

1 AN ACT relating to firearms and making an appropriation therefor.

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

3 ➔Section 1. KRS 527.010 is amended to read as follows:

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

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

6 **1. A semiautomatic rifle that has the capacity to accept a detachable**
7 **magazine and has at least two (2) of the following characteristics:**

8 **a. A folding or telescoping stock;**

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

11 **c. A protruding grip that can be held by the nontrigger hand;**

12 **d. A thumbhole stock;**

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

16 **f. A grenade launcher;**

17 **2. A semiautomatic shotgun that has at least two (2) of the following**
18 **characteristics:**

19 **a. A folding or telescoping stock;**

20 **b. A protruding grip that can be held by the nontrigger hand;**

21 **c. A fixed magazine capacity in excess of ten (10) rounds; or**

22 **d. An ability to accept a detachable magazine;**

23 **3. A semiautomatic pistol that has the capacity to accept a detachable**
24 **magazine and has at least two (2) of the following characteristics:**

25 **a. A folding or telescoping stock;**

26 **b. A protruding grip that can be held by the nontrigger hand;**

27 **c. The capacity to accept a detachable magazine at any location**

- 1 outside of the pistol grip;
 2 d. A threaded barrel capable of accepting a barrel extender, flash
 3 suppressor, forward handgrip, or suppressor;
 4 e. A shroud that is attached to, or partially or completely encircles,
 5 the barrel and that permits the shooter to hold the firearm with
 6 the nontrigger hand without being burned; or
 7 f. A manufactured weight of fifty (50) ounces or more when the
 8 pistol is unloaded;

- 9 4. A semiautomatic version of an automatic rifle, shotgun, or firearm;
 10 5. A revolving cylinder shotgun; or
 11 6. Conversion kit, part, or combination of parts, from which an assault
 12 weapon can be assembled if those parts are in the possession or under
 13 the control of the same person.

14 (b) "Assault weapon" does not include:

- 15 1. Any rifle, shotgun, or pistol that is manually operated by bolt, pump,
 16 lever, or slide action, which has been rendered permanently
 17 inoperable, or which is an antique firearm as defined in 18 U.S.C. sec.
 18 921(a)(16);
 19 2. A semiautomatic rifle that cannot accept a detachable magazine that
 20 holds more than five (5) rounds of ammunition; or
 21 3. A semiautomatic shotgun that cannot hold more than five (5) rounds
 22 of ammunition in a fixed or detachable magazine;

23 (2) "Booby trap device" shall have the same meaning as set forth in KRS 237.030.

24 ~~(3)~~ "Deface" means to remove, deface, cover, alter, or destroy the manufacturer's
 25 serial number or any other distinguishing number or identification mark.

26 ~~(4)~~ "Destructive device" shall have the same meaning as set forth in KRS
 27 237.030.

1 ~~(5)~~~~(4)~~ "Firearm" means any weapon which will expel a projectile by the action of an
2 explosive.

3 ~~(6)~~~~(5)~~ "Handgun" means any pistol or revolver originally designed to be fired by the
4 use of a single hand, or any other firearm originally designed to be fired by the use
5 of a single hand; and

6 (7) "Large-capacity ammunition-feeding device" means a magazine, belt, drum, feed
7 strip, or similar device that has a capacity of, or that can be readily restored or
8 converted to accept, more than ten (10) rounds of ammunition, but does not
9 include an attached tubular device designed to accept, and capable of operating
10 only with, .22 caliber rimfire ammunition or a feeding device that is a curio or
11 relic. To qualify as a curio or relic feeding device under this subsection, it must
12 be a feeding device that:

13 (a) Was manufactured at least fifty (50) years prior to the current date, not
14 including replicas thereof;

15 (b) Is only capable of being used exclusively in a firearm, rifle, or shotgun that
16 was manufactured at least fifty (50) years prior to the current date, not
17 including replicas thereof; and

18 (c) Is possessed by an individual who is not prohibited by state or federal law
19 from possessing a firearm.

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

22 (1) Except as provided in subsection (3) of this section, a person is guilty of
23 possession or transfer of a large-capacity ammunition-feeding device when he or
24 she knowingly either:

25 (a) Possesses a large-capacity ammunition-feeding device;

26 (b) Transfers a large-capacity ammunition-feeding device to another person.

27 (2) Possession or transfer of a large-capacity ammunition-feeding device is a Class A

1 misdemeanor.

2 (3) This section shall not apply to a person who is:

3 (a) A member of the Armed Forces of the United States, a reserve component
4 thereof, or the National Guard;

5 (b) A law enforcement officer as defined in KRS 15.310; or

6 (c) In compliance with Section 3 of this Act.

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

9 (1) Within one (1) year after the effective date of this Act, a person who lawfully
10 owns any large-capacity ammunition-feeding device on the effective date of this
11 Act shall:

12 (a) Register with the Department of Kentucky State Police as the certified
13 owner of each large-capacity ammunition-feeding device that the person
14 elects to continue to possess;

15 (b) Transfer the large-capacity ammunition-feeding device to any person
16 outside of Kentucky lawfully entitled to own or possess the device; or

17 (c) Render the large-capacity ammunition-feeding device permanently
18 inoperable.

19 (2) The Department of Kentucky State Police shall administer a program through
20 which the owners of large-capacity ammunition-feeding devices who elect to
21 continue to possess those devices more than one (1) year after the effective date of
22 this Act shall register as the owners of individual large-capacity ammunition-
23 feeding devices.

24 (3) The department shall promulgate administrative regulations to administer this
25 program, and may establish a fee sufficient to cover the costs of its
26 administration.

27 ➔SECTION 4. A NEW SECTION OF KRS CHAPTER 527 IS CREATED TO

1 READ AS FOLLOWS:

2 (1) Except as provided in subsection (3) of this section, a person is guilty of
3 possession or transfer of an assault weapon when he or she knowingly either:

4 (a) Possesses an assault weapon; or

5 (b) Transfers an assault weapon to another person through any means.

6 (2) Possession or transfer of an assault weapon is a Class A misdemeanor.

7 (3) This section shall not apply to a person who:

8 (a) Is a member of the Armed Forces of the United States, a reserve component
9 thereof, or the National Guard;

10 (b) Is a law enforcement officer as defined in KRS 15.310; or

11 (c) Has complied with Section 5 of this Act.

12 ➔SECTION 5. A NEW SECTION OF KRS CHAPTER 237 IS CREATED TO

13 READ AS FOLLOWS:

14 (1) (a) 1. As used in this section, "permanently inoperable" means that the
15 assault weapon is altered in such a manner that it cannot be fired and
16 that the owner or possessor of the firearm does not possess or have
17 control over the parts necessary to make the firearm operable; and

18 2. As used in this section, "temporarily inoperable" means that when the
19 assault weapon is not in the direct control of the registered owner, it is
20 stored using an integrated design feature or attachable accessory that
21 will prevent the use of the weapon by an unauthorized user.

22 (b) Within one (1) year after the effective date of this Act, a person who
23 lawfully owns any assault weapon as defined in Section 1 of this Act on the
24 effective date of this Act shall:

25 1. a. Register with the Department of Kentucky State Police as the
26 certified owner of each assault weapon that the person elects to
27 continue to possess; and

- 1 b. Store the weapon with devices which render the weapon
2 temporarily inoperable, in accordance with subsection (2) of this
3 section;
- 4 2. Transfer the assault weapon to any person lawfully entitled to own or
5 possess the firearm;
- 6 3. Transfer the assault weapon to the Department of Kentucky State
7 Police buyback program in accordance with subsection (3) of this
8 section; or
- 9 4. Render the assault weapon permanently inoperable.
- 10 (2) (a) The Department of Kentucky State Police shall administer a program
11 through which the owners of assault weapons who elect to continue to
12 possess assault weapons more than one (1) year after the effective date of
13 this Act shall:
- 14 1. Register as the owners of individual assault weapons; and
15 2. Receive devices approved by the department and designed to render
16 the weapon temporarily inoperable when it is not under the direct
17 control of the registered owner.
- 18 (b) The department shall promulgate administrative regulations to administer
19 this program, and may establish a fee sufficient to cover the costs of its
20 administration.
- 21 (3) The Department of Kentucky State Police shall administer a buyback program
22 through which an assault weapon is voluntarily transferred to the Department of
23 Kentucky State Police by the owner of the weapon in exchange for the estimated
24 cash value of the weapon. The buyback program shall be funded by the fees
25 collected from the registration of assault weapons under this section.
- 26 (4) (a) A trust and agency account to be known as the Assault Weapon
27 Registration fund is hereby established in the State Treasury. The fund

1 shall consist of the moneys received from the fees imposed in Section 3 of
 2 this Act, in subsection (2) of this section, state appropriations, gifts, grants,
 3 and federal funds.

4 (b) The fund shall be administered by the Department of Kentucky State Police.

5 (c) Amounts deposited in the fund shall be used for the operation of the
 6 buyback program established under subsection (3) of this section, and for
 7 no other purpose.

8 (d) Notwithstanding KRS 45.229, fund amounts not expended at the close of a
 9 fiscal year shall not lapse but shall be carried forward into the next fiscal
 10 year.

11 (e) Any interest earnings of the fund shall become a part of the fund and shall
 12 not lapse.

13 (f) Moneys deposited in the fund are hereby appropriated for the purposes set
 14 forth in this subsection and shall not be appropriated or transferred by the
 15 General Assembly for any other purposes.

16 (5) If the owner of an assault weapon elects to render the firearm permanently
 17 inoperable, the owner shall file a certification on a form prescribed by the
 18 Department of Kentucky State Police indicating the date on which the firearm
 19 was rendered inoperable. This certification shall be filed with the Department of
 20 Kentucky State Police.

21 (6) Nothing in this section shall be construed to allow a certified owner of an assault
 22 weapon to transfer an assault weapon to another person after the one (1) year
 23 period following the effective date of this Act has ended.

24 ➔Section 6. KRS 16.220 is amended to read as follows:

25 (1) Subject to the duty to return confiscated firearms to innocent owners pursuant to
 26 KRS 500.090, all firearms confiscated by the Department of Kentucky State Police
 27 and not retained for official use pursuant to KRS 500.090 shall be sold at public

1 auction to federally licensed firearms dealers holding a license appropriate for the
2 type of firearm sold. Any provision of KRS Chapter 45 or 45A relating to
3 disposition of property to the contrary notwithstanding, the Department of Kentucky
4 State Police shall:

- 5 (a) Conduct any auction specified by this section;
- 6 (b) Retain for departmental use twenty percent (20%) of the gross proceeds from
7 any auction specified by this section; and
- 8 (c) Transfer remaining proceeds of the sale to the account of the Kentucky Office
9 of Homeland Security for use as provided in subsection (4) of this section.

10 (2) Prior to the sale of any firearm, the Department of Kentucky State Police shall make
11 an attempt to determine if the firearm to be sold has been stolen or otherwise
12 unlawfully obtained from an innocent owner and return the firearm to its lawful
13 innocent owner, unless that person is ineligible to purchase a firearm under federal
14 law.

15 (3) The Department of Kentucky State Police shall receive firearms and ammunition
16 confiscated by or abandoned to every law enforcement agency in Kentucky. The
17 department shall dispose of the firearms received in the manner specified in
18 subsection (1) of this section. However, firearms which are not retained for official
19 use, returned to an innocent lawful owner, or transferred to another government
20 agency or public museum shall be sold as provided in subsections (1) and (3) of this
21 section.

22 (4) The proceeds of firearms sales shall be utilized by the Kentucky Office of
23 Homeland Security to provide grants to city, county, charter county, unified local
24 government, urban-county government, and consolidated local government police
25 departments; university safety and security departments organized pursuant to KRS
26 164.950; school districts that employ special law enforcement officers as defined in
27 KRS 61.900; and sheriff's departments for the purchase of:

- 1 (a) Body armor for sworn peace officers of those departments and service
2 animals, as defined in KRS 525.010, of those departments;
- 3 (b) Firearms or ammunition;
- 4 (c) Electronic control devices, electronic control weapons, or electro-muscular
5 disruption technology; and
- 6 (d) Body-worn cameras.

7 In awarding grants under this section, the Kentucky Office of Homeland Security
8 shall give first priority to providing and replacing body armor and second priority to
9 providing firearms and ammunition, with residual funds available for the purchase
10 of body-worn cameras, electronic control devices, electronic control weapons, or
11 electro-muscular disruption technology. Body armor purchased by the department
12 receiving grant funds shall meet or exceed the standards issued by the National
13 Institute of Justice for body armor. No police or sheriff's department shall apply for
14 a grant to replace existing body armor unless that body armor has been in actual use
15 for a period of five (5) years or longer. Any department applying for grant funds for
16 body-worn cameras shall develop a policy for their use and shall submit that policy
17 with its application for the grant funds to the Office of Homeland Security as part of
18 the application process.

19 (5) The Department of Kentucky State Police may transfer a machine gun, short-
20 barreled shotgun, short-barreled rifle, silencer, pistol with a shoulder stock, any
21 other weapon, or destructive device as defined by the National Firearms Act which
22 is subject to registration under the National Firearms Act and is not properly
23 registered in the national firearms transfer records for those types of weapons, to the
24 Bureau of Alcohol, Tobacco, and Firearms of the United States Department of
25 Justice, after a reasonable attempt has been made to transfer the firearm to an
26 eligible state or local law enforcement agency or to an eligible museum and no
27 eligible recipient will take the firearm or weapon. National Firearms Act firearms

1 and weapons which are properly registered and not returned to an innocent lawful
 2 owner or retained for official use as provided in this section shall be sold to properly
 3 licensed dealers under subsection (3) of this section.

4 **(6) This section shall not apply to assault weapons acquired through the buyback**
 5 **program authorized under Section 5 of this Act.**

6 ➔Section 7. KRS 237.104 is amended to read as follows:

7 (1) No person, unit of government, or governmental organization shall, during a period
 8 of disaster or emergency as specified in KRS Chapter 39A or at any other time,
 9 have the right to revoke, suspend, limit the use of, or otherwise impair the validity
 10 of the right of any person to purchase, transfer, loan, own, possess, carry, or use a
 11 firearm, firearm part, ammunition, ammunition component, or any deadly weapon
 12 or dangerous instrument.

13 (2) No person, unit of government, or governmental organization shall, during a period
 14 of disaster or emergency as specified in KRS Chapter 39A or at any other time,
 15 take, seize, confiscate, or impound a firearm, firearm part, ammunition, ammunition
 16 component, or any deadly weapon or dangerous instrument from any person.

17 (3) The provisions of this section shall not apply to the taking of an item specified in
 18 subsection (1) or (2) of this section from a person who is:

19 (a) Forbidden to possess a firearm pursuant to KRS 527.040;

20 (b) Forbidden to possess a firearm pursuant to federal law;

21 (c) Violating KRS 527.020;

22 (d) In possession of a stolen firearm;

23 (e) Using a firearm in the commission of a separate criminal offense;

24 **(f) Participating in the assault weapons buyback program authorized under**
 25 **Section 5 of this Act;** or

26 ~~(g)~~ Using a firearm or other weapon in the commission of an offense under
 27 KRS Chapter 150.