incorporation by Reference. (1) The following material is incorporated by reference:

(a) "Denial Notice", 1/9/07; and

(b) "CCDW-LEOSA Application Mailing Schedule For Sheriffs", July 2006.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department of State Police, 1250 Louisville Road, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. (23 Ky.R. 2348; Am. 2720; eff. 1-9-97; Recodified from 503 KAR 6:090, 11-8-2006; 33 Ky.R. 1701; 2293; eff. 3-9-07.)