

AN ACT relating to child safety.

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

➔ Section 1. KRS 507.010 is amended to read as follows:

As used in this chapter:

- (1) "Abuse" has the same meaning as in KRS 508.090;
- (2) "Criminal homicide" means that a person is guilty of causing the death of another human being under circumstances which constitute murder, manslaughter in the first degree, manslaughter in the second degree, or reckless homicide; ~~and~~
- (3) "Physically helpless" and "mentally helpless" have the same meaning as in KRS 508.090; and
- (4) **"Readily dischargeable firearm"** means a firearm that is loaded with ammunition, whether or not a round is in the chamber.

➔ Section 2. KRS 507.050 is amended to read as follows:

- (1) A person is guilty of reckless homicide when, with recklessness he causes the death of another person, **including but not limited to accessing a readily dischargeable firearm in a manner that discharges the firearm and leads to the death of a juvenile under the age of twelve (12) years old.**
- (2) Reckless homicide is a Class D felony.

➔ Section 3. KRS 527.010 is amended to read as follows:

The following definitions apply in this chapter unless the context otherwise requires:

- (1) "Booby trap device" shall have the same meaning as set forth in KRS 237.030.
- (2) "Deface" means to remove, deface, cover, alter, or destroy the manufacturer's serial number or any other distinguishing number or identification mark.
- (3) "Destructive device" shall have the same meaning as set forth in KRS 237.030.
- (4) "Firearm" means any weapon which will expel a projectile by the action of an explosive.
- (5) "Handgun" means any pistol or revolver originally designed to be fired by the use of

a single hand, or any other firearm originally designed to be fired by the use of a single hand.

(6) "Readily dischargeable firearm" means a firearm that is loaded with ammunition, whether or not a round is in the chamber.

(7) "Secure" means to take steps that a reasonable person would take to prevent the access to a readily dischargeable firearm by a juvenile under the age of twelve (12) years old, including but not limited to placing a firearm in a locked container or temporarily rendering the firearm inoperable by a trigger lock or other means.

➔ SECTION 4. A NEW SECTION OF KRS CHAPTER 527 IS CREATED TO READ AS FOLLOWS:

(1) A person is guilty of criminally allowing a juvenile access to a readily dischargeable firearm when he or she:

(a) Allows a juvenile under the age of twelve (12) years old to access a readily dischargeable firearm; and

(b) Knowingly or recklessly:

1. Failed to secure the firearm; or

2. Left the firearm in a place the person knew or should have known the juvenile would gain access.

(2) It is an affirmative defense to the offense of criminally allowing a juvenile access to a firearm as provided in subsection (1) of this section, if the juvenile's access to the firearm:

(a) Was supervised by a person older than eighteen (18) years of age and the firearm was readily dischargeable for hunting, sporting, or other lawful purposes;

(b) Consisted of lawful defense by the juvenile of people or property as provided under KRS 503.050 or 503.080;

- (c) Was gained during the commission of an act of burglary or criminal trespass prohibited by KRS Chapter 511;
  - (d) Was gained during the commission of an act of theft by unlawful taking or disposition prohibited by KRS 514.030; or
  - (e) Occurred during a time when the person was engaged in an agricultural enterprise.
- (3) A person is guilty of a Class B misdemeanor if he or she violates subsection (1) of this section, except that if the juvenile discharges the firearm and causes death or serious injury of himself or another person, the person is guilty of a Class A misdemeanor.
- (4) A dealer of firearms operating within the state of Kentucky shall post in a conspicuous position on the premises where the dealer conducts business a sign that contains the following warning in block letters not less than one (1) inch in height:

**"IT IS UNLAWFUL TO STORE, TRANSPORT, OR ABANDON AN UNSECURED FIREARM IN A PLACE WHERE A JUVENILE IS LIKELY TO BE AND CAN OBTAIN ACCESS TO THE FIREARM."**

➔Section 5. This Act shall be known and may be cited as the "Andre O'Neal Memorial Act."