

237.154 Attorney General to enforce and investigate alleged violations -- Duties -- Defense -- Exclusive remedies.

- (1) As used in this section, the following have the same meaning as in KRS 237.150:
 - (a) "Firearm"; and
 - (b) "Firearms retailer."
- (2)
 - (a) The Attorney General shall have the sole authority to enforce, and shall investigate, any alleged violation of KRS 237.150 or 237.152.
 - (b) The following may petition the Attorney General to investigate an alleged violation under paragraph (a) of this subsection:
 1. A firearms retailer, or a customer who made a transaction at a firearms retailer, whose business is the subject of any alleged violation of KRS 237.150; and
 2. A person whose firearms ownership is the subject of any alleged violation of KRS 237.152
- (3)
 - (a)
 1. Upon finding a violation of KRS 237.150 or 237.152, the Attorney General shall provide written notice of the finding to the violating person, public or private.
 2. Written notice to a commercial entity under subparagraph 1. of this paragraph shall be made to the entity's registered agent.
 - (b) Within thirty (30) days of receiving a written notice under paragraph (a) of this subsection, the person shall cease any violation of KRS 237.150 or 237.152.
- (4)
 - (a) The Attorney General shall pursue, in a court of competent jurisdiction, an injunction against any person, public or private, that fails to comply with subsection (3)(b) of this section.
 - (b) If the court finds that a person continues to be in violation of KRS 237.150 or 237.152, the court shall issue an injunction enjoining the person from continuing the violation.
 - (c) Within thirty (30) days of being served with an injunction issued under paragraph (b) of this subsection, the person shall cease any violation of KRS 237.150 or 237.152.
 - (d)
 1. If a person knowingly and willfully fails to comply with paragraph (c) of this subsection, the Attorney General shall petition the court to recover on behalf of the state:
 - a. A civil penalty not to exceed ten thousand dollars (\$10,000) per violation of paragraph (c) of this subsection; and
 - b. The reasonable costs of investigation and litigation.
 2. In assessing a civil penalty under subparagraph 1.a. of this paragraph, the court shall consider, but not be limited to the following factors:
 - a. The financial resources of the violator; and
 - b. The harm or risk of harm to rights to keep and bear arms under:
 - i. The Second Amendment of the United States Constitution;

and

ii. Section 1 of the Constitution of Kentucky.

3. Any order assessing one (1) or more penalties under subparagraph 1. of this paragraph shall be stayed pending appeal of the order.
- (5) It shall be a defense to any alleged violation of KRS 237.150 or 237.152 that the person made a good-faith determination that the person's action was required by law.
- (6) The remedies set forth in this section shall be the exclusive remedies for any violation of KRS 237.150 or 237.152.

Effective: July 15, 2024

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