

502 KAR 11:070. License revocation and suspension notice and reinstatement process.

RELATES TO: KRS 237.110

STATUTORY AUTHORITY: KRS 16.080, 17.080, 237.110

NECESSITY, FUNCTION, AND CONFORMITY: KRS 237.110(13)(a) requires the commissioner of the department to revoke a license to carry a concealed firearm or other deadly weapon if the licensee becomes permanently ineligible to be issued a license or have a license renewed under the criteria established by KRS 237.110. KRS 237.110(13)(b) requires the commissioner of the department to suspend a license to carry a concealed firearm or other deadly weapon if the licensee becomes temporarily ineligible to be issued a license or have a license renewed under the criteria established by KRS 237.110. This administrative regulation establishes the procedures for the revocation or suspension of a license to carry a concealed deadly weapon and for reinstatement of a revoked or suspended license.

Section 1. If the department determines that it will revoke a license, the department shall notify the licensee on a Revocation Notice:

- (1) Of the reason for the revocation;
- (2) That the licensee is required to surrender his or her license to the sheriff of his or her county of residence within two (2) business days of the receipt of the revocation notice;
- (3) That failure of the licensee to surrender a revoked license is a Class A misdemeanor; and
- (4) That the licensee may request reconsideration of the revocation by the department by completing the Request for Reconsideration Section of the Revocation Notice in the presence of the sheriff within thirty (30) days of the date of the Revocation Notice.

Section 2. If the department determines that it will suspend a license, the department shall notify the licensee on a Suspension Notice:

- (1) Of the reason for the suspension;
- (2) That the licensee is required to surrender his or her license to the sheriff of his or her county of residence within two (2) business days of the receipt of the suspension notice;
- (3) That failure of the licensee to surrender a suspended license is a Class A misdemeanor; and
- (4) That the licensee may request reconsideration of the suspension by the department by completing the Request for Reconsideration Section of the Suspension Notice in the presence of the sheriff within thirty (30) days of the date of the Suspension Notice.

Section 3. If a licensee completes the Request for Reconsideration Section of the Revocation Notice or the Suspension Notice, the sheriff shall:

- (1) Place the completed Revocation Notice or the Suspension 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 4. The department may require the licensee 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 licensee;
- (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 licensee;

(4) A certificate or statement from the appropriate department of the Armed Forces showing the nature of the licensee's discharge or separation from the Armed Forces;

(5) A notarized statement by the applicant setting forth the disposition of criminal charges against the licensee;

(6) A notarized statement by the licensee setting forth the nature of the licensee's discharge or separation from the Armed Forces;

(7) A notarized statement by the licensee setting forth the identity of the victim of the criminal offense, the nature of the licensee's relationship to the victim at the time of the offense, and whether or not the licensee 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 5. If the request for reconsideration of the revocation or suspension is denied, the department shall:

(1) Notify the licensee by mail; and

(2) Inform the licensee of his or her right to petition the Commissioner of the Kentucky State Police for reinstatement by requesting an administrative hearing pursuant to KRS Chapter 13B within thirty (30) days of the date of the denial letter.

Section 6. License Expiration Date. If a license is revoked or suspended, the date of its expiration shall not be extended.

Section 7. (1) A revoked or suspended license shall be reinstated by the department upon:

(a) Receipt of an order from the appropriate court to terminate the revocation or suspension;

(b) Determination by the department to reinstate the license after a request for reconsideration of the revocation or suspension; or

(c) Receipt of an order from the appropriate KRS Chapter 13B hearing officer to return the license and abrogate the suspension or revocation.

(2) If a license is reinstated, the department shall notify the applicant.

Section 8. Incorporation by Reference. (1) The following material is incorporated by reference:

(a) "Revocation Notice", 1/9/07;

(b) "Suspension Notice", 1/9/07; and

(c) "CCDW-LEOSA Application Mailing Schedule For Sheriffs," 07/06.

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