

1 AN ACT relating to civil liability of a parent or guardian.

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

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 411 IS CREATED TO  
4 READ AS FOLLOWS:

5 *(1) As used in this section:*

6 *(a) "Destructive device" has the same meaning as in KRS 237.030; and*

7 *(b) "Firearm" has the same meaning as in KRS 237.060.*

8 *(2) Any negligence or willful misconduct of a minor shall be imputed to a parent,*  
9 *guardian, or other person legally responsible for the minor in his or her care and*  
10 *custody for civil damages for any injury to the person of another proximately*  
11 *caused by the use of a destructive device, explosive, firearm, or other deadly*  
12 *weapon by the minor if the parent, guardian, or other person legally responsible:*

13 *(a) Permitted the minor to have the destructive device, explosive, firearm, or*  
14 *other deadly weapon;*

15 *(b) Knows that the minor has previously been adjudicated delinquent of an*  
16 *offense that would be a felony if the minor had been an adult;*

17 *(c) Knows that the minor has a propensity to commit violent acts; or*

18 *(d) Knows or has reason to know that the minor intends to use the destructive*  
19 *device, explosive, firearm, or other deadly weapon for unlawful purposes.*

20 *(3) The parent, guardian, or other person legally responsible for the minor shall be*  
21 *jointly and severally liable with the minor for any and all damages caused by the*  
22 *minor's negligence or willful misconduct.*

23 *(4) Civil liability under this section shall not be limited by any other law that limits*  
24 *liability of a parent, guardian, or other person legally responsible for the minor.*

25 *(5) Nothing in this section is intended to or shall limit any civil or criminal action*  
26 *otherwise provided by law.*

27 *(6) This section shall not apply to:*

- 1        **(a) An emancipated minor; or**
- 2        **(b) Any government entity, private agency, or foster parents assigned**
- 3                **responsibility for the minor child pursuant to a court order or action of the**
- 4                **Cabinet for Health and Family Services, or any agency thereunder.**

5        ➔Section 2. KRS 411.155 is amended to read as follows:

- 6        (1) **Except as provided in Section 1 of this Act,** a person or entity shall not be held
- 7                liable for damages of any kind resulting from injuries to another person sustained as
- 8                a result of the criminal use of any firearm by a third person, unless the person or
- 9                entity conspired with the third person to commit, or willfully aided, abetted, or
- 10               caused the commission of, the criminal act in which the firearm was used.
- 11        (2) This section shall not be construed to negate, limit, or modify the doctrine of
- 12               negligence or strict liability relating to abnormally dangerous products or activities
- 13               and defective products.