

JUSTICE AND PUBLIC SAFETY CABINET
Department of State Police
(Amendment)

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 signing the request for reconsideration section, as provided in the notice of denial [~~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 notice of denial of license [~~Denial Notice~~].

Section 2. If an applicant submits a request for reconsideration of the denial of a license [~~completes the Request for Reconsideration Section of the Denial Notice~~], the sheriff shall:

- (1) Place the signed notice of denial [~~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.]~~

PHILLIP J. BURNETT, JR., Commissioner

APPROVED BY AGENCY: August 24, 2021

FILED WITH LRC: August 26, 2021 at 4:30 p.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on 9:00 a.m. on November 22, 2021 at 9:00 a.m. at 4449 Kit Carson Drive, Funderburk Building, Richmond, Kentucky 40475. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through 11:59 p.m. on November 30, 2021. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person below.

CONTACT PERSON: Katherine George, Staff Attorney, 4449 Kit Carson Drive, Funderburk Building, Richmond, Kentucky 40475, phone (859) 622-3801, fax (859) 622-5027, email katie.george@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact person: Katherine George

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the procedures for denial, notification of denial, and reconsideration.

(b) The necessity of this administrative regulation: To promulgate the appropriate procedure and standards for the denial, notification of denial, and reconsideration of a CCDW license.

(c) How this administrative regulation conforms to the content of the authorizing statutes: It establishes standards for the denial, notification of denial, and reconsideration of a CCDW license.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation sets forth clear, reasonable, and consistent procedures for the denial of a CCDW applicant.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: The amendment clarifies the existing language and conforms to the existing practices already in place.

(b) The necessity of the amendment to this administrative regulation: The previous language required procedural requirements that were unnecessary.

(c) How the amendment conforms to the content of the authorizing statutes: The amendment allows the Department to more effectively process denials, notifications of same, and reconsiderations.

(d) How the amendment will assist in the effective administration of the statutes: This amendment provides clarification to the previous language, and similarly defines the previous language more clearly.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: The Department of the Kentucky State Police; and all interested individuals who apply for a license to carry a concealed deadly weapon.

(4) Provide an analysis of how the entities identified in the previous question will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions each of the regulated entities have to take to comply with this regulation or amendment: No new actions must be taken on behalf of the regulated entities.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities: Nothing.

(c) As a result of compliance, what benefits will accrue to the entities: The amendment provides additional guidance to the regulated entities.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: Nothing.

(b) On a continuing basis: Nothing.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: This amendment is not anticipated to increase implementation or enforcement costs for any regulated entity.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase is necessary.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: The amendment of this regulation does not establish any new fees or increase any current fees, directly or indirectly.

(9) TIERING: Is tiering applied? No. Tiering was not applied because the administrative regulation applies equally to all those individuals or entities regulated by it.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

(1) What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? The De-

partment of the Kentucky State Police; and all interested individuals who apply for a license to carry a concealed deadly weapon.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 16.080, 17.080, 237.110

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect. If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? None.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? None.

(c) How much will it cost to administer this program for the first year? Nothing.

(d) How much will it cost to administer this program for subsequent years? Nothing.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-): None.

Expenditures (+/-): None.

Other Explanation: None.