

1 AN ACT relating to firearms and declaring an emergency.

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 *As used in this chapter:*

6 *(1) (a) "Assault weapon" means:*

7 *1. A semiautomatic rifle that has an ability to accept a detachable*
8 *magazine and has at least one (1) of the following characteristics:*

9 *a. A folding or telescoping stock;*

10 *b. A pistol grip that protrudes conspicuously beneath the action of*
11 *the weapon;*

12 *c. A second handgrip or a protruding grip that can be held by the*
13 *non-trigger hand;*

14 *d. A bayonet mount;*

15 *e. A flash suppressor, muzzle break, muzzle compensator, or*
16 *threaded barrel designed to accommodate a flash suppressor,*
17 *muzzle break, or muzzle compensator; or*

18 *f. A grenade launcher;*

19 *2. A semiautomatic shotgun that has at least one (1) of the following*
20 *characteristics:*

21 *a. A folding or telescoping stock;*

22 *b. A second handgrip or a protruding grip that can be held by the*
23 *non-trigger hand;*

24 *c. A fixed magazine capacity in excess of seven (7) rounds; or*

25 *d. An ability to accept a detachable magazine; or*

26 *3. A semiautomatic pistol that has an ability to accept a detachable*
27 *magazine and has at least one (1) of the following characteristics:*

- 1 a. A folding or telescoping stock;
- 2 b. A second handgrip or a protruding grip that can be held by the
- 3 non-trigger hand;
- 4 c. Capacity to accept an ammunition magazine that attaches to the
- 5 pistol outside of the pistol grip;
- 6 d. A threaded barrel capable of accepting a barrel extender, flash
- 7 suppressor, forward handgrip, or silencer;
- 8 e. A shroud that is attached to, or partially or completely encircles,
- 9 the barrel and that permits the shooter to hold the firearm with
- 10 the non-trigger hand without being burned;
- 11 f. A manufactured weight of fifty (50) ounces or more when the
- 12 pistol is unloaded; or
- 13 g. A semiautomatic version of an automatic rifle, shotgun, or
- 14 firearm; or
- 15 4. A revolving cylinder shotgun.
- 16 (b) "Assault weapon" does not include:
- 17 1. Any rifle, shotgun, or pistol that is manually operated by bolt, pump,
- 18 lever, or slide action, which has been rendered permanently
- 19 inoperable, or which is an antique firearm as defined in 18 U.S.C. sec.
- 20 921(a)(16);
- 21 2. A semiautomatic rifle that cannot accept a detachable magazine that
- 22 holds more than five (5) rounds of ammunition;
- 23 3. A semiautomatic shotgun that cannot hold more than five (5) rounds
- 24 of ammunition in a fixed or detachable magazine; or
- 25 4. A rifle, shotgun, or pistol, or a replica or a duplicate thereof, specified
- 26 in Appendix A to 18 U.S.C. sec. 922, except that the mere fact that a
- 27 weapon is not listed in Appendix A shall not be construed to mean that

1 such weapon is an assault weapon;

2 (2) "Bump stock" means a stock of a firearm that is manufactured to use the recoil
3 of a semiautomatic firearm to increase the rate of fire in order to simulate a fully
4 automatic firearm;

5 (3) "Large-capacity ammunition-feeding device" means a magazine, belt, drum, feed
6 strip, or similar device that has a capacity of, or that can be readily restored or
7 converted to accept, more than seven (7) rounds of ammunition, but does not
8 include an attached tubular device designed to accept, and capable of operating
9 only with, .22 caliber rimfire ammunition or a feeding device that is a curio or
10 relic. To qualify as a curio or relic feeding device under this subsection, it must
11 be a device that was manufactured at least fifty (50) years prior to 2018, is only
12 capable of being used exclusively in a firearm, rifle, or shotgun that was
13 manufactured prior to 2018 but not including replicas thereof, is possessed by an
14 individual who is not prohibited by state or federal law from possessing a firearm,
15 and is registered with the Department of Kentucky State Police pursuant to
16 Section 15 of this Act; and

17 (4) "Seller of ammunition" means any person, firm, partnership, corporation, or
18 company who engages in the business of purchasing, selling, or keeping
19 ammunition.

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

22 (1) In addition to any other requirement of state or federal law, all sales, exchanges,
23 or disposals of firearms shall be conducted in accordance with this section unless
24 such sale, exchange, or disposal is conducted by a licensed importer, licensed
25 manufacturer, or licensed dealer, as those terms are defined in 18 U.S.C. sec.
26 922, when such sale, exchange, or disposal is conducted pursuant to that
27 person's federal firearms license or such sale, exchange, or disposal is between

1 spouses, children, and stepchildren in the same immediate family.

2 (2) Before any sale, exchange, or disposal pursuant to this section, a national instant
3 criminal background check shall be completed by a dealer who consents to
4 conduct such check, and upon completion of such background check, shall
5 complete a document, the form of which shall be approved by the Department of
6 Kentucky State Police, that identifies and confirms that such check was
7 performed.

8 (3) All dealers shall maintain a record of transactions conducted pursuant to this
9 section, and the record shall be maintained on the premises mentioned and
10 described in the license and shall be open at all reasonable hours for inspection
11 by any peace officer acting pursuant to his or her duties.

12 (4) A dealer may require that any sale or transfer conducted pursuant to this section
13 be subject to a fee of not to exceed ten dollars (\$10) per transaction.

14 (5) Any record produced pursuant to this section and any transmission thereof to any
15 government agency shall not be considered a public record for purposes of the
16 Kentucky Open Records Act, KRS 61.872 to 61.884.

17 (6) Any person who knowingly violates the provisions of this section shall be guilty of
18 a Class A misdemeanor.

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

21 (1) Any owner or other person lawfully in possession of a firearm who suffers the
22 loss or theft of the firearm or any person who sells ammunition who suffers a loss
23 or theft of ammunition shall within twenty-four (24) hours of the discovery of the
24 loss or theft report the facts and circumstances of the loss or theft to a local police
25 department or sheriff's office. The report shall contain, if known, the caliber,
26 make, model, manufacturer's name and serial number, if any, and any other
27 distinguishing number or identification mark on the firearm or the make, type,

1 and caliber of the ammunition. The local police department or sheriff's office
2 shall forward a copy of the report to the Department of Kentucky State Police.

3 (2) The Department of Kentucky State Police shall receive, collect, and file the
4 information referred to in subsection (1) of this section. The department shall
5 cooperate, and undertake to furnish or make available to law enforcement
6 agencies this information, for the purpose of coordinating law enforcement
7 efforts to locate the firearm or ammunition.

8 (3) A person who fails to make a report of a loss or theft as required by subsection (1)
9 of this section shall be guilty of a Class A misdemeanor.

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

12 (1) No person who owns or is custodian of a firearm shall store or otherwise leave
13 the firearm out of his or her immediate possession or control without having first
14 securely locked the firearm in an appropriate safe storage depository or rendered
15 it incapable of being fired by use of a gun-locking device appropriate to that
16 weapon, including through the use of a safe or other secure container which,
17 when locked, is incapable of being opened without the key, combination, or other
18 unlocking mechanism and is capable of preventing an unauthorized person from
19 obtaining access to and possession of its contents.

20 (2) A violation of this section shall constitute a Class A misdemeanor.

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

23 (1) It shall be unlawful for any person to knowingly manufacture, sell, deliver,
24 transfer, or import a bump stock.

25 (2) A violation of subsection (1) of this section shall be a Class A misdemeanor.

26 (3) A bump stock transferred, sold, or offered for sale, in violation of this section is
27 contraband and shall be seized and summarily forfeited to the state and shall be

1 *disposed of pursuant to KRS 237.090.*

2 ➔Section 6. KRS 395.250 is amended to read as follows:

3 It shall be the duty of a personal representative of a decedent to return an inventory in
4 duplicate within two (2) months from the time of qualifying as such, to the clerk's office
5 of the court in which he qualified, the original of which shall be recorded by the clerk and
6 the duplicate shall be mailed by the clerk to the secretary of revenue. *The inventory shall*
7 *include a particularized description of every firearm that is part of the estate, and if a*
8 *firearm is included, a copy of the inventory shall be provided to the Department of*
9 *Kentucky State Police.* Copies from the record of the inventory or appraisalment shall be
10 prima facie evidence for or against such representative.

11 ➔Section 7. KRS 403.735 is amended to read as follows:

12 (1) Prior to or at a hearing on a petition for an order of protection:

13 (a) The court may obtain the respondent's Kentucky criminal and protective order
14 history and utilize that information to assess what relief and which sanctions
15 may protect against danger to the petitioner or other person for whom
16 protection is being sought, with the information so obtained being provided to
17 the parties in accordance with the Rules of Civil Procedure; and

18 (b) If the petitioner or respondent is a minor, the court shall inquire whether the
19 parties attend school in the same school system to assist the court in imposing
20 conditions in the order that have the least disruption in the administration of
21 education to the parties while providing appropriate protection to the
22 petitioner.

23 (2) (a) If the adverse party is not present at the hearing ordered pursuant to KRS
24 403.730 and has not been served, a previously issued emergency protective
25 order shall remain in place, and the court shall direct the issuance of a new
26 summons for a hearing set not more than fourteen (14) days in the future. If
27 service has not been made on the adverse party before that hearing or a

1 subsequent hearing, the emergency protective order shall remain in place, and
2 the court shall continue the hearing and issue a new summons with a new date
3 and time for the hearing to occur, which shall be within fourteen (14) days of
4 the originally scheduled date for the continued hearing. The court shall repeat
5 the process of continuing the hearing and reissuing a new summons until the
6 adverse party is served in advance of the scheduled hearing. If service has not
7 been made on the respondent at least seventy-two (72) hours prior to the
8 scheduled hearing, the court may continue the hearing no more than fourteen
9 (14) days in the future. In issuing the summons, the court shall simultaneously
10 transmit a copy of the summons or notice of its issuance and provisions to the
11 petitioner.

12 (b) The provisions of this section permitting the continuance of an emergency
13 protective order shall be limited to six (6) months from the issuance of the
14 emergency protective order. If the respondent has not been served within that
15 period, the order shall be rescinded without prejudice. Prior to the expiration
16 of the emergency protective order, the court shall provide notice to the
17 petitioner stating that, if the petitioner does not file a new petition, the order
18 shall be rescinded without prejudice.

19 (c) In issuing an order of protection or in considering any requested
20 modifications to or violations of an existing order of protection, the court
21 shall make a determination as to whether there is a substantial risk that the
22 respondent may use or threaten to use a firearm unlawfully against the
23 person for whose protection the order of protection is issued. If the court
24 finds that such a substantial risk exists, the court shall order that the
25 respondent be prohibited from possessing a firearm and shall order him or
26 her to surrender any firearms owned or possessed by the respondent to the
27 sheriff of the county where the firearm is located, who shall impound the

1 *weapon until the prohibition is lifted, the order expires, or the respondent*
2 *directs the transfer of the weapon to a person lawfully allowed to possess the*
3 *firearm.*

4 ➔Section 8. KRS 504.030 is amended to read as follows:

- 5 (1) When a defendant is found not guilty by reason of insanity, the court shall:
- 6 *(a) Conduct an involuntary hospitalization proceeding under KRS Chapter 202A*
7 *or 202B; and*
- 8 *(b) Order in open court that the defendant be prohibited from possessing a*
9 *firearm and shall also order him or her to surrender any firearms owned or*
10 *possessed by the defendant to the sheriff of the county where the firearm is*
11 *located, who shall impound the weapon until the prohibition is lifted, the*
12 *conviction is altered, amended, or vacated, the defendant is granted a*
13 *pardon, or the respondent directs the transfer of the weapon to a person*
14 *lawfully allowed to possess the firearm.*

- 15 (2) To facilitate the procedure established in subsection (1) of this section, the court
16 may order the detention of the defendant for a period of ten (10) days to allow for
17 proceedings to be initiated against the defendant for examination and possible
18 detention pursuant to the provisions of KRS Chapter 202A or 202B.

19 ➔Section 9. KRS 506.080 is amended to read as follows:

- 20 (1) A person is guilty of criminal facilitation when, acting with knowledge that another
21 person is committing or intends to commit a crime, he engages in conduct which
22 knowingly provides such person with means or opportunity for the commission of
23 the crime and which in fact aids such person to commit the crime, *including*
24 *making available, selling, exchanging, giving, or disposing of a firearm.*
- 25 (2) Criminal facilitation is a:
- 26 (a) Class D felony when the crime facilitated is a Class A or Class B felony or
27 capital offense;

1 (b) Class A misdemeanor when the crime facilitated is a Class C or Class D
2 felony;

3 (c) Class B misdemeanor when the crime facilitated is a misdemeanor.

4 ➔Section 10. KRS 508.020 is amended to read as follows:

5 (1) A person is guilty of assault in the second degree when:

6 (a) He intentionally causes serious physical injury to another person;~~[-or-]~~

7 (b) He intentionally causes physical injury to another person by means of a deadly
8 weapon or a dangerous instrument;~~[-or-]~~

9 (c) He wantonly causes serious physical injury to another person by means of a
10 deadly weapon or a dangerous instrument; or

11 (d) He wantonly causes physical injury to a minor by intentionally discharging
12 a firearm.

13 (2) Assault in the second degree is a Class C felony.

14 ➔SECTION 11. A NEW SECTION OF KRS CHAPTER 527 IS CREATED TO
15 READ AS FOLLOWS:

16 (1) A person is guilty of criminal purchase or disposal of a weapon when:

17 (a) Knowing that he or she is prohibited by law from possessing a firearm
18 because of a prior conviction or because of some other federal or state
19 disability which would render him or her ineligible to lawfully possess a
20 firearm in this state, such person purchases a firearm from another person;

21 (b) Knowing that it would be unlawful for another person to possess a firearm,
22 he or she purchases a firearm for, on behalf of, or for the use of such other
23 person; or

24 (c) Knowing that another person is prohibited by law from possessing a firearm
25 because of a prior conviction or because of some other federal or state
26 disability which would render him or her ineligible to lawfully possess a
27 firearm in this state, a person disposes of a firearm to such other person.

1 (2) Criminal purchase or disposal of a weapon is a Class D felony.

2 ➔SECTION 12. A NEW SECTION OF KRS CHAPTER 527 IS CREATED TO
3 READ AS FOLLOWS:

4 (1) A person is guilty of unlawful storage of a firearm when:

5 (a) He or she recklessly stores or leaves a firearm in a manner which allows a
6 minor to have unsupervised access to a firearm which is not secured by:

7 1. A securely locked box or container;

8 2. A device or mechanism, other than the firearm safety, designed to
9 render the firearm temporarily inoperable; or

10 3. Carrying the firearm on his or her body; and

11 (b) The minor, without permission of the parent or guardian, accesses the
12 firearm.

13 (2) Unlawful storage of a firearm is a Class B misdemeanor, unless the minor,
14 without legal justification, uses the firearm in a manner which results in physical
15 injury, serious physical injury, or death to the minor or another person, in which
16 case it is a Class A misdemeanor.

17 (3) This section does not apply when the minor obtains the firearm as a result of
18 unlawful means.

19 ➔Section 13. KRS 527.040 is amended to read as follows:

20 (1) A person is guilty of possession of a firearm by a convicted felon when he
21 possesses, manufactures, or transports a firearm when he has been convicted of a
22 felony, as defined by the laws of the jurisdiction in which he was convicted, in any
23 state or federal court and has not:

24 (a) Been granted a full pardon by the Governor or by the President of the United
25 States;

26 (b) Been granted relief by the United States Secretary of the Treasury pursuant to
27 the Federal Gun Control Act of 1968, as amended.

1 (2) Possession of a firearm by a convicted felon is a Class D felony unless the firearm
2 possessed is a handgun in which case it is a Class C felony. *This sentence shall be*
3 *served subsequent to the service of any other felony sentence imposed on the*
4 *offender.*

5 (3) The provisions of this section shall apply to any youthful offender convicted of a
6 felony offense under the laws of this Commonwealth. The exceptions contained in
7 KRS 527.100 prohibiting possession of a handgun by a minor shall not apply to this
8 section.

9 (4) The provisions of this section with respect to handguns, shall apply only to persons
10 convicted after January 1, 1975, and with respect to other firearms, to persons
11 convicted after July 15, 1994.

12 ➔Section 14. KRS 527.070 is amended to read as follows:

13 (1) A person is guilty of unlawful possession of a weapon on school, *college, or*
14 *university* property when he knowingly deposits, possesses, or carries, whether
15 openly or concealed, for purposes other than instructional or school-sanctioned
16 ceremonial purposes, or the purposes permitted in subsection (3) of this section, any
17 firearm or other deadly weapon, destructive device, or booby trap device in any
18 public or private school building or bus, on any public or private school campus,
19 grounds, recreation area, athletic field, or any other property owned, used, or
20 operated by any board of education, school, board of trustees, regents, or directors
21 for the administration of any public or private educational institution. ~~The~~
22 ~~provisions of this section shall not apply to institutions of postsecondary or higher~~
23 ~~education.~~

24 (2) Each chief administrator of a public or private school shall display about the school
25 in prominent locations, including, but not limited to, sports arenas, gymnasiums,
26 stadiums, and cafeterias, a sign at least six (6) inches high and fourteen (14) inches
27 wide stating:

1 UNLAWFUL POSSESSION OF A WEAPON ON SCHOOL
2 PROPERTY IN KENTUCKY IS A FELONY PUNISHABLE
3 BY A MAXIMUM OF FIVE (5) YEARS IN PRISON AND A
4 TEN THOUSAND DOLLAR (\$10,000) FINE.

5 Failure to post the sign shall not relieve any person of liability under this section.

- 6 (3) The provisions of this section prohibiting the unlawful possession of a weapon on
7 school property shall not apply to:
- 8 (a) An adult who possesses a firearm, if the firearm is contained within a vehicle
9 operated by the adult and is not removed from the vehicle, except for a
10 purpose permitted herein, or brandished by the adult, or by any other person
11 acting with expressed or implied consent of the adult, while the vehicle is on
12 school property;
 - 13 (b) Any pupils who are members of the reserve officers training corps or pupils
14 enrolled in a course of instruction or members of a school club or team, to the
15 extent they are required to carry arms or weapons in the discharge of their
16 official class or team duties;
 - 17 (c) Any peace officer or police officer authorized to carry a concealed weapon
18 pursuant to KRS 527.020;
 - 19 (d) Persons employed by the Armed Forces of the United States or members of
20 the National Guard or militia when required in the discharge of their official
21 duties to carry arms or weapons;
 - 22 (e) Civil officers of the United States in the discharge of their official duties.
23 Nothing in this section shall be construed as to allow any person to carry a
24 concealed weapon into a public or private elementary or secondary school
25 building;
 - 26 (f) Any other persons, including, but not limited to, exhibitors of historical
27 displays, who have been authorized to carry a firearm by the board of

- 1 education or board of trustees of the public or private institution;
- 2 (g) A person hunting during the lawful hunting season on lands owned by any
3 public or private educational institution and designated as open to hunting by
4 the board of education or board of trustees of the educational institution;
- 5 (h) A person possessing unloaded hunting weapons while traversing the grounds
6 of any public or private educational institution for the purpose of gaining
7 access to public or private lands open to hunting with the intent to hunt on the
8 public or private lands, unless the lands of the educational institution are
9 posted prohibiting the entry; or
- 10 (i) A person possessing guns or knives when conducting or attending a "gun and
11 knife show" when the program has been approved by the board of education
12 or board of trustees of the educational institution.
- 13 (4) Unlawful possession of a weapon on school property is a Class D felony.
- 14 ➔Section 15. KRS 532.030 is amended to read as follows:
- 15 (1) When a person is convicted of a capital offense, he shall have his punishment fixed
16 at death, or at a term of imprisonment for life without benefit of probation or parole,
17 or at a term of imprisonment for life without benefit of probation or parole until he
18 has served a minimum of twenty-five (25) years of his sentence, or to a sentence of
19 life, or to a term of not less than twenty (20) years nor more than fifty (50) years.
- 20 (2) When a person is convicted of a Class A felony, he shall have his punishment fixed
21 at imprisonment in accordance with KRS 532.060.
- 22 (3) When a person is convicted of an offense other than a capital offense or Class A
23 felony, he shall have his punishment fixed at:
- 24 (a) A term of imprisonment authorized by this chapter; or
25 (b) A fine authorized by KRS Chapter 534; or
26 (c) Both imprisonment and a fine unless precluded by the provisions of KRS
27 Chapter 534.

1 (4) When a person is convicted of any capital offense, any felony offense, or any
2 offense where the defendant is found guilty but mentally ill, the judge
3 pronouncing sentence shall order in open court that the defendant be prohibited
4 from possessing a firearm and shall order him or her to surrender any firearms
5 owned or possessed by the defendant to the sheriff of the county where the
6 firearm is located, who shall impound the weapon until the prohibition is lifted,
7 the conviction is altered, amended, or vacated, the defendant is granted a pardon,
8 or the respondent directs the transfer of the weapon to a person lawfully allowed
9 to possess the firearm.

10 (5) In all cases in which the death penalty may be authorized the judge shall instruct the
11 jury in accordance with subsection (1) of this section. The instructions shall state,
12 subject to the aggravating and mitigating limitations and requirements of KRS
13 532.025, that the jury may recommend upon a conviction for a capital offense a
14 sentence of death, or at a term of imprisonment for life without benefit of probation
15 or parole, or a term of imprisonment for life without benefit of probation or parole
16 until the defendant has served a minimum of twenty-five (25) years of his sentence,
17 or a sentence of life, or to a term of not less than twenty (20) years nor more than
18 fifty (50) years.

19 ➔SECTION 16. A NEW SECTION OF KRS CHAPTER 237 IS CREATED TO
20 READ AS FOLLOWS:

21 (1) (a) The Department of Kentucky State Police shall promulgate an
22 administrative regulation for the licensure of persons to possess a handgun
23 in the Commonwealth of Kentucky. The administrative regulation shall
24 prohibit the possession of a handgun by a person in Kentucky unless the
25 person holds such a license or falls within an exemption that the
26 Department of Kentucky State Police may create in the administrative
27 regulation. The license shall be available to persons who are at least twenty-

- 1 one (21) years old or who have been honorably discharged from the Armed
2 Forces of the United States who meet the eligibility criteria established by
3 the department, and who are not otherwise prohibited by state or federal law
4 from possessing a handgun.
- 5 (b) The Department of Kentucky State Police may establish a fee for
6 applications for a license sufficient to cover the costs of administering the
7 program.
- 8 (c) Licenses issued under this subsection shall be effective for no longer than
9 five (5) years.
- 10 (d) Persons receiving a license under this subsection shall be given the option
11 of deciding whether the license shall be public or private. If the registration
12 is private, the record shall not be a public record under the Kentucky Open
13 Records Act, KRS 61.872 to 61.884.
- 14 (e) Any person who possesses a handgun in violation of the administrative
15 regulations promulgated under this subsection shall be guilty of a Class A
16 misdemeanor.
- 17 (2) (a) The Department of Kentucky State Police shall promulgate an
18 administrative regulation for the registration of handguns in Kentucky. The
19 administrative regulation shall prohibit the possession of an unregistered
20 handgun by a person in Kentucky unless the handgun falls within an
21 exemption that the Department of Kentucky State Police may create in the
22 administrative regulation.
- 23 (b) The administrative regulation shall require that the handgun's registration
24 information be updated upon any transfer of ownership of the handgun.
- 25 (c) The Department of Kentucky State Police may establish a fee for
26 applications for a license sufficient to cover the costs of administering the
27 program.

1 (d) Persons registering a handgun under this subsection shall be given the
2 option of deciding whether the registration shall be public or private. If the
3 registration is private, the record shall not be a public record under the
4 Kentucky Open Records Act, KRS 61.872 to 61.884.

5 (e) Any person who possesses an unregistered handgun in violation of the
6 administrative regulation promulgated under this subsection shall be guilty
7 of a Class A misdemeanor.

8 (3) (a) The Department of Kentucky State Police shall promulgate an
9 administrative regulation for the licensure of persons to possess an assault
10 weapon or a large-capacity ammunition-feeding device in the
11 Commonwealth of Kentucky. The administrative regulation shall prohibit
12 the possession of an assault weapon or a large-capacity ammunition-
13 feeding device by a person in Kentucky unless the person holds such a
14 license or falls within an exemption that the Department of Kentucky State
15 Police may create in the administrative regulation. The license shall be
16 available to persons who are at least twenty-one (21) years old or who have
17 been honorably discharged from the Armed Forces of the United States who
18 meet the eligibility criteria established by the department, and who are not
19 otherwise prohibited by state or federal law from possessing an assault
20 weapon or a large-capacity ammunition-feeding device.

21 (b) The Department of Kentucky State Police may establish a fee for
22 applications for a license sufficient to cover the costs of administering the
23 program.

24 (c) Licenses issued under this subsection shall be effective for no longer than
25 five (5) years.

26 (d) Persons receiving a license under this subsection shall be given the option
27 of deciding whether the license shall be public or private. If the registration

1 is private, the record shall not be a public record under the Kentucky Open
2 Records Act, KRS 61.872 to 61.884.

3 (e) Any person who possesses an assault weapon or a large capacity
4 ammunition feeding device in violation of the administrative regulation
5 promulgated under this subsection shall be guilty of a Class D felony.

6 (4) (a) The Department of Kentucky State Police shall promulgate an
7 administrative regulation for the registration of assault weapons or a large-
8 capacity ammunition-feeding devices in Kentucky. The administrative
9 regulations shall prohibit the possession of an unregistered assault weapon
10 or a large-capacity ammunition-feeding device by a person in Kentucky
11 unless the assault weapon or large-capacity ammunition-feeding device
12 falls within an exemption that the Department of Kentucky State Police may
13 create in the administrative regulation.

14 (b) The administrative regulation shall require that the assault weapon or
15 large-capacity ammunition-feeding device registration information be
16 updated upon any transfer of ownership of the assault weapon or large-
17 capacity ammunition-feeding device.

18 (c) The Department of Kentucky State Police may establish a fee for
19 applications for a license sufficient to cover the costs of administering the
20 program.

21 (d) Persons registering an assault weapon or large-capacity ammunition-
22 feeding device under this subsection shall be given the option of deciding
23 whether the registration shall be public or private. If the registration is
24 private, the record shall not be a public record under the Kentucky Open
25 Records Act, KRS 61.872 to 61.884.

26 (e) Any person who possesses an unregistered assault weapon or large-capacity
27 ammunition-feeding device in violation of the administrative regulation

1 *promulgated under this subsection shall be guilty of a Class D felony.*

2 *(5) (a) The Department of Kentucky State Police shall promulgate an*
 3 *administrative regulation establishing a sales logkeeping requirement for*
 4 *firearms dealers and ammunition sellers operating in Kentucky. The*
 5 *administrative regulation may require that the log be kept in electronic*
 6 *format and transmitted to the department at regular intervals.*

7 *(b) The administrative regulation may require the Department of Kentucky*
 8 *State Police or seller to require the purchaser to produce a government-*
 9 *issued photo identification, which the dealer or seller shall record in the log.*

10 *(c) By July 1, 2019, the log shall be required to operate in real time, and shall*
 11 *query the records of the department prior to the completion of any sale to*
 12 *determine whether the purchaser has a current, valid license to possess the*
 13 *type of firearm being purchased or a license for the type of firearm for*
 14 *which the ammunition is being purchased.*

15 *(d) Records kept in the sales log shall be open to inspection by any peace officer*
 16 *acting on official business.*

17 *(e) Any firearms dealer who violates the administrative regulation promulgated*
 18 *under this subsection shall be guilty of a Class B misdemeanor.*

19 ➔Section 17. KRS 532.025 is amended to read as follows:

20 (1) (a) Upon conviction of a defendant in cases where the death penalty may be
 21 imposed, a hearing shall be conducted. In such hearing, the judge shall hear
 22 additional evidence in extenuation, mitigation, and aggravation of
 23 punishment, including the record of any prior criminal convictions and pleas
 24 of guilty or pleas of nolo contendere of the defendant, or the absence of any
 25 prior conviction and pleas; provided, however, that only such evidence in
 26 aggravation as the state has made known to the defendant prior to his trial
 27 shall be admissible. Subject to the Kentucky Rules of Evidence, juvenile court

1 records of adjudications of guilt of a child for an offense that would be a
2 felony if committed by an adult shall be admissible in court at any time the
3 child is tried as an adult, or after the child becomes an adult, at any subsequent
4 criminal trial relating to that same person. Juvenile court records made
5 available pursuant to this section may be used for impeachment purposes
6 during a criminal trial and may be used during the sentencing phase of a
7 criminal trial; however, the fact that a juvenile has been adjudicated
8 delinquent of an offense that would be a felony if the child had been an adult
9 shall not be used in finding the child to be a persistent felony offender based
10 upon that adjudication. Release of the child's treatment, medical, mental, or
11 psychological records is prohibited unless presented as evidence in Circuit
12 Court. Release of any records resulting from the child's prior abuse and
13 neglect under Title IV-E or IV-B of the Federal Social Security Act is also
14 prohibited. The judge shall also hear argument by the defendant or his counsel
15 and the prosecuting attorney, as provided by law, regarding the punishment to
16 be imposed. The prosecuting attorney shall open and the defendant shall
17 conclude the argument. In cases in which the death penalty may be imposed,
18 the judge when sitting without a jury shall follow the additional procedure
19 provided in subsection (2) of this section. Upon the conclusion of the evidence
20 and arguments, the judge shall impose the sentence or shall recess the trial for
21 the purpose of taking the sentence within the limits prescribed by law. If the
22 trial court is reversed on appeal because of error only in the presentence
23 hearing, the new trial which may be ordered shall apply only to the issue of
24 punishment;

- 25 (b) In all cases in which the death penalty may be imposed and which are tried by
26 a jury, upon a return of a verdict of guilty by the jury, the court shall resume
27 the trial and conduct a presentence hearing before the jury. Such hearing shall

1 be conducted in the same manner as presentence hearings conducted before
2 the judge as provided in paragraph (a) of this subsection, including the record
3 of any prior criminal convictions and pleas of guilty or pleas of nolo
4 contendere of the defendant. Upon the conclusion of the evidence and
5 arguments, the judge shall give the jury appropriate instructions, and the jury
6 shall retire to determine whether any mitigating or aggravating circumstances,
7 as defined in subsection (2) of this section, exist and to recommend a sentence
8 for the defendant. Upon the findings of the jury, the judge shall fix a sentence
9 within the limits prescribed by law.

10 (2) In all cases of offenses for which the death penalty may be authorized, the judge
11 shall consider, or he shall include in his instructions to the jury for it to consider,
12 any mitigating circumstances or aggravating circumstances otherwise authorized by
13 law and any of the following statutory aggravating or mitigating circumstances
14 which may be supported by the evidence:

15 (a) Aggravating circumstances:

- 16 1. The offense of murder or kidnapping was committed by a person with a
17 prior record of conviction for a capital offense, or the offense of murder
18 was committed by a person who has a substantial history of serious
19 assaultive criminal convictions;
- 20 2. The offense of murder or kidnapping was committed while the offender
21 was engaged in the commission of arson in the first degree, robbery in
22 the first degree, burglary in the first degree, rape in the first degree, or
23 sodomy in the first degree;
- 24 3. The offender by his act of murder, armed robbery, or kidnapping
25 knowingly created a great risk of death to more than one (1) person in a
26 public place by means of a weapon of mass destruction, weapon, or
27 other device which would normally be hazardous to the lives of more

1 than one (1) person;

2 4. The offender committed the offense of murder for himself or another,
3 for the purpose of receiving money or any other thing of monetary value,
4 or for other profit;

5 5. The offense of murder was committed by a person who was a prisoner
6 and the victim was a prison employee engaged at the time of the act in
7 the performance of his duties;

8 6. The offender's act or acts of killing were intentional and resulted in
9 multiple deaths;

10 7. The offender's act of killing was intentional and the victim was a state or
11 local public official or police officer, sheriff, or deputy sheriff engaged
12 at the time of the act in the lawful performance of his duties; and

13 8. The offender murdered the victim when an emergency protective order
14 or a domestic violence order was in effect, or when any other order
15 designed to protect the victim from the offender, such as an order issued
16 as a condition of a bond, conditional release, probation, parole, or
17 pretrial diversion, was in effect.

18 (b) Mitigating circumstances:

19 1. The defendant has no significant history of prior criminal activity;

20 2. The capital offense was committed while the defendant was under the
21 influence of extreme mental or emotional disturbance even though the
22 influence of extreme mental or emotional disturbance is not sufficient to
23 constitute a defense to the crime;

24 3. The victim was a participant in the defendant's criminal conduct or
25 consented to the criminal act;

26 4. The capital offense was committed under circumstances which the
27 defendant believed to provide a moral justification or extenuation for his

1 conduct even though the circumstances which the defendant believed to
2 provide a moral justification or extenuation for his conduct are not
3 sufficient to constitute a defense to the crime;

4 5. The defendant was an accomplice in a capital offense committed by
5 another person and his participation in the capital offense was relatively
6 minor;

7 6. The defendant acted under duress or under the domination of another
8 person even though the duress or the domination of another person is not
9 sufficient to constitute a defense to the crime;

10 7. At the time of the capital offense, the capacity of the defendant to
11 appreciate the criminality of his conduct to the requirements of law was
12 impaired as a result of mental illness or an intellectual disability or
13 intoxication even though the impairment of the capacity of the defendant
14 to appreciate the criminality of his conduct or to conform the conduct to
15 the requirements of law is insufficient to constitute a defense to the
16 crime; and

17 8. The youth of the defendant at the time of the crime.

18 (3) The instructions as determined by the trial judge to be warranted by the evidence or
19 as required by KRS 532.030(5)~~((4))~~ shall be given in charge and in writing to the
20 jury for its deliberation. The jury, if its verdict be a recommendation of death, or
21 imprisonment for life without benefit of probation or parole, or imprisonment for
22 life without benefit of probation or parole until the defendant has served a minimum
23 of twenty-five (25) years of his sentence, shall designate in writing, signed by the
24 foreman of the jury, the aggravating circumstance or circumstances which it found
25 beyond a reasonable doubt. In nonjury cases, the judge shall make such designation.
26 In all cases unless at least one (1) of the statutory aggravating circumstances
27 enumerated in subsection (2) of this section is so found, the death penalty, or

1 imprisonment for life without benefit of probation or parole, or the sentence to
2 imprisonment for life without benefit of probation or parole until the defendant has
3 served a minimum of twenty-five (25) years of his sentence, shall not be imposed.

4 ➔Section 18. KRS 237.115 is amended to read as follows:

5 (1) Except as provided in KRS 527.020, nothing contained in KRS 237.110 shall be
6 construed to limit, restrict, or prohibit in any manner the right of a college,
7 university, or any postsecondary education facility, including technical schools and
8 community colleges, to control the possession of deadly weapons on any property
9 owned or controlled by them or the right of a unit of state, city, county, urban-
10 county, or charter county government to prohibit the carrying of concealed deadly
11 weapons by licensees in that portion of a building actually owned, leased, or
12 occupied by that unit of government.

13 (2) Except as provided in KRS 527.020, the legislative body of a state, city, county, or
14 urban-county government may, by statute, administrative regulation, or ordinance,
15 prohibit or limit the carrying of concealed deadly weapons by licensees in that
16 portion of a building owned, leased, or controlled by that unit of government. That
17 portion of a building in which the carrying of concealed deadly weapons is
18 prohibited or limited shall be clearly identified by signs posted at the entrance to the
19 restricted area. The statute or ordinance shall exempt any building used for public
20 housing by private persons, highway rest areas, firing ranges, and private dwellings
21 owned, leased, or controlled by that unit of government from any restriction on the
22 carrying or possession of deadly weapons. The statute, administrative regulation, or
23 ordinance shall not specify any criminal penalty for its violation but may specify
24 that persons violating the statute or ordinance may be denied entrance to the
25 building, ordered to leave the building, and if employees of the unit of government,
26 be subject to employee disciplinary measures for violation of the provisions of the
27 statute or ordinance. ~~The provisions of this section shall not be deemed to be a~~

1 ~~violation of KRS 65.870 if the requirements of this section are followed.]~~ The
2 provisions of this section shall not apply to any other unit of government.

3 (3) Unless otherwise specifically provided by the Kentucky Revised Statutes or
4 applicable federal law, no criminal penalty shall attach to carrying a concealed
5 firearm or other deadly weapon with a permit at any location at which an
6 unconcealed firearm or other deadly weapon may be constitutionally carried.

7 ➔Section 19. The following KRS section is repealed:

8 65.870 Local firearms control ordinances prohibited -- Exemption from immunity --
9 Declaratory and injunctive relief.

10 ➔Section 20. Section 15 of this Act shall be effective on January 1, 2019.

11 ➔Section 21. Whereas the citizens of Kentucky deserve the protections afforded
12 by this bill at the earliest possible opportunity and no just cause exists for delay an
13 emergency is declared to exist, and, with the exception of Section 15, this Act takes effect
14 upon its passage and approval by the Governor or upon its otherwise becoming a law.