

1 AN ACT relating to concealed deadly weapons.

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

3 ➔Section 1. KRS 150.172 is amended to read as follows:

4 (1) Any person who is not prohibited by state or federal law from possessing a firearm
5 may carry a firearm and ammunition for that firearm for purposes of self-defense
6 and defense of others while hunting, fishing, trapping, or engaging in any other
7 activity not constituting a crime under KRS Chapter 218A or Chapters 500 to 534,
8 and may do so on any public lands under the control of the department and on any
9 private land under the control of the department, unless the owner of the private
10 land has posted notice that concealed deadly weapons are not allowed in a building
11 where they may be prohibited pursuant to KRS 237.110~~[or 237.115]~~.

12 (2) (a) A person may use a firearm, if he or she is not prohibited by state or federal
13 law from possessing a firearm, or may use any other deadly weapon, at any
14 time and during any season to:

- 15 1. Kill or attempt to kill an animal, whether protected or unprotected, in
16 self-defense or defense of another person; or
17 2. Kill or attempt to kill an injured animal for humane purposes; and
18 in either event, reports the kill or attempted kill to a conservation officer
19 before midnight of the same day as the kill or attempted kill.

20 (b) An investigation by the department shall be authorized to substantiate and
21 provide evidence on whether the kill or attempted kill of the animal is in
22 violation of paragraph (a) of this subsection or if the animal presents a threat
23 to public health and safety. If no violation is shown to exist, and if there is no
24 threat to public health and safety, then the animal or parts thereof shall:

- 25 1. Remain the property and in the possession of the person taking the
26 animal; or
27 2. If the animal or parts thereof were surrendered to the department, be

1 immediately returned to the person.

2 (c) An arrest shall not be made, except upon a warrant issued by a judge of a
3 court of competent jurisdiction, and a citation shall not be issued by a peace
4 officer if an animal is killed under circumstances described in paragraph (a) of
5 this subsection.

6 (d) A citation may be issued by a peace officer who witnesses the killing of an
7 animal in violation of a statute or federal regulation under circumstances
8 different from those described in paragraph (a) of this subsection.

9 (e) An arrest warrant or a summons may be issued by a judge of a court of
10 competent jurisdiction, upon application of the appropriate county attorney, if
11 the court believes that there is sufficient cause to doubt the claim that the
12 animal was killed under circumstances described in paragraph (a) of this
13 subsection.

14 (3) In cases where an animal is killed and there is a claim that the animal was killed
15 under circumstances described in paragraph (a) of subsection (2) of this section, the
16 department shall provide competent evidence as to how the animal was killed and
17 the circumstances surrounding the event.

18 (4) The department shall not promulgate administrative regulations restricting any right
19 provided by this section or the spirit thereof.

20 (5) This section shall not apply to the killing, wounding, or other prohibited act relating
21 to specific wildlife which are protected by the federal Endangered Species Act, 16
22 U.S.C. secs. 1531 to 1544; federal Migratory Bird Treaty Act, 16 U.S.C. secs. 703
23 to 712; or federal Bald and Golden Eagle Protection Act, 16 U.S.C. secs. 668 to
24 668d.

25 (6) The principles contained in KRS Chapter 503 relating to the use of force and deadly
26 force against human beings shall apply to acts where wildlife is involved.

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

- 1 (1) The Department of Kentucky State Police is authorized to issue and renew licenses
2 to carry concealed firearms or other deadly weapons, or a combination thereof, to
3 persons qualified as provided in this section.
- 4 (2) An original or renewal license issued pursuant to this section shall:
- 5 (a) Be valid throughout the Commonwealth and, except as provided in this
6 section or other specific section of the Kentucky Revised Statutes or federal
7 law, permit the holder of the license to carry firearms, ammunition, or other
8 deadly weapons, or a combination thereof, at any location in the
9 Commonwealth;
- 10 (b) Unless revoked or suspended as provided by law, be valid for a period of five
11 (5) years from the date of issuance;
- 12 (c) Authorize the holder of the license to carry a concealed firearm or other
13 deadly weapon, or a combination thereof, on or about his or her person; and
- 14 (d) Authorize the holder of the license to carry ammunition for a firearm on or
15 about his or her person.
- 16 (3) Prior to the issuance of an original or renewal license to carry a concealed deadly
17 weapon, the Department of Kentucky State Police, upon receipt of a completed
18 application, applicable fees, and any documentation required by this section or
19 administrative regulation promulgated by the Department of Kentucky State Police,
20 shall conduct a background check to ascertain whether the applicant is eligible
21 under 18 U.S.C. sec. 922(g) and (n), any other applicable federal law, and state law
22 to purchase, receive, or possess a firearm or ammunition, or both. The background
23 check shall include:
- 24 (a) A state records check covering the items specified in this subsection, together
25 with any other requirements of this section;
- 26 (b) A federal records check, which shall include a National Instant Criminal
27 Background Check System (NICS) check;

- 1 (c) A federal Immigration Alien Query if the person is an alien who has been
2 lawfully admitted to the United States by the United States government or an
3 agency thereof; and
- 4 (d) In addition to the Immigration Alien Query, if the applicant has not been
5 lawfully admitted to the United States under permanent resident status, the
6 Department of Kentucky State Police shall, if a doubt exists relating to an
7 alien's eligibility to purchase a firearm, consult with the United States
8 Department of Homeland Security, United States Department of Justice,
9 United States Department of State, or other federal agency to confirm whether
10 the alien is eligible to purchase a firearm in the United States, bring a firearm
11 into the United States, or possess a firearm in the United States under federal
12 law.
- 13 (4) The Department of Kentucky State Police shall issue an original or renewal license
14 if the applicant:
- 15 (a) Is not prohibited from the purchase, receipt, or possession of firearms,
16 ammunition, or both pursuant to 18 U.S.C. 922(g), 18 U.S.C. 922(n), or
17 applicable federal or state law;
- 18 (b) 1. Is a citizen of the United States who is a resident of this
19 Commonwealth;
- 20 2. Is a citizen of the United States who is a member of the Armed Forces
21 of the United States who is on active duty, who is at the time of
22 application assigned to a military posting in Kentucky;
- 23 3. Is lawfully admitted to the United States by the United States
24 government or an agency thereof, is permitted by federal law to
25 purchase a firearm, and is a resident of this Commonwealth; or
- 26 4. Is lawfully admitted to the United States by the United States
27 government or an agency thereof, is permitted by federal law to

1 purchase a firearm, is, at the time of the application, assigned to a
2 military posting in Kentucky, and has been assigned to a posting in the
3 Commonwealth;

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

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

10 (e) Does not chronically and habitually use alcoholic beverages as evidenced by
11 the applicant having two (2) or more convictions for violating KRS 189A.010
12 within the three (3) years immediately preceding the date on which the
13 application is submitted, or having been committed as an alcoholic pursuant to
14 KRS Chapter 222 or similar laws of another state within the three (3) year
15 period immediately preceding the date on which the application is submitted;

16 (f) Does not owe a child support arrearage which equals or exceeds the
17 cumulative amount which would be owed after one (1) year of nonpayment, if
18 the Department of Kentucky State Police has been notified of the arrearage by
19 the Cabinet for Health and Family Services;

20 (g) Has complied with any subpoena or warrant relating to child support or
21 paternity proceedings. If the Department of Kentucky State Police has not
22 been notified by the Cabinet for Health and Family Services that the applicant
23 has failed to meet this requirement, the Department of Kentucky State Police
24 shall assume that paternity and child support proceedings are not an issue;

25 (h) Has not been convicted of a violation of KRS 508.030 or 508.080 within the
26 three (3) years immediately preceding the date on which the application is
27 submitted. The commissioner of the Department of Kentucky State Police

- 1 may waive this requirement upon good cause shown and a determination that
2 the applicant is not a danger and that a waiver would not violate federal law;
- 3 (i) Demonstrates competence with a firearm by successful completion of a
4 firearms safety or training course that is conducted by a firearms instructor
5 who is certified by a national organization with membership open to residents
6 of any state or territory of the United States, which was created to promote
7 firearms education, safety, and the profession of firearms use and training, and
8 to foster professional behavior in its members. The organization shall require
9 members to adhere to its own code of ethics and conduct a program which
10 certifies firearms instructors and includes the use of written tests, in person
11 instruction, and a component of live-fire training. These national
12 organizations shall include but are not limited to the National Rifle
13 Association, the United States Concealed Carry Association, and the National
14 Shooting Sports Foundation. The training requirement may also be fulfilled
15 through any firearms safety course offered or approved by the Department of
16 Criminal Justice Training. The firearms safety course offered or approved by
17 the Department of Criminal Justice Training shall:
- 18 1. Be not more than eight (8) hours in length;
 - 19 2. Include instruction on handguns, the safe use of handguns, the care and
20 cleaning of handguns, and handgun marksmanship principles;
 - 21 3. Include actual range firing of a handgun in a safe manner, and the firing
22 of not more than twenty (20) rounds at a full-size silhouette target,
23 during which firing, not less than eleven (11) rounds must hit the
24 silhouette portion of the target; and
 - 25 4. Include information on and a copy of laws relating to possession and
26 carrying of firearms, as set forth in KRS Chapters 237 and 527, and the
27 laws relating to the use of force, as set forth in KRS Chapter 503; and

- 1 (j) Demonstrates knowledge of the law regarding the justifiable use of force by
2 including with the application a copy of the concealed carry deadly weapons
3 legal handout made available by the Department of Criminal Justice Training
4 and a signed statement that indicates that applicant has read and understands
5 the handout.
- 6 (5) (a) A legible photocopy or electronic copy of a certificate of completion issued
7 by a firearms instructor certified by a national organization or the Department
8 of Criminal Justice Training shall constitute evidence of qualification under
9 subsection (4)(i) of this section.
- 10 (b) Persons qualifying under subsection (6)(d) of this section may submit with
11 their application:
- 12 1. At least one (1) of the following paper or electronic forms or their
13 successor forms showing evidence of handgun training or handgun
14 qualifications:
- 15 a. Department of Defense Form DD 2586;
16 b. Department of Defense Form DD 214;
17 c. Coast Guard Form CG 3029;
18 d. Department of the Army Form DA 88-R;
19 e. Department of the Army Form DA 5704-R;
20 f. Department of the Navy Form OPNAV 3591-1; or
21 g. Department of the Air Force Form AF 522; or
- 22 2. a. Documentary evidence of an honorable discharge; and
23 b. A notarized affidavit on a form provided by the Department of
24 Kentucky State Police, signed under penalty of perjury, stating the
25 person has met the training requirements of subsection (6)(d) of
26 this section.
- 27 (6) (a) Peace officers who are currently certified as peace officers by the Kentucky

1 Law Enforcement Council pursuant to KRS 15.380 to 15.404 and peace
2 officers who are retired and are members of the Kentucky Employees
3 Retirement System, State Police Retirement System, or County Employees
4 Retirement System or other retirement system operated by or for a city,
5 county, or urban-county in Kentucky shall be deemed to have met the training
6 requirement.

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

- 9 1. Any peace officer employed by a federal agency specified in KRS
10 61.365;
- 11 2. Any peace officer employed by a federal civilian law enforcement
12 agency not specified above who has successfully completed the basic
13 law enforcement training course required by that agency;
- 14 3. Any military peace officer of the United States Army, Navy, Marine
15 Corps, or Air Force, or a reserve component thereof, or of the Army
16 National Guard or Air National Guard who has successfully completed
17 the military law enforcement training course required by that branch of
18 the military;
- 19 4. Any member of the United States Coast Guard serving in a peace officer
20 role who has successfully completed the law enforcement training
21 course specified by the United States Coast Guard.

22 (c) Corrections officers who are currently employed by a consolidated local
23 government, an urban-county government, or the Department of Corrections
24 who have successfully completed a basic firearms training course required for
25 their employment, and corrections officers who were formerly employed by a
26 consolidated local government, an urban-county government, or the
27 Department of Corrections who are retired, and who successfully completed a

1 basic firearms training course required for their employment, and are
2 members of a state-administered retirement system or other retirement system
3 operated by or for a city, county, or urban-county government in Kentucky
4 shall be deemed to have met the training requirement.

5 (d) Active or honorably discharged service members in the United States Army,
6 Navy, Marine Corps, Air Force, or Coast Guard, or a reserve component
7 thereof, or of the Army National Guard or Air National Guard shall be
8 deemed to have met the training requirement if these persons:

9 1. Successfully completed handgun training which was conducted by the
10 United States Army, Navy, Marine Corps, Air Force, or Coast Guard, or
11 a reserve component thereof, or of the Army National Guard or Air
12 National Guard; or

13 2. Successfully completed handgun qualification within the United States
14 Army, Navy, Marine Corps, Air Force, or Coast Guard, or a reserve
15 component thereof, or of the Army Guard or Air Force National Guard.

16 (7) (a) 1. A paper application for a license, or renewal of a license, to carry a
17 concealed deadly weapon shall be obtained from and submitted to the
18 office of the sheriff in the county in which the person resides.

19 2. An applicant, in lieu of a paper application, may submit an electronic
20 application for a license, or renewal of a license, to carry a concealed
21 deadly weapon to the Department of Kentucky State Police.

22 3. Persons qualifying under subsection (6)(d) of this section shall be
23 supplied the information in subsection (4)(i)4. of this section upon
24 obtaining an application.

25 (b) 1. The completed paper application and any documentation required by
26 this section plus an application fee or renewal fee, as appropriate, of
27 sixty dollars (\$60) shall be presented to the office of the sheriff of the

- 1 county in which the applicant resides.
- 2 2. The sheriff shall transmit the paper application and accompanying
3 material to the Department of Kentucky State Police within five (5)
4 working days.
- 5 3. Twenty dollars (\$20) of the paper application fee shall be retained by the
6 office of the sheriff for official expenses of the office. Twenty dollars
7 (\$20) shall be sent to the Department of Kentucky State Police with the
8 application. Ten dollars (\$10) shall be transmitted by the sheriff to the
9 Administrative Office of the Courts to fund background checks for
10 youth leaders, and ten dollars (\$10) shall be transmitted to the
11 Administrative Office of the Courts to fund background checks for
12 applicants for concealed weapons.
- 13 (c) 1. A completed electronic application submitted in lieu of a paper
14 application, any documentation required by this section, and an
15 application fee or renewal fee, as appropriate, of seventy dollars (\$70)
16 shall be presented to the Department of Kentucky State Police.
- 17 2. If an electronic application is submitted in lieu of a paper application,
18 thirty dollars (\$30) of the electronic application fee shall be retained by
19 the Department of Kentucky State Police. Twenty dollars (\$20) shall be
20 sent to the office of the sheriff of the applicant's county of residence for
21 official expenses of the office. Ten dollars (\$10) shall be transmitted to
22 the Administrative Office of the Courts to fund background checks for
23 youth leaders, and ten dollars (\$10) shall be transmitted to the
24 Administrative Office of the Courts to fund background checks for
25 applicants for concealed weapon carry permits.
- 26 (d) A full-time or part-time peace officer who is currently certified as a peace
27 officer by the Kentucky Law Enforcement Council and who is authorized by

1 his or her employer or government authority to carry a concealed deadly
2 weapon at all times and all locations within the Commonwealth pursuant to
3 KRS 527.020, or a retired peace officer who is a member of the Kentucky
4 Employees Retirement System, State Police Retirement System, County
5 Employees Retirement System, or other retirement system operated by or for
6 a city, county, or urban-county government in Kentucky, shall be exempt
7 from paying the paper or electronic application or renewal fees.

8 (e) The application, whether paper or electronic, shall be completed, under oath,
9 on a form or in a manner promulgated by the Department of Kentucky State
10 Police by administrative regulation which shall include:

- 11 1. a. The name, address, place and date of birth, citizenship, gender,
12 Social Security number of the applicant; and
- 13 b. If not a citizen of the United States, alien registration number if
14 applicable, passport number, visa number, mother's maiden name,
15 and other information necessary to determine the immigration
16 status and eligibility to purchase a firearm under federal law of a
17 person who is not a citizen of the United States;
- 18 2. A statement that, to the best of his or her knowledge, the applicant is in
19 compliance with criteria contained within subsections (3) and (4) of this
20 section;
- 21 3. A statement that the applicant, if qualifying under subsection (6)(d) of
22 this section, has provided:
 - 23 a. At least one (1) of the forms listed in subsection (5) of this section;
24 or
 - 25 b. i. Documentary evidence of an honorable discharge; and
26 ii. A notarized affidavit on a form provided by the Department
27 of Kentucky State Police stating the person has met the

- 1 training requirements of subsection (6)(d) of this section;
- 2 4. A statement that the applicant has been furnished a copy of this section
- 3 and is knowledgeable about its provisions;
- 4 5. A statement that the applicant has been furnished a copy of, has read,
- 5 and understands KRS Chapter 503 as it pertains to the use of deadly
- 6 force for self-defense in Kentucky; and
- 7 6. A conspicuous warning that the application is executed under oath and
- 8 that a materially false answer to any question, or the submission of any
- 9 materially false document by the applicant, subjects the applicant to
- 10 criminal prosecution under KRS 523.030.
- 11 (8) The applicant shall submit to the sheriff of the applicant's county of residence or
- 12 county of military posting if submitting a paper application, or to the Department of
- 13 Kentucky State Police if submitting an electronic application:
- 14 (a) A completed application as described in subsection (7) of this section;
- 15 (b) A recent color photograph of the applicant, as prescribed by administrative
- 16 regulation;
- 17 (c) A paper or electronic certificate or an affidavit or document as described in
- 18 subsection (5) of this section;
- 19 (d) A paper or electronic document establishing the training exemption as
- 20 described in subsection (6) of this section; and
- 21 (e) For an applicant who is not a citizen of the United States and has been
- 22 lawfully admitted to the United States by the United States government or an
- 23 agency thereof, an affidavit as prescribed by administrative regulation
- 24 concerning his or her immigration status and his or her United States
- 25 government issued:
- 26 1. Permanent Resident Card I-551 or its equivalent successor
- 27 identification;

- 1 2. Other United States government issued evidence of lawful admission to
2 the United States which includes the category of admission, if admission
3 has not been granted as a permanent resident; and
- 4 3. Evidence of compliance with the provisions of 18 U.S.C. sec. 922(g)(5),
5 18 U.S.C. sec. 922(d)(5), or 18 U.S.C. sec. 922(y)(2), and 27 C.F.R. Part
6 178, including, as appropriate, but not limited to evidence of ninety (90)
7 day residence in the Commonwealth, a valid current Kentucky hunting
8 license if claiming exemption as a hunter, or other evidence of eligibility
9 to purchase a firearm by an alien which is required by federal law or
10 regulation.

11 If an applicant presents identification specified in this paragraph, the sheriff
12 shall examine the identification, may record information from the
13 identification presented, and shall return the identification to the applicant.

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

- 19 (a) Issue the license; or
- 20 (b) Deny the application based solely on the grounds that the applicant fails to
21 qualify under the criteria listed in subsection (3) or (4) of this section. If the
22 Department of Kentucky State Police denies the application, it shall notify the
23 applicant in writing, stating the grounds for denial and informing the applicant
24 of a right to submit, within thirty (30) days, any additional documentation
25 relating to the grounds of denial. Upon receiving any additional
26 documentation, the Department of Kentucky State Police shall reconsider its
27 decision and inform the applicant within twenty (20) days of the result of the

1 reconsideration. The applicant shall further be informed of the right to seek de
2 novo review of the denial in the District Court of his or her place of residence
3 within ninety (90) days from the date of the letter advising the applicant of the
4 denial.

5 (10) The Department of Kentucky State Police shall maintain an automated listing of
6 license holders and pertinent information, and this information shall be available
7 upon request, at all times to all Kentucky, federal, and other states' law enforcement
8 agencies. A request for the entire list of licensees, or for all licensees in a
9 geographic area, shall be denied. Only requests relating to a named licensee shall be
10 honored or available to law enforcement agencies. Information on applications for
11 licenses, names and addresses, or other identifying information relating to license
12 holders shall be confidential and shall not be made available except to law
13 enforcement agencies. No request for lists of local or statewide permit holders shall
14 be made to any state or local law enforcement agency, peace officer, or other
15 agency of government other than the Department of Kentucky State Police, and no
16 state or local law enforcement agency, peace officer, or agency of government,
17 other than the Department of Kentucky State Police, shall provide any information
18 to any requester not entitled to it by law.

19 (11) Within thirty (30) days after the changing of a permanent address, or within thirty
20 (30) days after the loss, theft, or destruction of a license, the licensee shall notify the
21 Department of Kentucky State Police of the loss, theft, or destruction. Failure to
22 notify the Department of Kentucky State Police shall constitute a noncriminal
23 violation with a penalty of twenty-five dollars (\$25) payable to the clerk of the
24 District Court. No court costs shall be assessed for a violation of this subsection.
25 When a licensee makes application to change his or her residence address or other
26 information on the license, neither the sheriff nor the Department of Kentucky State
27 Police shall require a surrender of the license until a new license is in the office of

1 the applicable sheriff and available for issuance. Upon the issuance of a new
2 license, the old license shall be destroyed by the sheriff.

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

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

13 (b) The commissioner of the Department of Kentucky State Police, or his or her
14 designee in writing, shall suspend the license of any person who becomes
15 temporarily ineligible to be issued a license or have a license renewed under
16 the criteria set forth in this section. The license shall remain suspended until
17 the person is again eligible for the issuance or renewal of a license.

18 (c) Upon the suspension or revocation of a license, the commissioner of the
19 Department of Kentucky State Police, or his or her designee in writing, shall:

20 1. Order any peace officer to seize the license from the person whose
21 license was suspended or revoked; or

22 2. Direct the person whose license was suspended or revoked to surrender
23 the license to the sheriff of the person's county of residence within two
24 (2) business days of the receipt of the notice.

25 (d) If the person whose license was suspended or revoked desires a hearing on the
26 matter, the person shall surrender the license as provided in paragraph (c)2. of
27 this subsection and petition the commissioner of the Department of Kentucky

1 State Police to hold a hearing on the issue of suspension or revocation of the
2 license.

3 (e) Upon receipt of the petition, the commissioner of the Department of Kentucky
4 State Police shall cause a hearing to be held in accordance with KRS Chapter
5 13B on the suspension or revocation of the license. If the license has not been
6 surrendered, no hearing shall be scheduled or held.

7 (f) If the hearing officer determines that the licensee's license was wrongly
8 suspended or revoked, the hearing officer shall order the commissioner of the
9 Department of Kentucky State Police to return the license and abrogate the
10 suspension or revocation of the license.

11 (g) Any party may appeal a decision pursuant to this subsection to the District
12 Court in the licensee's county of residence in the same manner as for the
13 denial of a license.

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

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

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

21 (k) When a domestic violence order or emergency protective order is issued
22 pursuant to the provisions of KRS Chapter 403 against a person holding a
23 license issued under this section, the holder of the permit shall surrender the
24 license to the court or to the officer serving the order. The officer to whom the
25 license is surrendered shall forthwith transmit the license to the court issuing
26 the order. The license shall be suspended until the order is terminated, or until
27 the judge who issued the order terminates the suspension prior to the

1 termination of the underlying domestic violence order or emergency
2 protective order, in writing and by return of the license, upon proper motion
3 by the license holder. Subject to the same conditions as above, a peace officer
4 against whom an emergency protective order or domestic violence order has
5 been issued shall not be permitted to carry a concealed deadly weapon when
6 not on duty, the provisions of KRS 527.020 to the contrary notwithstanding.

7 (14) (a) Not less than one hundred twenty (120) days prior to the expiration date of the
8 license, the Department of Kentucky State Police shall mail to each licensee a
9 written notice of the expiration and a renewal form prescribed by the
10 Department of Kentucky State Police. The outside of the envelope containing
11 the license renewal notice shall bear only the name and address of the
12 applicant. No other information relating to the applicant shall appear on the
13 outside of the envelope sent to the applicant. The licensee may renew his or
14 her license on or before the expiration date by filing with the sheriff of his or
15 her county of residence the paper renewal form, or by filing with the
16 Department of Kentucky State Police an electronic renewal form in lieu of a
17 paper renewal form, stating that the licensee remains qualified pursuant to the
18 criteria specified in subsections (3) and (4) of this section, and the required
19 renewal fee set forth in subsection (7) of this section. The sheriff shall issue to
20 the applicant a receipt for the paper application for renewal of the license and
21 shall date the receipt. The Department of Kentucky State Police shall issue to
22 the applicant a receipt for an electronic application for renewal of the license
23 submitted in lieu of a paper application for renewal and shall date the receipt.

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

26 (c) The license shall be renewed to a qualified applicant upon receipt of the
27 completed renewal application, records check as specified in subsection (3) of

1 this section, determination that the renewal applicant is not ineligible for a
2 license as specified in subsection (4), and appropriate payment of fees. Upon
3 the issuance of a new license, the old license shall be destroyed by the sheriff.
4 A licensee who fails to file a renewal application on or before its expiration
5 date may renew his or her license by paying, in addition to the license fees, a
6 late fee of fifteen dollars (\$15). No license shall be renewed six (6) months or
7 more after its expiration date, and the license shall be deemed to be
8 permanently expired six (6) months after its expiration date. A person whose
9 license has permanently expired may reapply for licensure pursuant to
10 subsections (7), (8), and (9) of this section.

11 (15) The licensee shall carry the license at all times the licensee is carrying a concealed
12 firearm or other deadly weapon and shall display the license upon request of a law
13 enforcement officer. Violation of the provisions of this subsection shall constitute a
14 noncriminal violation with a penalty of twenty-five dollars (\$25), payable to the
15 clerk of the District Court, but no court costs shall be assessed.

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

18 (a) Any police station or sheriff's office;

19 (b) Any detention facility, prison, or jail;

20 (c) Any courthouse, solely occupied by the Court of Justice courtroom, or court
21 proceeding;

22 (d) Any meeting of the governing body of a county, municipality, or special
23 district; or any meeting of the General Assembly or a committee of the
24 General Assembly, except that nothing in this section shall preclude a member
25 of the body, holding a concealed deadly weapon license, from carrying a
26 concealed deadly weapon at a meeting of the body of which he or she is a
27 member;

- 1 (e) Any portion of an establishment licensed to dispense beer or alcoholic
2 beverages for consumption on the premises, which portion of the
3 establishment is primarily devoted to that purpose;
- 4 (f) Any elementary or secondary school facility without the consent of school
5 authorities as provided in KRS 527.070, any child-caring facility as defined in
6 KRS 199.011, any day-care center as defined in KRS 199.894, or any certified
7 family child-care home as defined in KRS 199.8982, except however, any
8 owner of a certified child-care home may carry a concealed firearm into the
9 owner's residence used as a certified child-care home;
- 10 (g) An area of an airport to which access is controlled by the inspection of
11 persons and property; or
- 12 (h) Any place where the carrying of firearms is prohibited by federal law.
- 13 (17) The owner, business or commercial lessee, or manager of a private business
14 enterprise, day-care center as defined in KRS 199.894 or certified or licensed
15 family child-care home as defined in KRS 199.8982, or a health-care facility
16 licensed under KRS Chapter 216B, except facilities renting or leasing housing, may
17 prohibit persons holding concealed deadly weapon licenses from carrying
18 concealed deadly weapons on the premises and may prohibit employees, not
19 authorized by the employer, holding concealed deadly weapons licenses from
20 carrying concealed deadly weapons on the property of the employer. If the building
21 or the premises are open to the public, the employer or business enterprise shall
22 post signs on or about the premises if carrying concealed weapons is prohibited.
23 Possession of weapons, or ammunition, or both in a vehicle on the premises shall
24 not be a criminal offense so long as the weapons, or ammunition, or both are not
25 removed from the vehicle or brandished while the vehicle is on the premises. A
26 private but not a public employer may prohibit employees or other persons holding
27 a concealed deadly weapons license from carrying concealed deadly weapons, or

1 ammunition, or both in vehicles owned by the employer, but may not prohibit
2 employees or other persons holding a concealed deadly weapons license from
3 carrying concealed deadly weapons, or ammunition, or both in vehicles owned by
4 the employee, except that the Justice and Public Safety Cabinet may prohibit an
5 employee from carrying any weapons, or ammunition, or both other than the
6 weapons, or ammunition, or both issued or authorized to be used by the employee
7 of the cabinet, in a vehicle while transporting persons under the employee's
8 supervision or jurisdiction. Carrying of a concealed weapon, or ammunition, or both
9 in a location specified in this subsection by a license holder shall not be a criminal
10 act but may subject the person to denial from the premises or removal from the
11 premises, and, if an employee of an employer, disciplinary measures by the
12 employer.

13 (18) All moneys collected by the Department of Kentucky State Police pursuant to this
14 section shall be used to administer the provisions of this section and KRS 237.138
15 to 237.142. By March 1 of each year, the Department of Kentucky State Police and
16 the Administrative Office of the Courts shall submit reports to the Governor, the
17 President of the Senate, and the Speaker of the House of Representatives, indicating
18 the amounts of money collected and the expenditures related to this section, KRS
19 237.138 to 237.142, ~~and KRS 237.115,~~ 244.125, 527.020, and 527.070, and the
20 administration of the provisions of this section, KRS 237.138 to 237.142, ~~and KRS~~
21 ~~237.115,~~ 244.125, 527.020, and 527.070.

22 (19) The General Assembly finds as a matter of public policy that it is necessary to
23 provide statewide uniform standards for issuing licenses to carry concealed firearms
24 and to occupy the field of regulation of the bearing of concealed firearms to ensure
25 that no person who qualifies under the provisions of this section is denied his *or her*
26 rights. The General Assembly does not delegate to the Department of Kentucky
27 State Police the authority to regulate or restrict the issuing of licenses provided for

1 in this section beyond those provisions contained in this section. This section shall
2 be liberally construed to carry out the constitutional right to bear arms for self-
3 defense.

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

9 (b) If a person with a valid license to carry a concealed deadly weapon issued
10 from another state that has entered into a reciprocity agreement with the
11 Department of Kentucky State Police becomes a resident of Kentucky, the
12 license issued by the other state shall be considered as valid for the first one
13 hundred twenty (120) days of the person's residence in Kentucky, if within
14 sixty (60) days of moving to Kentucky, the person completes a form
15 promulgated by the Department of Kentucky State Police which shall include:

- 16 1. A signed and notarized statement averring that to the best of his or her
17 knowledge the person's license to carry a concealed deadly weapon is
18 valid and in compliance with applicable out-of-state law, and has not
19 been revoked or suspended for any reason except for valid forfeiture due
20 to departure from the issuing state;
- 21 2. The person's name, date of birth, citizenship, gender, Social Security
22 number if applicable, proof that he or she is a citizen of the United
23 States, a permanent resident of the United States, or otherwise lawfully
24 present in the United States, former out-of-state address, current address
25 within the state of Kentucky, date on which Kentucky residence began,
26 state which issued the concealed carry license, the issuing state's
27 concealed carry license number, and the state of issuance of license; and

- 1 3. A photocopy of the person's out-of-state license to carry a concealed
2 deadly weapon.
- 3 (c) Within sixty (60) days of moving to Kentucky, the person shall deliver the
4 form and accompanying documents by registered or certified mail, return
5 receipt requested, to the address indicated on the form provided by the
6 Department of Kentucky State Police pursuant to this subsection.
- 7 (d) The out-of-state concealed carry license shall become invalid in Kentucky
8 upon the earlier of:
- 9 1. The out-of-state person having resided in Kentucky for more than one
10 hundred twenty (120) days; or
- 11 2. The person being issued a Kentucky concealed deadly weapon license
12 pursuant to this section.
- 13 (e) The Department of Kentucky State Police shall, not later than thirty (30) days
14 after July 15, 1998, and not less than once every twelve (12) months
15 thereafter, make written inquiry of the concealed deadly weapon carrying
16 licensing authorities in each other state as to whether a Kentucky resident may
17 carry a concealed deadly weapon in their state based upon having a valid
18 Kentucky concealed deadly weapon license, or whether a Kentucky resident
19 may apply for a concealed deadly weapon carrying license in that state based
20 upon having a valid Kentucky concealed deadly weapon license. The
21 Department of Kentucky State Police shall attempt to secure from each other
22 state permission for Kentucky residents who hold a valid Kentucky concealed
23 deadly weapon license to carry concealed deadly weapons in that state, either
24 on the basis of the Kentucky license or on the basis that the Kentucky license
25 is sufficient to permit the issuance of a similar license by the other state. The
26 Department of Kentucky State Police shall enter into a written reciprocity
27 agreement with the appropriate agency in each state that agrees to permit

1 Kentucky residents to carry concealed deadly weapons in the other state on
2 the basis of a Kentucky-issued concealed deadly weapon license or that will
3 issue a license to carry concealed deadly weapons in the other state based
4 upon a Kentucky concealed deadly weapon license. If a reciprocity agreement
5 is reached, the requirement to recontact the other state each twelve (12)
6 months shall be eliminated as long as the reciprocity agreement is in force.
7 The information shall be a public record and shall be available to individual
8 requesters free of charge for the first copy and at the normal rate for open
9 records requests for additional copies.

10 (21) By March 1 of each year, the Department of Kentucky State Police shall submit a
11 statistical report to the Governor, the President of the Senate, and the Speaker of the
12 House of Representatives, indicating the number of licenses issued, revoked,
13 suspended, and denied since the previous report and in total and also the number of
14 licenses currently valid. The report shall also include the number of arrests,
15 convictions, and types of crimes committed since the previous report by individuals
16 licensed to carry concealed weapons.

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

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

25 (b) No concealed deadly weapon instructor shall have his or her certification as a
26 concealed deadly weapon instructor license suspended or revoked except after
27 a hearing conducted pursuant to KRS Chapter 13B in which the instructor is

- 1 found to have committed an act in violation of the applicable statutes or
2 administrative regulations;
- 3 (c) The department shall not require prior notification that an applicant class or
4 instructor class will be conducted by a certified instructor or instructor trainer;
- 5 (d) Each concealed deadly weapon instructor or instructor trainer who teaches a
6 concealed deadly weapon applicant or concealed deadly weapon instructor
7 class shall supply the Department of Criminal Justice Training with a class
8 roster indicating which students enrolled and successfully completed the class,
9 and which contains the name and address of each student, within five (5)
10 working days of the completion of the class. The information may be sent by
11 mail, facsimile, email~~[e-mail]~~, or other method which will result in the receipt
12 of or production of a hard copy of the information. The postmark, facsimile
13 date, or email~~[e-mail]~~ date shall be considered as the date on which the notice
14 was sent. Concealed deadly weapon class applicant, instructor, and instructor
15 trainer information and records shall be confidential. The department may
16 release to any person or organization the name, address, and telephone
17 number of a concealed deadly weapon instructor or instructor trainer if that
18 instructor or instructor trainer authorizes the release of the information in
19 writing. The department shall include on any application for an instructor or
20 instructor trainer certification a statement that the applicant either does or
21 does not desire the applicant's name, address, and telephone number to be
22 made public;
- 23 (e) An instructor trainer who assists in the conduct of a concealed deadly weapon
24 instructor class or concealed deadly weapon applicant class for more than two
25 (2) hours shall be considered as to have taught a class for the purpose of
26 maintaining his or her certification. All class record forms shall include spaces
27 for assistant instructors to sign and certify that they have assisted in the

1 conduct of a concealed deadly weapon instructor or concealed deadly weapon
2 class;

3 (f) An instructor who assists in the conduct of a concealed deadly weapon
4 applicant class for more than two (2) hours shall be considered as to have
5 taught a class for the purpose of maintaining his or her license. All class
6 record forms shall include spaces for assistant instructors to sign and certify
7 that they have assisted in the conduct of a concealed deadly weapon class;

8 (g) If the Department of Criminal Justice Training believes that a firearms
9 instructor trainer or certified firearms instructor has not in fact complied with
10 the requirements for teaching a certified firearms instructor or applicant class
11 by not teaching the class as specified in KRS 237.126, or who has taught an
12 insufficient class as specified in KRS 237.128, the department shall send to
13 each person who has been listed as successfully completing the concealed
14 deadly weapon applicant class or concealed deadly weapon instructor class a
15 verification form on which the time, date, date of range firing if different from
16 the date on which the class was conducted, location, and instructor of the class
17 is listed by the department and which requires the person to answer "yes" or
18 "no" to specific questions regarding the conduct of the training class. The
19 form shall be completed under oath and shall be returned to the Department of
20 Criminal Justice Training not later than forty-five (45) days after its receipt. A
21 person who fails to complete the form, to sign the form, or to return the form
22 to the Department of Criminal Justice Training within the time frame
23 specified in this section or who, as a result of information on the returned
24 form, is determined by the Department of Criminal Justice Training,
25 following a hearing pursuant to KRS Chapter 13B, to not have received the
26 training required by law shall have his or her concealed deadly weapon
27 license revoked by the Department of Kentucky State Police, following a

1 hearing conducted by the Department of Criminal Justice Training pursuant to
2 KRS Chapter 13B, at which hearing the person is found to have violated the
3 provisions of this section or who has been found not to have received the
4 training required by law;

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

- 7 1. The number of firearms instructor trainers and certified firearms
8 instructors whose certifications were suspended, revoked, denied, or
9 who were otherwise disciplined;
- 10 2. The reasons for the imposition of suspensions, revocations, denials, or
11 other discipline; and
- 12 3. Suggestions for improvement of the concealed deadly weapon applicant
13 training program and instructor process;

14 (i) If a concealed deadly weapon license holder is convicted of, pleads guilty to,
15 or enters an Alford plea to a felony offense, then his or her concealed deadly
16 weapon license shall be forthwith revoked by the Department of Kentucky
17 State Police as a matter of law;

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

23 (k) The following shall be in effect:

- 24 1. Action to eliminate the firearms instructor trainer program is prohibited.
25 The program shall remain in effect, and no firearms instructor trainer
26 shall have his or her certification reduced to that of certified firearms
27 instructor;

1 2. The Department of Kentucky State Police shall revoke the concealed
2 deadly weapon license of any person who received no firearms training
3 as required by KRS 237.126 and administrative regulations, or who
4 received insufficient training as required by KRS 237.128 and
5 administrative regulations, if the person voluntarily admits nonreceipt of
6 training or admits receipt of insufficient training, or if either nonreceipt
7 of training or receipt of insufficient training is proven following a
8 hearing conducted by the Department of Criminal Justice Training
9 pursuant to KRS Chapter 13B.

10 ➔Section 3. KRS 527.020 is amended to read as follows:

11 (1) A person is guilty of carrying a concealed weapon when he or she carries concealed
12 a firearm or other deadly weapon on or about his or her person in violation of this
13 section.

14 (2) Peace officers and certified court security officers, when necessary for their
15 protection in the discharge of their official duties; United States mail carriers when
16 actually engaged in their duties; and agents and messengers of express companies,
17 when necessary for their protection in the discharge of their official duties, may
18 carry concealed weapons on or about their person.

19 (3) The director of the Division of Law Enforcement in the Department of Fish and
20 Wildlife Resources, conservation officers of the Department of Fish and Wildlife
21 Resources, and policemen directly employed by state, county, city, or urban-county
22 governments may carry concealed deadly weapons on or about their person at all
23 times within the Commonwealth of Kentucky, when expressly authorized to do so
24 by law or by the government employing the officer.

25 (4) Persons carrying concealed weapons in accordance with KRS 237.109 or licensed
26 to carry a concealed deadly weapon pursuant to KRS 237.110 may carry a
27 concealed firearm or other concealed deadly weapon on or about their persons at all

1 times within the Commonwealth of Kentucky, if the firearm or concealed deadly
2 weapon is carried in conformity with the requirements of KRS 237.109 or 237.110.
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 at any location at which an unconcealed firearm or
6 other deadly weapon may be constitutionally carried. No person or organization,
7 public or private, shall prohibit a person from possessing a firearm, ammunition, or
8 both, or other deadly weapon in his or her vehicle in compliance with the provisions
9 of KRS 237.109 and 237.110~~, and 237.115~~. Any attempt by a person or
10 organization, public or private, to violate the provisions of this subsection may be
11 the subject of an action for appropriate relief or for damages in a Circuit Court or
12 District Court of competent jurisdiction.

13 (5) (a) The following persons, if they hold a license to carry a concealed deadly
14 weapon pursuant to KRS 237.110 or 237.138 to 237.142, may carry a firearm
15 or other concealed deadly weapon on or about their persons at all times and at
16 all locations within the Commonwealth of Kentucky, without any limitation
17 other than as provided in this subsection:

- 18 1. A Commonwealth's attorney or assistant Commonwealth's attorney;
- 19 2. A retired Commonwealth's attorney or retired assistant Commonwealth's
20 attorney;
- 21 3. A county attorney or assistant county attorney;
- 22 4. A retired county attorney or retired assistant county attorney;
- 23 5. A justice or judge of the Court of Justice;
- 24 6. A retired or senior status justice or judge of the Court of Justice; and
- 25 7. A retired peace officer who holds a concealed deadly weapon license
26 issued pursuant to the federal Law Enforcement Officers Safety Act, 18
27 U.S.C. sec. 926C, and KRS 237.138 to 237.142.

- 1 (b) The provisions of this subsection shall not authorize a person specified in this
2 subsection to carry a concealed deadly weapon in a detention facility as
3 defined in KRS 520.010 or on the premises of a detention facility without the
4 permission of the warden, jailer, or other person in charge of the facility, or
5 the permission of a person authorized by the warden, jailer, or other person in
6 charge of the detention facility to give such permission. As used in this
7 section, "detention facility" does not include courtrooms, facilities, or other
8 premises used by the Court of Justice or administered by the Administrative
9 Office of the Courts.
- 10 (c) A person specified in this section who is issued a concealed deadly weapon
11 license shall be issued a license which bears on its face the statement that it is
12 valid at all locations within the Commonwealth of Kentucky and may have
13 such other identifying characteristics as determined by the Department of
14 Kentucky State Police.
- 15 (6) (a) Except as provided in this subsection, the following persons may carry
16 concealed deadly weapons on or about their person at all times and at all
17 locations within the Commonwealth of Kentucky:
- 18 1. An elected sheriff and full-time and part-time deputy sheriffs certified
19 pursuant to KRS 15.380 to 15.404 when expressly authorized to do so
20 by the unit of government employing the officer;
 - 21 2. An elected jailer and a deputy jailer who has successfully completed
22 Department of Corrections basic training and maintains his or her
23 current in-service training when expressly authorized to do so by the
24 jailer; and
 - 25 3. The department head or any employee of a corrections department in
26 any jurisdiction where the office of elected jailer has been merged with
27 the office of sheriff who has successfully completed Department of

1 Corrections basic training and maintains his or her current in-service
2 training when expressly authorized to do so by the unit of government
3 by which he or she is employed.

4 (b) The provisions of this subsection shall not authorize a person specified in this
5 subsection to carry a concealed deadly weapon in a detention facility as
6 defined in KRS 520.010 or on the premises of a detention facility without the
7 permission of the warden, jailer, or other person in charge of the facility, or
8 the permission of a person authorized by the warden, jailer, or other person in
9 charge of the detention facility to give such permission. As used in this
10 section, "detention facility" does not include courtrooms, facilities, or other
11 premises used by the Court of Justice or administered by the Administrative
12 Office of the Courts.

13 (7) (a) A full-time paid peace officer of a government agency from another state or
14 territory of the United States or an elected sheriff from another territory of the
15 United States may carry a concealed deadly weapon in Kentucky, on or off
16 duty, if the other state or territory accords a Kentucky full-time paid peace
17 officer and a Kentucky elected sheriff the same rights by law. If the other state
18 or territory limits a Kentucky full-time paid peace officer or elected sheriff to
19 carrying a concealed deadly weapon while on duty, then that same restriction
20 shall apply to a full-time paid peace officer or elected sheriff from that state or
21 territory.

22 (b) The provisions of this subsection shall not authorize a person specified in this
23 subsection to carry a concealed deadly weapon in a detention facility as
24 defined in KRS 520.010 or on the premises of a detention facility without the
25 permission of the warden, jailer, or other person in charge of the facility, or
26 the permission of a person authorized by the warden, jailer, or other person in
27 charge of the detention facility to give such permission. As used in this

1 section, "detention facility" does not include courtrooms, facilities, or other
2 premises used by the Court of Justice or administered by the Administrative
3 Office of the Courts.

4 (8) A loaded or unloaded firearm or other deadly weapon shall not be deemed
5 concealed on or about the person if it is located in any enclosed container,
6 compartment, or storage space installed as original equipment in a motor vehicle by
7 its manufacturer, including but not limited to a glove compartment, center console,
8 or seat pocket, regardless of whether said enclosed container, storage space, or
9 compartment is locked, unlocked, or does not have a locking mechanism. No
10 person or organization, public or private, shall prohibit a person from keeping a
11 loaded or unloaded firearm or ammunition, or both, or other deadly weapon in a
12 vehicle in accordance with the provisions of this subsection. Any attempt by a
13 person or organization, public or private, to violate the provisions of this subsection
14 may be the subject of an action for appropriate relief or for damages in a Circuit
15 Court or District Court of competent jurisdiction. This subsection shall not apply to
16 any person prohibited from possessing a firearm pursuant to KRS 527.040.

17 (9) The provisions of this section shall not apply to a person who carries a concealed
18 deadly weapon on or about his or her person:

19 (a) If he or she is the owner of the property or has the permission of the owner of
20 the property, on real property which he or she or his or her spouse, parent,
21 grandparent, or child owns;

22 (b) If he or she is the lessee of the property or has the permission of the lessee of
23 the property, on real property which he or she or his or her spouse, parent,
24 grandparent, or child occupies pursuant to a lease; or

25 (c) If he or she is the sole proprietor of the business, on real property owned or
26 leased by the business.

27 (10) Carrying a concealed weapon is a Class A misdemeanor, unless the defendant has

1 been previously convicted of a felony in which a deadly weapon was possessed,
2 used, or displayed, in which case it is a Class D felony.

3 ➔Section 4. The following KRS section is repealed:

4 237.115 Construction of KRS 237.110 -- Prohibition by local government units of
5 carrying concealed deadly weapons in governmental buildings -- Restriction on criminal
6 penalties.