

1 AN ACT relating to firearms, including ammunition and accessories for firearms.

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

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 237 IS CREATED TO
4 READ AS FOLLOWS:

5 *The General Assembly declares that the authority for Sections 1 to 5 of this Act is the*
6 *following:*

7 *(1) The Tenth Amendment to the Constitution of the United States guarantees to the*
8 *states and their people all powers not granted to the federal government*
9 *elsewhere in the Constitution and reserves to the state and people of Kentucky*
10 *certain powers as they were understood at the time that Kentucky was admitted to*
11 *statehood on June 1, 1792. The guaranty of those powers is a matter of contract*
12 *between the Commonwealth and people of Kentucky and the United States as of*
13 *the time that Kentucky was admitted as a state of the United States on June 1,*
14 *1792;*

15 *(2) The Ninth Amendment to the Constitution of the United States guarantees to the*
16 *people rights not granted in the Constitution and reserves to the people of*
17 *Kentucky certain rights as they were understood at the time Kentucky was*
18 *admitted as a state of the United States on June 1, 1792;*

19 *(3) The regulation of intrastate commerce is vested in the states under the Ninth and*
20 *Tenth Amendments to the Constitution of the United States, particularly if not*
21 *expressly preempted by federal law. The Congress of the United States has not*
22 *expressly preempted state regulation of intrastate commerce pertaining to the*
23 *manufacture on an intrastate basis of firearms, firearms accessories, and*
24 *ammunition; and*

25 *(4) The Second Amendment to the Constitution of the United States reserves to the*
26 *people the right to keep and bear arms as that right was understood at the time*
27 *that Kentucky was admitted to statehood on June 1, 1792, and the guaranty of the*

1 right is a matter of contract between the Commonwealth and people of Kentucky
2 and the United States as of the time that Kentucky was admitted as a state of the
3 United States on June 1, 1792.

4 ➔SECTION 2. A NEW SECTION OF KRS CHAPTER 237 IS CREATED TO
5 READ AS FOLLOWS:

6 As used in Sections 1 to 5 of this Act, unless the context requires otherwise:

7 (1) "Borders of Kentucky" means the boundaries of Kentucky as described in KRS
8 Chapter 1;

9 (2) "Firearm accessories" means items that are used in conjunction with or
10 mounted upon a firearm but are not essential to the basic function of a firearm,
11 including but not limited to telescopic or laser sights, magazines, flash
12 suppressors, folding or aftermarket stocks and grips, speed loaders, ammunition
13 carriers, and lights for target illumination;

14 (3) "Generic and insignificant parts" includes but is not limited to springs, screws,
15 nuts, and pins; and

16 (4) "Manufactured" means that a firearm, a firearm accessory, or ammunition has
17 been created from basic materials for functional usefulness, including but not
18 limited to forging, casting, machining, or other processes for working materials.

19 ➔SECTION 3. A NEW SECTION OF KRS CHAPTER 237 IS CREATED TO
20 READ AS FOLLOWS:

21 (1) A personal firearm, a firearm accessory, or ammunition that is manufactured
22 commercially or privately in Kentucky and that remains within the borders of
23 Kentucky is not subject to federal law or federal regulation, including
24 registration, under the authority of the Congress of the United States to regulate
25 interstate commerce. It is declared by the General Assembly of the
26 Commonwealth of Kentucky that those items have not traveled in interstate
27 commerce.

- 1 (2) This section applies to a firearm, a firearm accessory, or ammunition that is
2 manufactured in Kentucky from basic materials and that can be manufactured
3 without the inclusion of any significant parts imported from another state or
4 country. Generic and insignificant parts that have other manufacturing or
5 consumer product applications are not firearms, firearm accessories, or
6 ammunition and their importation into Kentucky and incorporation into a
7 firearm, a firearm accessory, or ammunition manufactured in Kentucky does not
8 subject the firearm, the firearm accessory, or ammunition to federal regulation.
- 9 (3) It is declared by the General Assembly of the Commonwealth of Kentucky that
10 basic materials, such as unmachined steel and unshaped wood, are not firearms,
11 firearm accessories, or ammunition and are not subject to the authority of the
12 Congress of the United States to regulate firearms, firearm accessories, or
13 ammunition under interstate commerce as if they were actually firearms, firearm
14 accessories, or ammunition. The authority of the Congress of the United States to
15 regulate interstate commerce in basic materials does not include authority to
16 regulate firearms, firearm accessories, and ammunition made in the
17 Commonwealth of Kentucky from those materials.
- 18 (4) Firearm accessories that are imported into Kentucky from another state or nation
19 that are subject to federal regulation as being in interstate commerce do not
20 subject a firearm to federal regulation under interstate commerce because they
21 are attached to or used in conjunction with a firearm in Kentucky.
- 22 (5) This section does not apply to:
- 23 (a) A firearm that cannot be carried and used by one (1) person;
24 (b) A firearm that has a bore diameter greater than one and one-half (1-1/2)
25 inches and that uses smokeless powder, not black powder, as a propellant;
26 (c) Ammunition with a projectile that explodes using an explosion of chemical
27 energy after the projectile leaves the firearm; or

1 *(d) A firearm that discharges two (2) or more shots with one (1) activation of*
2 *the trigger or other firing device.*

3 ➔SECTION 4. A NEW SECTION OF KRS CHAPTER 237 IS CREATED TO
4 READ AS FOLLOWS:

5 *A firearm manufactured and sold in Kentucky under Sections 1 to 5 of this Act shall*
6 *have the words "Made in Kentucky" clearly stamped on a central metallic part, such*
7 *as the receiver or frame.*

8 ➔SECTION 5. A NEW SECTION OF KRS CHAPTER 237 IS CREATED TO
9 READ AS FOLLOWS:

10 *Sections 1 to 5 of this Act applies to firearms, firearm accessories, and ammunition*
11 *that are manufactured, as defined in Section 2 of this Act, in Kentucky and are*
12 *retained in Kentucky on and after the effective date of this Act.*

13 ➔Section 6. Sections 1 to 5 of this Act shall be known and may be cited as the
14 Kentucky Firearms Freedom Act.