

1 AN ACT relating to airport police.

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:
- 8 (a) Federally licensed firearms dealers holding a license appropriate for the type  
9 of firearm sold; or
  - 10 (b) For a firearm which was used in a homicide, any person who certifies on a  
11 form provided by the Department of Kentucky State Police prior to placing a  
12 bid that he or she will, upon completion of the auction, leave the firearm with  
13 the Department of Kentucky State Police for destruction. A state or local  
14 government or agency thereof shall not purchase a firearm under this  
15 paragraph.
- 16 (2) Any provision of KRS Chapter 45 or 45A relating to disposition of property to the  
17 contrary notwithstanding, the Department of Kentucky State Police shall:
- 18 (a) Conduct any auction specified by this section;
  - 19 (b) Retain for departmental use twenty percent (20%) of the gross proceeds from  
20 any auction specified by this section;
  - 21 (c) Transfer remaining proceeds of the sale to the account of the Kentucky Office  
22 of Homeland Security for use as provided in subsection (5) of this section;  
23 and
  - 24 (d) For any sale pursuant to subsection (1)(b) of this section, destroy the firearm.
- 25 (3) Prior to the sale of any firearm, the Department of Kentucky State Police shall  
26 make an attempt to determine if the firearm to be sold has been stolen or otherwise  
27 unlawfully obtained from an innocent owner and return the firearm to its lawful

1 innocent owner, unless that person is ineligible to purchase a firearm under federal  
2 law.

3 (4) The Department of Kentucky State Police shall receive firearms and ammunition  
4 confiscated by or abandoned to every law enforcement agency in Kentucky. The  
5 department shall dispose of the firearms received in the manner specified in  
6 subsections (1) and (2) of this section. However, firearms which are not retained for  
7 official use, returned to an innocent lawful owner, or transferred to another  
8 government agency or public museum shall be sold as provided in subsection (1) of  
9 this section.

10 (5) The proceeds of firearms sales shall be utilized by the Kentucky Office of  
11 Homeland Security to provide grants to city, county, charter county, unified local  
12 government, urban-county government, and consolidated local government police  
13 departments; university safety and security departments organized pursuant to KRS  
14 164.950; school districts that employ special law enforcement officers as defined in  
15 KRS 61.900; airport safety and security departments established under KRS  
16 183.880; and sheriff's departments for the purchase of:

- 17 (a) Body armor for sworn peace officers of those departments and service  
18 animals, as defined in KRS 525.010, of those departments;
- 19 (b) Firearms or ammunition;
- 20 (c) Electronic control devices, electronic control weapons, or electro-muscular  
21 disruption technology; and
- 22 (d) Body-worn cameras.

23 In awarding grants under this section, the Kentucky Office of Homeland Security  
24 shall give first priority to providing and replacing body armor and second priority to  
25 providing firearms and ammunition, with residual funds available for the purchase  
26 of body-worn cameras, electronic control devices, electronic control weapons, or  
27 electro-muscular disruption technology. Body armor purchased by the department

1 receiving grant funds shall meet or exceed the standards issued by the National  
2 Institute of Justice for body armor. No police or sheriff's department shall apply for  
3 a grant to replace existing body armor unless that body armor has been in actual use  
4 for a period of five (5) years or longer. Any department applying for grant funds for  
5 body-worn cameras shall develop a policy for their use and shall submit that policy  
6 with its application for the grant funds to the Office of Homeland Security as part of  
7 the application process.

8 (6) The Department of Kentucky State Police may transfer a machine gun, short-  
9 barreled shotgun, short-barreled rifle, silencer, pistol with a shoulder stock, any  
10 other weapon, or destructive device as defined by the National Firearms Act which  
11 is subject to registration under the National Firearms Act and is not properly  
12 registered in the national firearms transfer records for those types of weapons, to the  
13 Bureau of Alcohol, Tobacco, and Firearms of the United States Department of  
14 Justice, after a reasonable attempt has been made to transfer the firearm to an  
15 eligible state or local law enforcement agency or to an eligible museum and no  
16 eligible recipient will take the firearm or weapon. National Firearms Act firearms  
17 and weapons which are properly registered and not returned to an innocent lawful  
18 owner or retained for official use as provided in this section shall be sold in  
19 accordance with subsection (1) of this section.