

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        ➔Section 2. KRS 237.990 is amended to read as follows:

4        (1) Any person who violates any of the provisions of KRS 237.030 to 237.050 shall be  
5        guilty of a Class D felony.

6        (2) Any person who violates any of the provisions of KRS 237.030 to 237.050, and in  
7        so doing uses any destructive device or booby trap device to avoid detection by law  
8        enforcement or other government personnel or to avoid theft or detection by any  
9        other person, of any controlled substance as set forth in KRS Chapter 218A and  
10       held in violation of KRS 218A.140, shall be guilty of a Class C felony.

11       **(3) Any person who knowingly violates Section 1 of this Act shall be guilty of a Class**  
12       **A misdemeanor.**