

1 AN ACT relating to the sale of confiscated firearms.

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

3 ➔Section 1. KRS 16.220 is amended to read as follows:

- 4 (1) Subject to the duty to return confiscated firearms to innocent owners pursuant to
5 KRS 500.090, all firearms confiscated by the Department of Kentucky State Police
6 and not retained for official use pursuant to KRS 500.090 shall be sold at public
7 auction to federally licensed firearms dealers holding a license appropriate for the
8 type of firearm sold. Any provision of KRS Chapter 45 or 45A relating to
9 disposition of property to the contrary notwithstanding, the Department of Kentucky
10 State Police shall:
- 11 (a) Conduct any auction specified by this section;
 - 12 (b) Retain for departmental use twenty percent (20%) of the gross proceeds from
13 any auction specified by this section; and
 - 14 (c) Transfer remaining proceeds of the sale to the account of the Kentucky Office
15 of Homeland Security for use as provided in subsection (4) of this section.
- 16 (2) Prior to the sale of any firearm, the Department of Kentucky State Police shall make
17 an attempt to determine if the firearm to be sold has been stolen or otherwise
18 unlawfully obtained from an innocent owner and return the firearm to its lawful
19 innocent owner, unless that person is ineligible to purchase a firearm under federal
20 law.
- 21 (3) The Department of Kentucky State Police shall receive firearms and ammunition
22 confiscated by or abandoned to every law enforcement agency in Kentucky. The
23 department shall dispose of the firearms received in the manner specified in
24 subsection (1) of this section. However, firearms which are not retained for official
25 use, returned to an innocent lawful owner, or transferred to another government
26 agency or public museum shall be sold as provided in subsections (1) and (3) of this
27 section.

- 1 (4) **(a) There is hereby established the Law Enforcement Protection Program.**
- 2 **(b) The program shall be administered by the Kentucky Office of Homeland**
- 3 **Security and shall use** the proceeds of firearms sales **made available under**
- 4 **subsection (1) of this section for the purpose of providing** ~~shall be utilized~~
- 5 ~~by the Kentucky Office of Homeland Security to provide~~ grants to:
- 6 **1.** City, county, charter county, unified local government, urban-county
- 7 government, and consolidated local government police departments;
- 8 **2.** University safety and security departments organized pursuant to KRS
- 9 164.950;
- 10 **3.** School districts that employ special law enforcement officers as defined
- 11 in KRS 61.900; and
- 12 **4.** Sheriff's departments.
- 13 **(c) Grants provided under paragraph (b) of this subsection shall be used** for the
- 14 purchase of:
- 15 **1.~~(a)~~ Individual first aid kits containing essential life-saving**
- 16 **materials, bleeding control, and major wound treatments;**
- 17 **2.** Body armor for sworn peace officers of those departments and service
- 18 animals, as defined in KRS 525.010, of those departments;
- 19 **3.~~(b)~~ Firearms or ammunition;**
- 20 **4.~~(c)~~ Electronic control devices, electronic control weapons, or electro-**
- 21 **muscular disruption technology; and**
- 22 **5.~~(d)~~ Body-worn cameras.**
- 23 **(d)** In awarding grants under this section, the Kentucky Office of Homeland
- 24 Security shall give ~~first~~ priority to **the purchasing of items in the order in**
- 25 **which they are listed under paragraph (c) of this subsection** ~~providing and~~
- 26 ~~replacing body armor and second priority to providing firearms and~~
- 27 ~~ammunition, with residual funds available for the purchase of body worn~~

1 cameras, electronic control devices, electronic control weapons, or electro-
2 muscular disruption technology].

3 (e) Body armor purchased by the department receiving grant funds shall meet or
4 exceed the standards issued by the National Institute of Justice for body
5 armor.

6 (f) No police or sheriff's department shall apply for a grant to replace existing
7 body armor unless that body armor has been in actual use for a period of five
8 (5) years or longer.

9 (g) Any department applying for grant funds for body-worn cameras shall develop
10 a policy for their use and shall submit that policy with its application for the
11 grant funds to the Office of Homeland Security as part of the application
12 process.

13 **(5) The Kentucky Office of Homeland Security may use five percent (5%) of firearms**
14 **sales proceeds received from the Department of Kentucky State Police under**
15 **subsection (1) of this section to cover departmental costs of administering the**
16 **Law Enforcement Protection Program.**

17 (6)~~(5)~~ The Department of Kentucky State Police may transfer a machine gun, short-
18 barreled shotgun, short-barreled rifle, silencer, pistol with a shoulder stock, any
19 other weapon, or destructive device as defined by the National Firearms Act which
20 is subject to registration under the National Firearms Act and is not properly
21 registered in the national firearms transfer records for those types of weapons, to the
22 Bureau of Alcohol, Tobacco, and Firearms of the United States Department of
23 Justice, after a reasonable attempt has been made to transfer the firearm to an
24 eligible state or local law enforcement agency or to an eligible museum and no
25 eligible recipient will take the firearm or weapon. National Firearms Act firearms
26 and weapons which are properly registered and not returned to an innocent lawful
27 owner or retained for official use as provided in this section shall be sold to properly

1 licensed dealers under subsection (3) of this section.