

1 AN ACT relating to background checks on the sale or transfer of firearms.

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

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

5 *(1) In addition to any other requirement of state or federal law, all sales, exchanges,*  
6 *or transfers of firearms shall be conducted in accordance with this section unless*  
7 *the sale, exchange, or transfer is:*

8 *(a) Conducted by a licensed importer, licensed manufacturer, or licensed*  
9 *dealer, as those terms are defined in 18 U.S.C. secs. 921 and 922, when the*  
10 *sale, exchange, or transfer is conducted pursuant to that person's federal*  
11 *firearms license; or*

12 *(b) Between spouses, parents, children, and stepchildren in the same immediate*  
13 *family.*

14 *(2) Before any sale, exchange, or transfer pursuant to this section, a national instant*  
15 *background check shall be completed by a dealer who consents to conduct the*  
16 *check, and upon completion of the background check, the dealer shall complete a*  
17 *form developed by the Department of Kentucky State Police, and available for*  
18 *download through the department's website, that identifies and confirms that the*  
19 *check was performed.*

20 *(3) All dealers shall maintain a record of transactions and background checks*  
21 *conducted pursuant to this section, and the records shall be maintained on the*  
22 *premises identified and described in the dealer's license, and shall be available at*  
23 *all reasonable hours for inspection by any peace officer acting within the scope of*  
24 *his or her duties.*

25 *(4) A dealer may require that any background check conducted pursuant to this*  
26 *section be subject to a fee not to exceed ten dollars (\$10) per transaction.*

27 *(5) Any record produced pursuant to this section and any transmission thereof to any*

1        government agency shall not be considered a public record for purposes of the  
2        Kentucky Open Records Act, KRS 61.870 to 61.884.  
3        (6) Any person who knowingly violates this section shall be guilty of a Class A  
4        misdemeanor.