

1 AN ACT relating to an individual's right to concealed carry.

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

3 ➔Section 1. KRS 237.137 is amended to read as follows:

4 **(1)** Off-duty peace officers authorized to do so by the government employing the officer
5 and retired peace officers certified under KRS 237.138 to 237.142 may carry
6 concealed firearms on or about their persons at all times and at any location within
7 the Commonwealth where an on-duty peace officer is permitted to carry firearms.

8 **(2) (a) Any person who prevents or attempts to prevent an individual authorized**
9 **under subsection (1) of this section from carrying a concealed firearm shall**
10 **be guilty of a violation subject to a fine of:**

11 **1. Five hundred dollars (\$500) for a first offense;**

12 **2. One thousand dollars (\$1,000) for a second offense; and**

13 **3. Two thousand five hundred dollars (\$2,500) for a third or any**
14 **subsequent offense.**

15 **(b) A citation for the violation may be issued to an individual or an**
16 **establishment where the violation occurs.**

17 ➔Section 2. KRS 237.110 is amended to read as follows:

18 (1) The Department of Kentucky State Police is authorized to issue and renew licenses
19 to carry concealed firearms or other deadly weapons, or a combination thereof, to
20 persons qualified as provided in this section.

21 (2) An original or renewal license issued pursuant to this section shall:

22 (a) Be valid throughout the Commonwealth and, except as provided in this
23 section or other specific section of the Kentucky Revised Statutes or federal
24 law, permit the holder of the license to carry firearms, ammunition, or other
25 deadly weapons, or a combination thereof, at any location in the
26 Commonwealth;

27 (b) Unless revoked or suspended as provided by law, be valid for a period of five

- 1 (5) years from the date of issuance;
- 2 (c) Authorize the holder of the license to carry a concealed firearm or other
3 deadly weapon, or a combination thereof, on or about his or her person; and
- 4 (d) Authorize the holder of the license to carry ammunition for a firearm on or
5 about his or her person.
- 6 (3) Prior to the issuance of an original or renewal license to carry a concealed deadly
7 weapon, the Department of Kentucky State Police, upon receipt of a completed
8 application, applicable fees, and any documentation required by this section or
9 administrative regulation promulgated by the Department of Kentucky State Police,
10 shall conduct a background check to ascertain whether the applicant is eligible
11 under 18 U.S.C. sec. 922(g) and (n), any other applicable federal law, and state law
12 to purchase, receive, or possess a firearm or ammunition, or both. The background
13 check shall include:
- 14 (a) A state records check covering the items specified in this subsection, together
15 with any other requirements of this section;
- 16 (b) A federal records check, which shall include a National Instant Criminal
17 Background Check System (NICS) check;
- 18 (c) A federal Immigration Alien Query if the person is an alien who has been
19 lawfully admitted to the United States by the United States government or an
20 agency thereof; and
- 21 (d) In addition to the Immigration Alien Query, if the applicant has not been
22 lawfully admitted to the United States under permanent resident status, the
23 Department of Kentucky State Police shall, if a doubt exists relating to an
24 alien's eligibility to purchase a firearm, consult with the United States
25 Department of Homeland Security, United States Department of Justice,
26 United States Department of State, or other federal agency to confirm whether
27 the alien is eligible to purchase a firearm in the United States, bring a firearm

1 into the United States, or possess a firearm in the United States under federal
2 law.

3 (4) The Department of Kentucky State Police shall issue an original or renewal license
4 if the applicant:

5 (a) Is not prohibited from the purchase, receipt, or possession of firearms,
6 ammunition, or both pursuant to 18 U.S.C. 922(g), 18 U.S.C. 922(n), or
7 applicable federal or state law;

8 (b) 1. Is a citizen of the United States who is a resident of this Commonwealth;
9 2. Is a citizen of the United States who is a member of the Armed Forces of
10 the United States who is on active duty, who is at the time of application
11 assigned to a military posting in Kentucky;

12 3. Is lawfully admitted to the United States by the United States
13 government or an agency thereof, is permitted by federal law to purchase
14 a firearm, and is a resident of this Commonwealth; or

15 4. Is lawfully admitted to the United States by the United States
16 government or an agency thereof, is permitted by federal law to purchase
17 a firearm, is, at the time of the application, assigned to a military posting
18 in Kentucky, and has been assigned to a posting in the Commonwealth;

19 (c) Is twenty-one (21) years of age or older;

20 (d) Has not been committed to a state or federal facility for the abuse of a
21 controlled substance or been convicted of a misdemeanor violation of KRS
22 Chapter 218A or similar laws of any other state relating to controlled
23 substances, within a three (3) year period immediately preceding the date on
24 which the application is submitted;

25 (e) Does not chronically and habitually use alcoholic beverages as evidenced by
26 the applicant having two (2) or more convictions for violating KRS 189A.010
27 within the three (3) years immediately preceding the date on which the

- 1 application is submitted, or having been committed as an alcoholic pursuant to
2 KRS Chapter 222 or similar laws of another state within the three (3) year
3 period immediately preceding the date on which the application is submitted;
- 4 (f) Does not owe a child support arrearage which equals or exceeds the
5 cumulative amount which would be owed after one (1) year of nonpayment, if
6 the Department of Kentucky State Police has been notified of the arrearage by
7 the Cabinet for Health and Family Services;
- 8 (g) Has complied with any subpoena or warrant relating to child support or
9 paternity proceedings. If the Department of Kentucky State Police has not
10 been notified by the Cabinet for Health and Family Services that the applicant
11 has failed to meet this requirement, the Department of Kentucky State Police
12 shall assume that paternity and child support proceedings are not an issue;
- 13 (h) Has not been convicted of a violation of KRS 508.030 or 508.080 within the
14 three (3) years immediately preceding the date on which the application is
15 submitted. The commissioner of the Department of Kentucky State Police
16 may waive this requirement upon good cause shown and a determination that
17 the applicant is not a danger and that a waiver would not violate federal law;
- 18 (i) Demonstrates competence with a firearm by successful completion of a
19 firearms safety or training course that is conducted by a firearms instructor
20 who is certified by a national organization with membership open to residents
21 of any state or territory of the United States, which was created to promote
22 firearms education, safety, and the profession of firearms use and training,
23 and to foster professional behavior in its members. The organization shall
24 require members to adhere to its own code of ethics and conduct a program
25 which ~~that~~ certifies firearms instructors and includes the use of written tests,
26 in person instruction, and a component of live-fire training. These national
27 organizations shall include, but are not limited to The National Rifle

1 *Association, The United States Concealed Carry Association, and the*
2 *National Shooting Sports Foundation. The training requirement may also*
3 *be fulfilled through any*~~or a~~ firearms safety course offered or approved by
4 the Department of Criminal Justice Training. The firearms safety course
5 offered or approved by the Department of Criminal Justice Training shall:

- 6 1. Be not more than eight (8) hours in length;
 - 7 2. Include instruction on handguns, the safe use of handguns, the care and
8 cleaning of handguns, and handgun marksmanship principles;
 - 9 3. Include actual range firing of a handgun in a safe manner, and the firing
10 of not more than twenty (20) rounds at a full-size silhouette target,
11 during which firing, not less than eleven (11) rounds must hit the
12 silhouette portion of the target; and
 - 13 4. Include information on and a copy of laws relating to possession and
14 carrying of firearms, as set forth in KRS Chapters 237 and 527, and the
15 laws relating to the use of force, as set forth in KRS Chapter 503; and
- 16 (j) Demonstrates knowledge of the law regarding the justifiable use of force by
17 including with the application a copy of the concealed carry deadly weapons
18 legal handout made available by the Department of Criminal Justice Training
19 and a signed statement that indicates that applicant has read and understands
20 the handout.
- 21 (5) (a) A legible photocopy or electronic copy of a certificate of completion issued by
22 a firearms instructor certified by a national organization or the Department of
23 Criminal Justice Training shall constitute evidence of qualification under
24 subsection (4)(i) of this section.
- 25 (b) Persons qualifying under subsection (6)(d) of this section may submit with
26 their application:
- 27 1. At least one (1) of the following paper or electronic forms or their

1 successor forms showing evidence of handgun training or handgun
2 qualifications:

- 3 a. Department of Defense Form DD 2586;
 - 4 b. Department of Defense Form DD 214;
 - 5 c. Coast Guard Form CG 3029;
 - 6 d. Department of the Army Form DA 88-R;
 - 7 e. Department of the Army Form DA 5704-R;
 - 8 f. Department of the Navy Form OPNAV 3591-1; or
 - 9 g. Department of the Air Force Form AF 522; or
- 10 2. a. Documentary evidence of an honorable discharge; and
- 11 b. A notarized affidavit on a form provided by the Department of
- 12 Kentucky State Police, signed under penalty of perjury, stating the
- 13 person has met the training requirements of subsection (6)(d) of
- 14 this section.

15 (6) (a) Peace officers who are currently certified as peace officers by the Kentucky
16 Law Enforcement Council pursuant to KRS 15.380 to 15.404 and peace
17 officers who are retired and are members of the Kentucky Employees
18 Retirement System, State Police Retirement System, or County Employees
19 Retirement System or other retirement system operated by or for a city,
20 county, or urban-county in Kentucky shall be deemed to have met the training
21 requirement.

22 (b) Current and retired peace officers of the following federal agencies shall be
23 deemed to have met the training requirement:

- 24 1. Any peace officer employed by a federal agency specified in KRS
25 61.365;
- 26 2. Any peace officer employed by a federal civilian law enforcement
27 agency not specified above who has successfully completed the basic

- 1 law enforcement training course required by that agency;
- 2 3. Any military peace officer of the United States Army, Navy, Marine
3 Corps, or Air Force, or a reserve component thereof, or of the Army
4 National Guard or Air National Guard who has successfully completed
5 the military law enforcement training course required by that branch of
6 the military;
- 7 4. Any member of the United States Coast Guard serving in a peace officer
8 role who has successfully completed the law enforcement training
9 course specified by the United States Coast Guard.
- 10 (c) Corrections officers who are currently employed by a consolidated local
11 government, an urban-county government, or the Department of Corrections
12 who have successfully completed a basic firearms training course required for
13 their employment, and corrections officers who were formerly employed by a
14 consolidated local government, an urban-county government, or the
15 Department of Corrections who are retired, and who successfully completed a
16 basic firearms training course required for their employment, and are members
17 of a state-administered retirement system or other retirement system operated
18 by or for a city, county, or urban-county government in Kentucky shall be
19 deemed to have met the training requirement.
- 20 (d) Active or honorably discharged service members in the United States Army,
21 Navy, Marine Corps, Air Force, or Coast Guard, or a reserve component
22 thereof, or of the Army National Guard or Air National Guard shall be
23 deemed to have met the training requirement if these persons:
- 24 1. Successfully completed handgun training which was conducted by the
25 United States Army, Navy, Marine Corps, Air Force, or Coast Guard, or
26 a reserve component thereof, or of the Army National Guard or Air
27 National Guard; or

- 1 2. Successfully completed handgun qualification within the United States
2 Army, Navy, Marine Corps, Air Force, or Coast Guard, or a reserve
3 component thereof, or of the Army Guard or Air Force National Guard.
- 4 (7) (a) 1. A paper application for a license, or renewal of a license, to carry a
5 concealed deadly weapon shall be obtained from and submitted to the
6 office of the sheriff in the county in which the person resides.
- 7 2. An applicant, in lieu of a paper application, may submit an electronic
8 application for a license, or renewal of a license, to carry a concealed
9 deadly weapon to the Department of Kentucky State Police.
- 10 3. Persons qualifying under subsection (6)(d) of this section shall be
11 supplied the information in subsection (4)(i)4. of this section upon
12 obtaining an application.
- 13 (b) 1. The completed paper application and any documentation required by this
14 section plus an application fee or renewal fee, as appropriate, of sixty
15 dollars (\$60) shall be presented to the office of the sheriff of the county
16 in which the applicant resides.
- 17 2. The sheriff shall transmit the paper application and accompanying
18 material to the Department of Kentucky State Police within five (5)
19 working days.
- 20 3. Twenty dollars (\$20) of the paper application fee shall be retained by the
21 office of the sheriff for official expenses of the office. Twenty dollars
22 (\$20) shall be sent to the Department of Kentucky State Police with the
23 application. Ten dollars (\$10) shall be transmitted by the sheriff to the
24 Administrative Office of the Courts to fund background checks for
25 youth leaders, and ten dollars (\$10) shall be transmitted to the
26 Administrative Office of the Courts to fund background checks for
27 applicants for concealed weapons.

- 1 (c) 1. A completed electronic application submitted in lieu of a paper
2 application, any documentation required by this section, and an
3 application fee or renewal fee, as appropriate, of seventy dollars (\$70)
4 shall be presented to the Department of Kentucky State Police.
- 5 2. If an electronic application is submitted in lieu of a paper application,
6 thirty dollars (\$30) of the electronic application fee shall be retained by
7 the Department of Kentucky State Police. Twenty dollars (\$20) shall be
8 sent to the office of the sheriff of the applicant's county of residence for
9 official expenses of the office. Ten dollars (\$10) shall be transmitted to
10 the Administrative Office of the Courts to fund background checks for
11 youth leaders, and ten dollars (\$10) shall be transmitted to the
12 Administrative Office of the Courts to fund background checks for
13 applicants for concealed weapon carry permits.
- 14 (d) A full-time or part-time peace officer who is currently certified as a peace
15 officer by the Kentucky Law Enforcement Council and who is authorized by
16 his or her employer or government authority to carry a concealed deadly
17 weapon at all times and all locations within the Commonwealth pursuant to
18 KRS 527.020, or a retired peace officer who is a member of the Kentucky
19 Employees Retirement System, State Police Retirement System, County
20 Employees Retirement System, or other retirement system operated by or for a
21 city, county, or urban-county government in Kentucky, shall be exempt from
22 paying the paper or electronic application or renewal fees.
- 23 (e) The application, whether paper or electronic, shall be completed, under oath,
24 on a form or in a manner promulgated by the Department of Kentucky State
25 Police by administrative regulation which shall include:
- 26 1. a. The name, address, place and date of birth, citizenship, gender,
27 Social Security number of the applicant; and

- 1 b. If not a citizen of the United States, alien registration number if
2 applicable, passport number, visa number, mother's maiden name,
3 and other information necessary to determine the immigration
4 status and eligibility to purchase a firearm under federal law of a
5 person who is not a citizen of the United States;
- 6 2. A statement that, to the best of his or her knowledge, the applicant is in
7 compliance with criteria contained within subsections (3) and (4) of this
8 section;
- 9 3. A statement that the applicant, if qualifying under subsection (6)(c) of
10 this section, has provided:
- 11 a. At least one (1) of the forms listed in subsection (5) of this section;
12 or
- 13 b. i. Documentary evidence of an honorable discharge; and
14 ii. A notarized affidavit on a form provided by the Department
15 of Kentucky State Police stating the person has met the
16 training requirements of subsection (6)(c) of this section;
- 17 4. A statement that the applicant has been furnished a copy of this section
18 and is knowledgeable about its provisions;
- 19 5. A statement that the applicant has been furnished a copy of, has read,
20 and understands KRS Chapter 503 as it pertains to the use of deadly
21 force for self-defense in Kentucky; and
- 22 6. A conspicuous warning that the application is executed under oath and
23 that a materially false answer to any question, or the submission of any
24 materially false document by the applicant, subjects the applicant to
25 criminal prosecution under KRS 523.030.
- 26 (8) The applicant shall submit to the sheriff of the applicant's county of residence or
27 county of military posting if submitting a paper application, or to the Department of

1 Kentucky State Police if submitting an electronic application:

- 2 (a) A completed application as described in subsection (7) of this section;
- 3 (b) A recent color photograph of the applicant, as prescribed by administrative
4 regulation;
- 5 (c) A paper or electronic certificate or an affidavit or document as described in
6 subsection (5) of this section;
- 7 (d) A paper or electronic document establishing the training exemption as
8 described in subsection (6) of this section; and
- 9 (e) For an applicant who is not a citizen of the United States and has been
10 lawfully admitted to the United States by the United States government or an
11 agency thereof, an affidavit as prescribed by administrative regulation
12 concerning his or her immigration status and his or her United States
13 government issued:
- 14 1. Permanent Resident Card I-551 or its equivalent successor
15 identification;
 - 16 2. Other United States government issued evidence of lawful admission to
17 the United States which includes the category of admission, if admission
18 has not been granted as a permanent resident; and
 - 19 3. Evidence of compliance with the provisions of 18 U.S.C. sec. 922(g)(5),
20 18 U.S.C. sec. 922(d)(5), or 18 U.S.C. sec. 922(y)(2), and 27 C.F.R. Part
21 178, including, as appropriate, but not limited to evidence of ninety (90)
22 day residence in the Commonwealth, a valid current Kentucky hunting
23 license if claiming exemption as a hunter, or other evidence of eligibility
24 to purchase a firearm by an alien which is required by federal law or
25 regulation.

26 If an applicant presents identification specified in this paragraph, the sheriff
27 shall examine the identification, may record information from the

1 identification presented, and shall return the identification to the applicant.

2 (9) The Department of Kentucky State Police shall, within sixty (60) days after the date
3 of receipt of the items listed in subsection (8) of this section if the applicant
4 submitted a paper application, or within fifteen (15) business days after the date of
5 receipt of the items listed in subsection (8) of this section if the applicant applied
6 electronically, either:

7 (a) Issue the license; or

8 (b) Deny the application based solely on the grounds that the applicant fails to
9 qualify under the criteria listed in subsection (3) or (4) of this section. If the
10 Department of Kentucky State Police denies the application, it shall notify the
11 applicant in writing, stating the grounds for denial and informing the applicant
12 of a right to submit, within thirty (30) days, any additional documentation
13 relating to the grounds of denial. Upon receiving any additional
14 documentation, the Department of Kentucky State Police shall reconsider its
15 decision and inform the applicant within twenty (20) days of the result of the
16 reconsideration. The applicant shall further be informed of the right to seek de
17 novo review of the denial in the District Court of his or her place of residence
18 within ninety (90) days from the date of the letter advising the applicant of the
19 denial.

20 (10) The Department of Kentucky State Police shall maintain an automated listing of
21 license holders and pertinent information, and this information shall be available
22 upon request, at all times to all Kentucky, federal, and other states' law enforcement
23 agencies. A request for the entire list of licensees, or for all licensees in a
24 geographic area, shall be denied. Only requests relating to a named licensee shall be
25 honored or available to law enforcement agencies. Information on applications for
26 licenses, names and addresses, or other identifying information relating to license
27 holders shall be confidential and shall not be made available except to law

1 enforcement agencies. No request for lists of local or statewide permit holders shall
2 be made to any state or local law enforcement agency, peace officer, or other agency
3 of government other than the Department of Kentucky State Police, and no state or
4 local law enforcement agency, peace officer, or agency of government, other than
5 the Department of Kentucky State Police, shall provide any information to any
6 requester not entitled to it by law.

7 (11) Within thirty (30) days after the changing of a permanent address, or within thirty
8 (30) days after the loss, theft, or destruction of a license, the licensee shall notify the
9 Department of Kentucky State Police of the loss, theft, or destruction. Failure to
10 notify the Department of Kentucky State Police shall constitute a noncriminal
11 violation with a penalty of twenty-five dollars (\$25) payable to the clerk of the
12 District Court. No court costs shall be assessed for a violation of this subsection.
13 When a licensee makes application to change his or her residence address or other
14 information on the license, neither the sheriff nor the Department of Kentucky State
15 Police shall require a surrender of the license until a new license is in the office of
16 the applicable sheriff and available for issuance. Upon the issuance of a new
17 license, the old license shall be destroyed by the sheriff.

18 (12) If a license is lost, stolen, or destroyed, the license shall be automatically invalid,
19 and the person to whom the same was issued may, upon payment of fifteen dollars
20 (\$15) for a paper request, or twenty-five dollars (\$25) for an electronic request
21 submitted in lieu of a paper request, to the Department of Kentucky State Police,
22 obtain a duplicate, upon furnishing a notarized statement to the Department of
23 Kentucky State Police that the license has been lost, stolen, or destroyed.

24 (13) (a) The commissioner of the Department of Kentucky State Police, or his or her
25 designee in writing, shall revoke the license of any person who becomes
26 permanently ineligible to be issued a license or have a license renewed under
27 the criteria set forth in this section.

- 1 (b) The commissioner of the Department of Kentucky State Police, or his or her
2 designee in writing, shall suspend the license of any person who becomes
3 temporarily ineligible to be issued a license or have a license renewed under
4 the criteria set forth in this section. The license shall remain suspended until
5 the person is again eligible for the issuance or renewal of a license.
- 6 (c) Upon the suspension or revocation of a license, the commissioner of the
7 Department of Kentucky State Police, or his or her designee in writing, shall:
- 8 1. Order any peace officer to seize the license from the person whose
9 license was suspended or revoked; or
- 10 2. Direct the person whose license was suspended or revoked to surrender
11 the license to the sheriff of the person's county of residence within two
12 (2) business days of the receipt of the notice.
- 13 (d) If the person whose license was suspended or revoked desires a hearing on the
14 matter, the person shall surrender the license as provided in paragraph (c)2. of
15 this subsection and petition the commissioner of the Department of Kentucky
16 State Police to hold a hearing on the issue of suspension or revocation of the
17 license.
- 18 (e) Upon receipt of the petition, the commissioner of the Department of Kentucky
19 State Police shall cause a hearing to be held in accordance with KRS Chapter
20 13B on the suspension or revocation of the license. If the license has not been
21 surrendered, no hearing shall be scheduled or held.
- 22 (f) If the hearing officer determines that the licensee's license was wrongly
23 suspended or revoked, the hearing officer shall order the commissioner of the
24 Department of Kentucky State Police to return the license and abrogate the
25 suspension or revocation of the license.
- 26 (g) Any party may appeal a decision pursuant to this subsection to the District
27 Court in the licensee's county of residence in the same manner as for the

1 denial of a license.

2 (h) If the license is not surrendered as ordered, the commissioner of the
3 Department of Kentucky State Police shall order a peace officer to seize the
4 license and deliver it to the commissioner.

5 (i) Failure to surrender a suspended or revoked license as ordered is a Class A
6 misdemeanor.

7 (j) The provisions of this subsection relating to surrender of a license shall not
8 apply if a court of competent jurisdiction has enjoined its surrender.

9 (k) When a domestic violence order or emergency protective order is issued
10 pursuant to the provisions of KRS Chapter 403 against a person holding a
11 license issued under this section, the holder of the permit shall surrender the
12 license to the court or to the officer serving the order. The officer to whom the
13 license is surrendered shall forthwith transmit the license to the court issuing
14 the order. The license shall be suspended until the order is terminated, or until
15 the judge who issued the order terminates the suspension prior to the
16 termination of the underlying domestic violence order or emergency protective
17 order, in writing and by return of the license, upon proper motion by the
18 license holder. Subject to the same conditions as above, a peace officer against
19 whom an emergency protective order or domestic violence order has been
20 issued shall not be permitted to carry a concealed deadly weapon when not on
21 duty, the provisions of KRS 527.020 to the contrary notwithstanding.

22 (14) (a) Not less than one hundred twenty (120) days prior to the expiration date of the
23 license, the Department of Kentucky State Police shall mail to each licensee a
24 written notice of the expiration and a renewal form prescribed by the
25 Department of Kentucky State Police. The outside of the envelope containing
26 the license renewal notice shall bear only the name and address of the
27 applicant. No other information relating to the applicant shall appear on the

1 outside of the envelope sent to the applicant. The licensee may renew his or
2 her license on or before the expiration date by filing with the sheriff of his or
3 her county of residence the paper renewal form, or by filing with the
4 Department of Kentucky State Police an electronic renewal form in lieu of a
5 paper renewal form, stating that the licensee remains qualified pursuant to the
6 criteria specified in subsections (3) and (4) of this section, and the required
7 renewal fee set forth in subsection (7) of this section. The sheriff shall issue to
8 the applicant a receipt for the paper application for renewal of the license and
9 shall date the receipt. The Department of Kentucky State Police shall issue to
10 the applicant a receipt for an electronic application for renewal of the license
11 submitted in lieu of a paper application for renewal and shall date the receipt.

12 (b) A license which has expired shall be void and shall not be valid for any
13 purpose other than surrender to the sheriff in exchange for a renewal license.

14 (c) The license shall be renewed to a qualified applicant upon receipt of the
15 completed renewal application, records check as specified in subsection (3) of
16 this section, determination that the renewal applicant is not ineligible for a
17 license as specified in subsection (4), and appropriate payment of fees. Upon
18 the issuance of a new license, the old license shall be destroyed by the sheriff.
19 A licensee who fails to file a renewal application on or before its expiration
20 date may renew his or her license by paying, in addition to the license fees, a
21 late fee of fifteen dollars (\$15). No license shall be renewed six (6) months or
22 more after its expiration date, and the license shall be deemed to be
23 permanently expired six (6) months after its expiration date. A person whose
24 license has permanently expired may reapply for licensure pursuant to
25 subsections (7), (8), and (9) of this section.

26 (15) The licensee shall carry the license at all times the licensee is carrying a concealed
27 firearm or other deadly weapon and shall display the license upon request of a law

1 enforcement officer. Violation of the provisions of this subsection shall constitute a
2 noncriminal violation with a penalty of twenty-five dollars (\$25), payable to the
3 clerk of the District Court, but no court costs shall be assessed.

4 (16) Except as provided in KRS 527.020, no license issued pursuant to this section shall
5 authorize any person to carry a concealed firearm into:

- 6 (a) Any police station or sheriff's office;
- 7 (b) Any detention facility, prison, or jail;
- 8 (c) Any courthouse, solely occupied by the Court of Justice courtroom, or court
9 proceeding;
- 10 (d) Any meeting of the governing body of a county, municipality, or special
11 district; or any meeting of the General Assembly or a committee of the
12 General Assembly, except that nothing in this section shall preclude a member
13 of the body, holding a concealed deadly weapon license, from carrying a
14 concealed deadly weapon at a meeting of the body of which he or she is a
15 member;
- 16 (e) Any portion of an establishment licensed to dispense beer or alcoholic
17 beverages for consumption on the premises, which portion of the
18 establishment is primarily devoted to that purpose;
- 19 (f) Any elementary or secondary school facility without the consent of school
20 authorities as provided in KRS 527.070, any child-caring facility as defined in
21 KRS 199.011, any day-care center as defined in KRS 199.894, or any certified
22 family child-care home as defined in KRS 199.8982, except however, any
23 owner of a certified child-care home may carry a concealed firearm into the
24 owner's residence used as a certified child-care home;
- 25 (g) An area of an airport to which access is controlled by the inspection of
26 persons and property; or
- 27 (h) Any place where the carrying of firearms is prohibited by federal law.

1 (17) The owner, business or commercial lessee, or manager of a private business
2 enterprise, day-care center as defined in KRS 199.894 or certified or licensed family
3 child-care home as defined in KRS 199.8982, or a health-care facility licensed
4 under KRS Chapter 216B, except facilities renting or leasing housing, may prohibit
5 persons holding concealed deadly weapon licenses from carrying concealed deadly
6 weapons on the premises and may prohibit employees, not authorized by the
7 employer, holding concealed deadly weapons licenses from carrying concealed
8 deadly weapons on the property of the employer. If the building or the premises are
9 open to the public, the employer or business enterprise shall post signs on or about
10 the premises if carrying concealed weapons is prohibited. Possession of weapons, or
11 ammunition, or both in a vehicle on the premises shall not be a criminal offense so
12 long as the weapons, or ammunition, or both are not removed from the vehicle or
13 brandished while the vehicle is on the premises. A private but not a public employer
14 may prohibit employees or other persons holding a concealed deadly weapons
15 license from carrying concealed deadly weapons, or ammunition, or both in vehicles
16 owned by the employer, but may not prohibit employees or other persons holding a
17 concealed deadly weapons license from carrying concealed deadly weapons, or
18 ammunition, or both in vehicles owned by the employee, except that the Justice and
19 Public Safety Cabinet may prohibit an employee from carrying any weapons, or
20 ammunition, or both other than the weapons, or ammunition, or both issued or
21 authorized to be used by the employee of the cabinet, in a vehicle while transporting
22 persons under the employee's supervision or jurisdiction. Carrying of a concealed
23 weapon, or ammunition, or both in a location specified in this subsection by a
24 license holder shall not be a criminal act but may subject the person to denial from
25 the premises or removal from the premises, and, if an employee of an employer,
26 disciplinary measures by the employer.

27 (18) All moneys collected by the Department of Kentucky State Police pursuant to this

1 section shall be used to administer the provisions of this section and KRS 237.138
2 to 237.142. By March 1 of each year, the Department of Kentucky State Police and
3 the Administrative Office of the Courts shall submit reports to the Governor, the
4 President of the Senate, and the Speaker of the House of Representatives, indicating
5 the amounts of money collected and the expenditures related to this section, KRS
6 237.138 to 237.142, and KRS 237.115, 244.125, 527.020, and 527.070, and the
7 administration of the provisions of this section, KRS 237.138 to 237.142, and KRS
8 237.115, 244.125, 527.020, and 527.070.

9 (19) The General Assembly finds as a matter of public policy that it is necessary to
10 provide statewide uniform standards for issuing licenses to carry concealed firearms
11 and to occupy the field of regulation of the bearing of concealed firearms to ensure
12 that no person who qualifies under the provisions of this section is denied his rights.
13 The General Assembly does not delegate to the Department of Kentucky State
14 Police the authority to regulate or restrict the issuing of licenses provided for in this
15 section beyond those provisions contained in this section. This section shall be
16 liberally construed to carry out the constitutional right to bear arms for self-defense.

17 (20) (a) A person who is not a resident of Kentucky and who has a valid license issued
18 by another state of the United States to carry a concealed deadly weapon in
19 that state may, subject to provisions of Kentucky law, carry a concealed
20 deadly weapon in Kentucky, and his or her license shall be considered as valid
21 in Kentucky.

22 (b) If a person with a valid license to carry a concealed deadly weapon issued
23 from another state that has entered into a reciprocity agreement with the
24 Department of Kentucky State Police becomes a resident of Kentucky, the
25 license issued by the other state shall be considered as valid for the first one
26 hundred twenty (120) days of the person's residence in Kentucky, if within
27 sixty (60) days of moving to Kentucky, the person completes a form

- 1 promulgated by the Department of Kentucky State Police which shall include:
- 2 1. A signed and notarized statement averring that to the best of his or her
3 knowledge the person's license to carry a concealed deadly weapon is
4 valid and in compliance with applicable out-of-state law, and has not
5 been revoked or suspended for any reason except for valid forfeiture due
6 to departure from the issuing state;
 - 7 2. The person's name, date of birth, citizenship, gender, Social Security
8 number if applicable, proof that he or she is a citizen of the United
9 States, a permanent resident of the United States, or otherwise lawfully
10 present in the United States, former out-of-state address, current address
11 within the state of Kentucky, date on which Kentucky residence began,
12 state which issued the concealed carry license, the issuing state's
13 concealed carry license number, and the state of issuance of license; and
 - 14 3. A photocopy of the person's out-of-state license to carry a concealed
15 deadly weapon.
- 16 (c) Within sixty (60) days of moving to Kentucky, the person shall deliver the
17 form and accompanying documents by registered or certified mail, return
18 receipt requested, to the address indicated on the form provided by the
19 Department of Kentucky State Police pursuant to this subsection.
- 20 (d) The out-of-state concealed carry license shall become invalid in Kentucky
21 upon the earlier of:
- 22 1. The out-of-state person having resided in Kentucky for more than one
23 hundred twenty (120) days; or
 - 24 2. The person being issued a Kentucky concealed deadly weapon license
25 pursuant to this section.
- 26 (e) The Department of Kentucky State Police shall, not later than thirty (30) days
27 after July 15, 1998, and not less than once every twelve (12) months

1 thereafter, make written inquiry of the concealed deadly weapon carrying
2 licensing authorities in each other state as to whether a Kentucky resident may
3 carry a concealed deadly weapon in their state based upon having a valid
4 Kentucky concealed deadly weapon license, or whether a Kentucky resident
5 may apply for a concealed deadly weapon carrying license in that state based
6 upon having a valid Kentucky concealed deadly weapon license. The
7 Department of Kentucky State Police shall attempt to secure from each other
8 state permission for Kentucky residents who hold a valid Kentucky concealed
9 deadly weapon license to carry concealed deadly weapons in that state, either
10 on the basis of the Kentucky license or on the basis that the Kentucky license
11 is sufficient to permit the issuance of a similar license by the other state. The
12 Department of Kentucky State Police shall enter into a written reciprocity
13 agreement with the appropriate agency in each state that agrees to permit
14 Kentucky residents to carry concealed deadly weapons in the other state on the
15 basis of a Kentucky-issued concealed deadly weapon license or that will issue
16 a license to carry concealed deadly weapons in the other state based upon a
17 Kentucky concealed deadly weapon license. If a reciprocity agreement is
18 reached, the requirement to recontact the other state each twelve (12) months
19 shall be eliminated as long as the reciprocity agreement is in force. The
20 information shall be a public record and shall be available to individual
21 requesters free of charge for the first copy and at the normal rate for open
22 records requests for additional copies.

23 (21) By March 1 of each year, the Department of Kentucky State Police shall submit a
24 statistical report to the Governor, the President of the Senate, and the Speaker of the
25 House of Representatives, indicating the number of licenses issued, revoked,
26 suspended, and denied since the previous report and in total and also the number of
27 licenses currently valid. The report shall also include the number of arrests,

1 convictions, and types of crimes committed since the previous report by individuals
2 licensed to carry concealed weapons.

3 (22) The following provisions shall apply to concealed deadly weapon training classes
4 conducted by the Department of Criminal Justice Training or any other agency
5 pursuant to this section:

6 (a) No concealed deadly weapon instructor trainer shall have his or her
7 certification as a concealed deadly weapon instructor trainer reduced to that of
8 instructor or revoked except after a hearing conducted pursuant to KRS
9 Chapter 13B in which the instructor is found to have committed an act in
10 violation of the applicable statutes or administrative regulations;

11 (b) No concealed deadly weapon instructor shall have his or her certification as a
12 concealed deadly weapon instructor license suspended or revoked except after
13 a hearing conducted pursuant to KRS Chapter 13B in which the instructor is
14 found to have committed an act in violation of the applicable statutes or
15 administrative regulations;

16 (c) The department shall not require prior notification that an applicant class or
17 instructor class will be conducted by a certified instructor or instructor trainer;

18 (d) Each concealed deadly weapon instructor or instructor trainer who teaches a
19 concealed deadly weapon applicant or concealed deadly weapon instructor
20 class shall supply the Department of Criminal Justice Training with a class
21 roster indicating which students enrolled and successfully completed the class,
22 and which contains the name and address of each student, within five (5)
23 working days of the completion of the class. The information may be sent by
24 mail, facsimile, e-mail, or other method which will result in the receipt of or
25 production of a hard copy of the information. The postmark, facsimile date, or
26 e-mail date shall be considered as the date on which the notice was sent.
27 Concealed deadly weapon class applicant, instructor, and instructor trainer

- 1 information and records shall be confidential. The department may release to
2 any person or organization the name, address, and telephone number of a
3 concealed deadly weapon instructor or instructor trainer if that instructor or
4 instructor trainer authorizes the release of the information in writing. The
5 department shall include on any application for an instructor or instructor
6 trainer certification a statement that the applicant either does or does not
7 desire the applicant's name, address, and telephone number to be made public;
- 8 (e) An instructor trainer who assists in the conduct of a concealed deadly weapon
9 instructor class or concealed deadly weapon applicant class for more than two
10 (2) hours shall be considered as to have taught a class for the purpose of
11 maintaining his or her certification. All class record forms shall include spaces
12 for assistant instructors to sign and certify that they have assisted in the
13 conduct of a concealed deadly weapon instructor or concealed deadly weapon
14 class;
- 15 (f) An instructor who assists in the conduct of a concealed deadly weapon
16 applicant class for more than two (2) hours shall be considered as to have
17 taught a class for the purpose of maintaining his or her license. All class
18 record forms shall include spaces for assistant instructors to sign and certify
19 that they have assisted in the conduct of a concealed deadly weapon class;
- 20 (g) If the Department of Criminal Justice Training believes that a firearms
21 instructor trainer or certified firearms instructor has not in fact complied with
22 the requirements for teaching a certified firearms instructor or applicant class
23 by not teaching the class as specified in KRS 237.126, or who has taught an
24 insufficient class as specified in KRS 237.128, the department shall send to
25 each person who has been listed as successfully completing the concealed
26 deadly weapon applicant class or concealed deadly weapon instructor class a
27 verification form on which the time, date, date of range firing if different from

1 the date on which the class was conducted, location, and instructor of the class
2 is listed by the department and which requires the person to answer "yes" or
3 "no" to specific questions regarding the conduct of the training class. The
4 form shall be completed under oath and shall be returned to the Department of
5 Criminal Justice Training not later than forty-five (45) days after its receipt. A
6 person who fails to complete the form, to sign the form, or to return the form
7 to the Department of Criminal Justice Training within the time frame
8 specified in this section or who, as a result of information on the returned
9 form, is determined by the Department of Criminal Justice Training, following
10 a hearing pursuant to KRS Chapter 13B, to not have received the training
11 required by law shall have his or her concealed deadly weapon license
12 revoked by the Department of Kentucky State Police, following a hearing
13 conducted by the Department of Criminal Justice Training pursuant to KRS
14 Chapter 13B, at which hearing the person is found to have violated the
15 provisions of this section or who has been found not to have received the
16 training required by law;

17 (h) The department shall annually, not later than December 31 of each year, report
18 to the Legislative Research Commission:

- 19 1. The number of firearms instructor trainers and certified firearms
20 instructors whose certifications were suspended, revoked, denied, or
21 who were otherwise disciplined;
- 22 2. The reasons for the imposition of suspensions, revocations, denials, or
23 other discipline; and
- 24 3. Suggestions for improvement of the concealed deadly weapon applicant
25 training program and instructor process;

26 (i) If a concealed deadly weapon license holder is convicted of, pleads guilty to,
27 or enters an Alford plea to a felony offense, then his or her concealed deadly

1 weapon license shall be forthwith revoked by the Department of Kentucky
2 State Police as a matter of law;

3 (j) If a concealed deadly weapon instructor or instructor trainer is convicted of,
4 pleads guilty to, or enters an Alford plea to a felony offense, then his or her
5 concealed deadly weapon instructor certification or concealed deadly weapon
6 instructor trainer certification shall be revoked by the Department of Criminal
7 Justice Training as a matter of law; and

8 (k) The following shall be in effect:

9 1. Action to eliminate the firearms instructor trainer program is prohibited.
10 The program shall remain in effect, and no firearms instructor trainer
11 shall have his or her certification reduced to that of certified firearms
12 instructor;

13 2. The Department of Kentucky State Police shall revoke the concealed
14 deadly weapon license of any person who received no firearms training
15 as required by KRS 237.126 and administrative regulations, or who
16 received insufficient training as required by KRS 237.128 and
17 administrative regulations, if the person voluntarily admits nonreceipt of
18 training or admits receipt of insufficient training, or if either nonreceipt
19 of training or receipt of insufficient training is proven following a
20 hearing conducted by the Department of Criminal Justice Training
21 pursuant to KRS Chapter 13B.

22 ➔Section 3. KRS 237.122 is amended to read as follows:

23 (1) The Department of Criminal Justice Training shall operate and maintain a program
24 for certification of firearms instructors for the concealed deadly weapon training
25 program. Only the General Assembly may eliminate the certified firearms instructor
26 program.

27 (2) Training courses for certification of firearms instructors shall be conducted by

- 1 firearms instructor trainers and the department.
- 2 (3) An applicant to be a firearms instructor shall hold a concealed deadly weapon
3 license issued pursuant to KRS 237.110, and successfully complete a firearms
4 instructor training course of not more than sixteen (16) hours provided by a certified
5 firearms instructor trainer.
- 6 (4) Certification as a firearms instructor shall be valid for a period of three (3) years
7 during which an instructor shall:
- 8 (a) Conduct or assist in at least one (1) applicant training course;
9 (b) Attend an instructor trainer/instructor in-service training course of not more
10 than four (4) hours conducted by the department; and
11 (c) Not have become ineligible to be a firearms instructor.
- 12 (5) The department shall conduct in-service training for firearms instructor trainers and
13 certified firearms instructors as specified in KRS 237.120.
- 14 (6) At the end of the certification period, the department shall issue a new firearms
15 instructor certification to any person who has completed the provisions of this
16 section, unless the firearms instructor notifies the department in writing that he or
17 she desires not to be recertified or is otherwise ineligible to be recertified. There
18 shall be no charge for recertification. A firearms instructor who has permitted his or
19 her certification to expire may take the in-service course and be recertified for a
20 period of one hundred eighty (180) days from the date of expiration of the
21 certification without having to repeat the requirements of subsection (3) of this
22 section.
- 23 (7) An instructor trainer shall charge a fee not to exceed one hundred fifty dollars
24 (\$150) for a training course for a certified firearms instructor. The instructor shall
25 remit fifty dollars (\$50) to the department to defray the cost of materials which the
26 department shall provide to the instructor.
- 27 (8) No firearms instructor trainer or certified firearms instructor shall charge a fee in

1 excess of seventy-five dollars (\$75) for the conduct of an applicant training course.
2 An instructor trainer or certified firearms instructor may charge a student the actual
3 cost of range use, targets and associated range materials, and classroom rental not to
4 exceed ten dollars (\$10) for all of the items specified in this subsection. The
5 instructor trainer or certified firearms instructor shall remit twenty-five dollars (\$25)
6 **per student** to the department to cover the provision of training materials distributed
7 and providing evidence of successful completion of the course.

8 (9) No portion of a fee collected pursuant to this section shall be refunded to a student
9 who fails or does not complete the required course of instruction.

10 ➔Section 4. KRS 237.128 is amended to read as follows:

11 (1) A firearms instructor trainer or firearms instructor is guilty of providing incomplete
12 firearms training if he or she represents to the department that he or she has
13 conducted training for a student firearms instructor or for an applicant in an
14 applicant training course and has not, in fact, provided lecture instruction, showed a
15 required visual aid, conducted hands-on firearm safety ~~and cleaning~~ training,
16 provided range instruction and range firing, **demonstrated firearm maintenance**
17 **and cleaning procedures**, or has permitted a student to qualify on a target on which
18 the student has not achieved the marksmanship required by administrative
19 regulation.

20 (2) Providing incomplete firearms training is a Class D felony.

21 ➔Section 5. KRS 237.132 is amended to read as follows:

22 (1) A person is guilty of failure to report insufficient firearms training when he or she
23 receives certification that he or she has successfully completed a firearms instructor
24 trainer, certified firearms instructor, or applicant training course and has not, in fact
25 received lecture instruction, the showing of a required visual aid, hands-on firearm
26 safety ~~and cleaning~~ training, range instruction and range firing, **a demonstration**
27 **of firearm maintenance and cleaning procedures**, or has not successfully

- 1 completed the marksmanship requirement during range firing and has not reported
2 the matter in writing to the sheriff, Commonwealth's attorney, or county attorney
3 serving the county in which the training was conducted or has not made a written
4 report to the Department of Kentucky State Police and provided a copy of the
5 certification documents to the agency reported to along with the report. The report
6 shall be made not more than thirty (30) working days after receiving documentation
7 of successful completion of training, unless additional time is requested and has
8 been granted by an officer or agency to which a report shall be made.
- 9 (2) Failure to report insufficient firearms training is a Class A misdemeanor.
- 10 (3) A person who makes a report pursuant to this section within the time frame
11 specified in subsection (1) of this section shall not be prosecuted for a violation of
12 this section and shall be eligible to reenroll in the level of class for which the person
13 was originally enrolled.