

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 237.109 is amended to read as follows:

4 (1) Persons age ***eighteen (18)***~~twenty-one (21)~~ or older, and otherwise able to lawfully
5 possess a firearm, may carry concealed firearms or other concealed deadly weapons
6 without a license in the same locations as persons with valid licenses issued under
7 KRS 237.110.

8 (2) Nothing in this section shall be construed to allow the carrying or possession of any
9 deadly weapon where it is prohibited by federal law.

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

11 (1) The Department of Kentucky State Police is authorized to issue and renew licenses
12 to carry concealed firearms or other deadly weapons, or a combination thereof, to
13 persons qualified as provided in this section.

14 (2) An original or renewal license issued pursuant to this section shall:

15 (a) Be valid throughout the Commonwealth and, except as provided in this
16 section or other specific section of the Kentucky Revised Statutes or federal
17 law, permit the holder of the license to carry firearms, ammunition, or other
18 deadly weapons, or a combination thereof, at any location in the
19 Commonwealth;

20 (b) Unless revoked or suspended as provided by law, be valid for a period of five
21 (5) years from the date of issuance;

22 (c) Authorize the holder of the license to carry a concealed firearm or other
23 deadly weapon, or a combination thereof, on or about his or her person; and

24 (d) Authorize the holder of the license to carry ammunition for a firearm on or
25 about his or her person.

26 (3) Prior to the issuance of an original or renewal license to carry a concealed deadly
27 weapon, the Department of Kentucky State Police, upon receipt of a completed

1 application, applicable fees, and any documentation required by this section or
2 administrative regulation promulgated by the Department of Kentucky State Police,
3 shall conduct a background check to ascertain whether the applicant is eligible
4 under 18 U.S.C. sec. 922(g) and (n), any other applicable federal law, and state law
5 to purchase, receive, or possess a firearm or ammunition, or both. The background
6 check shall include:

7 (a) A state records check covering the items specified in this subsection, together
8 with any other requirements of this section;

9 (b) A federal records check, which shall include a National Instant Criminal
10 Background Check System (NICS) check;

11 (c) A federal Immigration Alien Query if the person is an alien who has been
12 lawfully admitted to the United States by the United States government or an
13 agency thereof; and

14 (d) In addition to the Immigration Alien Query, if the applicant has not been
15 lawfully admitted to the United States under permanent resident status, the
16 Department of Kentucky State Police shall, if a doubt exists relating to an
17 alien's eligibility to purchase a firearm, consult with the United States
18 Department of Homeland Security, United States Department of Justice,
19 United States Department of State, or other federal agency to confirm whether
20 the alien is eligible to purchase a firearm in the United States, bring a firearm
21 into the United States, or possess a firearm in the United States under federal
22 law.

23 (4) The Department of Kentucky State Police shall issue an original or renewal license
24 if the applicant:

25 (a) Is not prohibited from the purchase, receipt, or possession of firearms,
26 ammunition, or both pursuant to 18 U.S.C. sec. 922(g) and (n), ~~18 U.S.C.~~
27 ~~922(n)~~, or applicable federal or state law;

- 1 (b) 1. Is a citizen of the United States who is a resident of this
2 Commonwealth;
- 3 2. Is a citizen of the United States who is a member of the Armed Forces
4 of the United States who is on active duty, who is at the time of
5 application assigned to a military posting in Kentucky;
- 6 3. Is lawfully admitted to the United States by the United States
7 government or an agency thereof, is permitted by federal law to
8 purchase a firearm, and is a resident of this Commonwealth; or
- 9 4. Is lawfully admitted to the United States by the United States
10 government or an agency thereof; ~~is~~ is permitted by federal law to
11 purchase a firearm; ~~is~~ is, at the time of the application, assigned to a
12 military posting in Kentucky; ~~is~~ and has been assigned to a posting in
13 the Commonwealth;
- 14 (c) Is *eighteen (18)* ~~twenty-one (21)~~ years of age or older;
- 15 (d) Has not been committed to a state or federal facility for the abuse of a
16 controlled substance or been convicted of a misdemeanor violation of KRS
17 Chapter 218A or similar laws of any other state relating to controlled
18 substances, within a three (3) year period immediately preceding the date on
19 which the application is submitted;
- 20 (e) Does not chronically and habitually use alcoholic beverages as evidenced by
21 the applicant having two (2) or more convictions for violating KRS 189A.010
22 within the three (3) years immediately preceding the date on which the
23 application is submitted, or having been committed as an alcoholic pursuant to
24 KRS Chapter 222 or similar laws of another state within the three (3) year
25 period immediately preceding the date on which the application is submitted;
- 26 (f) Does not owe a child support arrearage which equals or exceeds the
27 cumulative amount which would be owed after one (1) year of nonpayment, if

1 the Department of Kentucky State Police has been notified of the arrearage by
2 the Cabinet for Health and Family Services;

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

8 (h) Has not been convicted of a violation of KRS 508.030 or 508.080 within the
9 three (3) years immediately preceding the date on which the application is
10 submitted. The commissioner of the Department of Kentucky State Police
11 may waive this requirement upon good cause shown and a determination that
12 the applicant is not a danger and that a waiver would not violate federal law;

13 (i) Demonstrates competence with a firearm by successful completion of a
14 firearms safety or training course that is conducted by a firearms instructor
15 who is certified by a national organization with membership open to residents
16 of any state or territory of the United States, which was created to promote
17 firearms education, safety, and the profession of firearms use and training, and
18 to foster professional behavior in its members. The organization shall require
19 members to adhere to its own code of ethics and conduct a program which
20 certifies firearms instructors and includes the use of written tests, in person
21 instruction, and a component of live-fire training. These national
22 organizations shall include but are not limited to the National Rifle
23 Association, the United States Concealed Carry Association, and the National
24 Shooting Sports Foundation. The training requirement may also be fulfilled
25 through any firearms safety course offered or approved by the Department of
26 Criminal Justice Training. The firearms safety course offered or approved by
27 the Department of Criminal Justice Training shall:

1. Be not more than eight (8) hours in length;
 2. Include instruction on handguns, the safe use of handguns, the care and cleaning of handguns, and handgun marksmanship principles;
 3. Include actual range firing of a handgun in a safe manner, and the firing of not more than twenty (20) rounds at a full-size silhouette target, during which firing, not less than eleven (11) rounds must hit the silhouette portion of the target; and
 4. Include information on and a copy of laws relating to possession and carrying of firearms, as set forth in KRS Chapters 237 and 527, and the laws relating to the use of force, as set forth in KRS Chapter 503; and
- (j) Demonstrates knowledge of the law regarding the justifiable use of force by including with the application a copy of the concealed carry deadly weapons legal handout made available by the Department of Criminal Justice Training and a signed statement that indicates ~~the~~^{that} applicant has read and understands the handout.
- (5) (a) A legible photocopy or electronic copy of a certificate of completion issued by a firearms instructor certified by a national organization or the Department of Criminal Justice Training shall constitute evidence of qualification under subsection (4)(i) of this section.
- (b) Persons qualifying under subsection (6)(d) of this section may submit with their application:
1. At least one (1) of the following paper or electronic forms or their successor forms showing evidence of handgun training or handgun qualifications:
 - a. Department of Defense Form DD 2586;
 - b. Department of Defense Form DD 214;
 - c. Coast Guard Form CG 3029;

- 1 d. Department of the Army Form DA 88-R;
- 2 e. Department of the Army Form DA 5704-R;
- 3 f. Department of the Navy Form OPNAV 3591-1; or
- 4 g. Department of the Air Force Form AF 522; or
- 5 2. a. Documentary evidence of an honorable discharge; and
- 6 b. A notarized affidavit on a form provided by the Department of
- 7 Kentucky State Police, signed under penalty of perjury, stating the
- 8 person has met the training requirements of subsection (6)(d) of
- 9 this section.
- 10 (6) (a) Peace officers who are currently certified as peace officers by the Kentucky
- 11 Law Enforcement Council pursuant to KRS 15.380 to 15.404 and peace
- 12 officers who are retired and are members of the Kentucky Employees
- 13 Retirement System, State Police Retirement System,~~or~~ County Employees
- 14 Retirement System, or other retirement system operated by or for a city,
- 15 county, or urban-county **government** in Kentucky shall be deemed to have
- 16 met the training requirement.
- 17 (b) Current and retired peace officers of the following federal agencies shall be
- 18 deemed to have met the training requirement:
- 19 1. Any peace officer employed by a federal agency specified in KRS
- 20 61.365;
- 21 2. Any peace officer employed by a federal civilian law enforcement
- 22 agency not specified above who has successfully completed the basic
- 23 law enforcement training course required by that agency;
- 24 3. Any military peace officer of the United States Army, Navy, Marine
- 25 Corps, or Air Force, or a reserve component thereof, or of the Army
- 26 National Guard or Air National Guard who has successfully completed
- 27 the military law enforcement training course required by that branch of

1 the military;

2 4. Any member of the United States Coast Guard serving in a peace officer
3 role who has successfully completed the law enforcement training
4 course specified by the United States Coast Guard.

5 (c) Corrections officers who are currently employed by a consolidated local
6 government, an urban-county government, or the Department of Corrections
7 who have successfully completed a basic firearms training course required for
8 their employment, and corrections officers who were formerly employed by a
9 consolidated local government, an urban-county government, or the
10 Department of Corrections who are retired, and who successfully completed a
11 basic firearms training course required for their employment, and are
12 members of a state-administered retirement system or other retirement system
13 operated by or for a city, county, or urban-county government in Kentucky
14 shall be deemed to have met the training requirement.

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

19 1. Successfully completed handgun training which was conducted by the
20 United States Army, Navy, Marine Corps, Air Force, or Coast Guard, or
21 a reserve component thereof, or of the Army National Guard or Air
22 National Guard; or

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

26 (7) (a) 1. A paper application for a license, or renewal of a license, to carry a
27 concealed deadly weapon shall be obtained from and submitted to the

- 1 office of the sheriff in the county in which the person resides.
- 2 2. An applicant, in lieu of a paper application, may submit an electronic
3 application for a license, or renewal of a license, to carry a concealed
4 deadly weapon to the Department of Kentucky State Police.
- 5 3. Persons qualifying under subsection (6)(d) of this section shall be
6 supplied the information in subsection (4)(i)4. of this section upon
7 obtaining an application.
- 8 (b) 1. The completed paper application and any documentation required by
9 this section plus an application fee or renewal fee, as appropriate, of
10 sixty dollars (\$60) shall be presented to the office of the sheriff of the
11 county in which the applicant resides.
- 12 2. The sheriff shall transmit the paper application and accompanying
13 material to the Department of Kentucky State Police within five (5)
14 working days.
- 15 3. Twenty dollars (\$20) of the paper application fee shall be retained by the
16 office of the sheriff for official expenses of the office. Twenty dollars
17 (\$20) shall be sent to the Department of Kentucky State Police with the
18 application. Ten dollars (\$10) shall be transmitted by the sheriff to the
19 Administrative Office of the Courts to fund background checks for
20 youth leaders, and ten dollars (\$10) shall be transmitted to the
21 Administrative Office of the Courts to fund background checks for
22 applicants for concealed weapon carry permits~~[weapons]~~.
- 23 (c) 1. A completed electronic application submitted in lieu of a paper
24 application, any documentation required by this section, and an
25 application fee or renewal fee, as appropriate, of seventy dollars (\$70)
26 shall be presented to the Department of Kentucky State Police.
- 27 2. If an electronic application is submitted in lieu of a paper application,

1 thirty dollars (\$30) of the electronic application fee shall be retained by
2 the Department of Kentucky State Police. Twenty dollars (\$20) shall be
3 sent to the office of the sheriff of the applicant's county of residence for
4 official expenses of the office. Ten dollars (\$10) shall be transmitted to
5 the Administrative Office of the Courts to fund background checks for
6 youth leaders, and ten dollars (\$10) shall be transmitted to the
7 Administrative Office of the Courts to fund background checks for
8 applicants for concealed weapon carry permits.

9 (d) A full-time or part-time peace officer who is currently certified as a peace
10 officer by the Kentucky Law Enforcement Council and who is authorized by
11 his or her employer or government authority to carry a concealed deadly
12 weapon at all times and all locations within the Commonwealth pursuant to
13 KRS 527.020, or a retired peace officer who is a member of the Kentucky
14 Employees Retirement System, State Police Retirement System, County
15 Employees Retirement System, or other retirement system operated by or for
16 a city, county, or urban-county government in Kentucky, shall be exempt
17 from paying the paper or electronic application or renewal fees.

18 (e) The application, whether paper or electronic, shall be completed, under oath,
19 on a form or in a manner ~~established~~^{promulgated} by the Department of
20 Kentucky State Police by administrative regulation promulgated pursuant to
21 KRS Chapter 13A which shall include:

- 22 1. a. The name, address, place and date of birth, citizenship, gender,
23 and Social Security number of the applicant; and
- 24 b. If not a citizen of the United States, alien registration number if
25 applicable, passport number, visa number, mother's maiden name,
26 and other information necessary to determine the immigration
27 status and eligibility to purchase a firearm under federal law of a

- 1 person who is not a citizen of the United States;
- 2 2. A statement that, to the best of his or her knowledge, the applicant is in
3 compliance with criteria contained within subsections (3) and (4) of this
4 section;
- 5 3. A statement that the applicant, if qualifying under subsection (6)(d) of
6 this section, has provided:
- 7 a. At least one (1) of the forms listed in subsection (5) of this section;
8 or
- 9 b. i. Documentary evidence of an honorable discharge; and
10 ii. A notarized affidavit on a form provided by the Department
11 of Kentucky State Police stating the person has met the
12 training requirements of subsection (6)(d) of this section;
- 13 4. A statement that the applicant has been furnished a copy of this section
14 and is knowledgeable about its provisions;
- 15 5. A statement that the applicant has been furnished a copy of, has read,
16 and understands KRS Chapter 503 as it pertains to the use of deadly
17 force for self-defense in Kentucky; and
- 18 6. A conspicuous warning that the application is executed under oath and
19 that a materially false answer to any question, or the submission of any
20 materially false document by the applicant, subjects the applicant to
21 criminal prosecution under KRS 523.030.
- 22 (8) The applicant shall submit to the sheriff of the applicant's county of residence or
23 county of military posting if submitting a paper application, or to the Department of
24 Kentucky State Police if submitting an electronic application:
- 25 (a) A completed application as described in subsection (7) of this section;
26 (b) A recent color photograph of the applicant, as prescribed by administrative
27 regulation;

- 1 (c) A paper or electronic certificate, ~~or~~ an affidavit, or a document as described
2 in subsection (5) of this section;
- 3 (d) A paper or electronic document establishing the training exemption as
4 described in subsection (6) of this section; and
- 5 (e) For an applicant who is not a citizen of the United States and has been
6 lawfully admitted to the United States by the United States government or an
7 agency thereof, an affidavit as prescribed by administrative regulation
8 concerning his or her immigration status and his or her United States
9 government-issued ~~government issued~~:
- 10 1. Permanent Resident Card I-551 or its equivalent successor
11 identification;
 - 12 2. Other United States government-issued ~~government issued~~ evidence of
13 lawful admission to the United States which includes the category of
14 admission, if admission has not been granted as a permanent resident;
15 and
 - 16 3. Evidence of compliance with the provisions of 18 U.S.C. sec. 922(g)(5),
17 18 U.S.C. sec. 922(d)(5), or 18 U.S.C. sec. 922(y)(2), and 27 C.F.R. Part
18 178, including, as appropriate, but not limited to evidence of ninety (90)
19 day residence in the Commonwealth, a valid current Kentucky hunting
20 license if claiming exemption as a hunter, or other evidence of eligibility
21 to purchase a firearm by an alien which is required by federal law or
22 regulation.

23 If an applicant presents identification specified in this paragraph, the sheriff
24 shall examine the identification, may record information from the
25 identification presented, and shall return the identification to the applicant.

- 26 (9) The Department of Kentucky State Police shall, within sixty (60) days after the date
27 of receipt of the items listed in subsection (8) of this section if the applicant

1 submitted a paper application, or within fifteen (15) business days after the date of
2 receipt of the items listed in subsection (8) of this section if the applicant applied
3 electronically, either:

4 (a) Issue the license; or

5 (b) Deny the application based solely on the grounds that the applicant fails to
6 qualify under the criteria listed in subsection (3) or (4) of this section. If the
7 Department of Kentucky State Police denies the application, it shall notify the
8 applicant in writing, stating the grounds for denial and informing the applicant
9 of a right to submit, within thirty (30) days, any additional documentation
10 relating to the grounds of denial. Upon receiving any additional
11 documentation, the Department of Kentucky State Police shall reconsider its
12 decision and inform the applicant within twenty (20) days of the result of the
13 reconsideration. The applicant shall further be informed of the right to seek de
14 novo review of the denial in the District Court of his or her place of residence
15 within ninety (90) days from the date of the letter advising the applicant of the
16 denial.

17 (10) The Department of Kentucky State Police shall maintain an automated listing of
18 license holders and pertinent information, and this information shall be available
19 upon request~~[,]~~ at all times to all Kentucky, federal, and other states' law
20 enforcement agencies. A request for the entire list of licensees, or for all licensees
21 in a geographic area, shall be denied. Only requests relating to a named licensee
22 shall be honored or available to law enforcement agencies. Information on
23 applications for licenses, names and addresses, or other identifying information
24 relating to license holders shall be confidential and shall not be made available
25 except to law enforcement agencies. No request for lists of local or statewide permit
26 holders shall be made to any state or local law enforcement agency, peace officer,
27 or other agency of government other than the Department of Kentucky State Police,

1 and no state or local law enforcement agency, peace officer, or agency of
2 government, other than the Department of Kentucky State Police, shall provide any
3 information to any requester not entitled to it by law.

4 (11) Within thirty (30) days after the changing of a permanent address, or within thirty
5 (30) days after the loss, theft, or destruction of a license, the licensee shall notify the
6 Department of Kentucky State Police of the loss, theft, or destruction. Failure to
7 notify the Department of Kentucky State Police shall constitute a noncriminal
8 violation with a penalty of twenty-five dollars (\$25) payable to the clerk of the
9 District Court. No court costs shall be assessed for a violation of this subsection.
10 When a licensee makes application to change his or her residence address or other
11 information on the license, neither the sheriff nor the Department of Kentucky State
12 Police shall require a surrender of the license until a new license is in the office of
13 the applicable sheriff and available for issuance. Upon the issuance of a new
14 license, the old license shall be destroyed by the sheriff.

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

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

25 (b) The commissioner of the Department of Kentucky State Police, or his or her
26 designee in writing, shall suspend the license of any person who becomes
27 temporarily ineligible to be issued a license or have a license renewed under

1 the criteria set forth in this section. The license shall remain suspended until
2 the person is again eligible for the issuance or renewal of a license.

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

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

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

10 (d) If the person whose license was suspended or revoked desires a hearing on the
11 matter, the person shall surrender the license as provided in paragraph (c)2. of
12 this subsection and petition the commissioner of the Department of Kentucky
13 State Police to hold a hearing on the issue of suspension or revocation of the
14 license.

15 (e) Upon receipt of the petition, the commissioner of the Department of Kentucky
16 State Police shall cause a hearing to be held in accordance with KRS Chapter
17 13B on the suspension or revocation of the license. If the license has not been
18 surrendered, no hearing shall be scheduled or held.

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

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

26 (h) If the license is not surrendered as ordered, the commissioner of the
27 Department of Kentucky State Police shall order a peace officer to seize the

1 license and deliver it to the commissioner.

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

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

6 (k) When a domestic violence order or emergency protective order is issued
7 pursuant to the provisions of KRS Chapter 403 against a person holding a
8 license issued under this section, the holder of the permit shall surrender the
9 license to the court or to the officer serving the order. The officer to whom the
10 license is surrendered shall immediately~~forthwith~~ transmit the license to the
11 court issuing the order. The license shall be suspended until the order is
12 terminated, or until the judge who issued the order terminates the suspension
13 prior to the termination of the underlying domestic violence order or
14 emergency protective order, in writing and by return of the license, upon
15 proper motion by the license holder. Subject to the same conditions as above,
16 a peace officer against whom an emergency protective order or domestic
17 violence order has been issued shall not be permitted to carry a concealed
18 deadly weapon when not on duty, the provisions of KRS 527.020 to the
19 contrary notwithstanding.

20 (14) (a) Not less than one hundred twenty (120) days prior to the expiration date of the
21 license, the Department of Kentucky State Police shall mail to each licensee a
22 written notice of the expiration and a renewal form prescribed by the
23 Department of Kentucky State Police. The outside of the envelope containing
24 the license renewal notice shall bear only the name and address of the
25 applicant. No other information relating to the applicant shall appear on the
26 outside of the envelope sent to the applicant. The licensee may renew his or
27 her license on or before the expiration date by filing with the sheriff of his or

1 her county of residence the paper renewal form, or by filing with the
2 Department of Kentucky State Police an electronic renewal form in lieu of a
3 paper renewal form, stating that the licensee remains qualified pursuant to the
4 criteria specified in subsections (3) and (4) of this section, and the required
5 renewal fee set forth in subsection (7) of this section. The sheriff shall issue to
6 the applicant a receipt for the paper application for renewal of the license and
7 shall date the receipt. The Department of Kentucky State Police shall issue to
8 the applicant a receipt for an electronic application for renewal of the license
9 submitted in lieu of a paper application for renewal and shall date the receipt.

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

12 (c) The license shall be renewed to a qualified applicant upon receipt of the
13 completed renewal application, records check as specified in subsection (3) of
14 this section, determination that the renewal applicant is not ineligible for a
15 license as specified in subsection (4) *of this section*, and appropriate payment
16 of fees. Upon the issuance of a new license, the old license shall be destroyed
17 by the sheriff. A licensee who fails to file a renewal application on or before
18 its expiration date may renew his or her license by paying, in addition to the
19 license fees, a late fee of fifteen dollars (\$15). No license shall be renewed six
20 (6) months or more after its expiration date, and the license shall be deemed to
21 be permanently expired six (6) months after its expiration date. A person
22 whose license has permanently expired may reapply for licensure pursuant to
23 subsections (7), (8), and (9) of this section.

24 (15) The licensee shall carry the license at all times the licensee is carrying a concealed
25 firearm or other deadly weapon and shall display the license upon request of a law
26 enforcement officer. Violation of the provisions of this subsection shall constitute a
27 noncriminal violation with a penalty of twenty-five dollars (\$25), payable to the

- 1 clerk of the District Court, but no court costs shall be assessed.
- 2 (16) Except as provided in KRS 527.020, no license issued pursuant to this section shall
3 authorize any person to carry a concealed firearm into:
- 4 (a) Any police station or sheriff's office;
- 5 (b) Any detention facility, prison, or jail;
- 6 (c) Any courthouse~~[,]~~ solely occupied by the Court of Justice, courtroom, or court
7 proceeding;
- 8 (d) Any meeting of the governing body of a county, municipality, or special
9 district; or any meeting of the General Assembly or a committee of the
10 General Assembly, except that nothing in this section shall preclude a member
11 of the body~~[,]~~ holding a concealed deadly weapon license~~[,]~~ from carrying a
12 concealed deadly weapon at a meeting of the body of which he or she is a
13 member;
- 14 (e) Any portion of an establishment licensed to dispense beer or alcoholic
15 beverages for consumption on the premises, which portion of the
16 establishment is primarily devoted to that purpose;
- 17 (f) Any elementary or secondary school facility without the consent of school
18 authorities as provided in KRS 527.070, any child-caring facility as defined in
19 KRS 199.011, any ***child-care***~~[day-care]~~ center as defined in KRS 199.894, or
20 any certified family child-care home as defined in KRS 199.8982, except
21 however, any owner of a certified child-care home may carry a concealed
22 firearm into the owner's residence used as a certified child-care home;
- 23 (g) An area of an airport to which access is controlled by the inspection of
24 persons and property; or
- 25 (h) Any place where the carrying of firearms is prohibited by federal law.
- 26 (17) The owner, business or commercial lessee, or manager of a private business
27 enterprise, ***child-care***~~[day-care]~~ center as defined in KRS 199.894 or certified or

1 licensed family child-care home as defined in KRS 199.8982, or a health-care
2 facility licensed under KRS Chapter 216B, except facilities renting or leasing
3 housing, may prohibit persons holding concealed deadly weapon licenses from
4 carrying concealed deadly weapons on the premises and may prohibit employees,
5 not authorized by the employer, holding concealed deadly weapons licenses from
6 carrying concealed deadly weapons on the property of the employer. If the building
7 or the premises are open to the public, the employer or business enterprise shall
8 post signs on or about the premises if carrying concealed weapons is prohibited.
9 Possession of weapons,~~[-or]~~ ammunition, or both in a vehicle on the premises shall
10 not be a criminal offense so long as the weapons,~~[-or]~~ ammunition, or both are not
11 removed from the vehicle or brandished while the vehicle is on the premises. A
12 private but not a public employer may prohibit employees or other persons holding
13 a concealed deadly weapons license from carrying concealed deadly weapons,~~[-or]~~
14 ammunition, or both in vehicles owned by the employer, but may not prohibit
15 employees or other persons holding a concealed deadly weapons license from
16 carrying concealed deadly weapons,~~[-or]~~ ammunition, or both in vehicles owned by
17 the employee, except that the Justice and Public Safety Cabinet may prohibit an
18 employee from carrying any weapons,~~[-or]~~ ammunition, or both other than the
19 weapons,~~[-or]~~ ammunition, or both issued or authorized to be used by the employee
20 of the cabinet, in a vehicle while transporting persons under the employee's
21 supervision or jurisdiction. Carrying of a concealed weapon,~~[-or]~~ ammunition, or
22 both in a location specified in this subsection by a license holder shall not be a
23 criminal act but may subject the person to denial from the premises or removal from
24 the premises, and, if an employee of an employer, disciplinary measures by the
25 employer.

26 (18) All moneys collected by the Department of Kentucky State Police pursuant to this
27 section shall be used to administer the provisions of this section and KRS 237.138

1 to 237.142. By March 1 of each year, the Department of Kentucky State Police and
2 the Administrative Office of the Courts shall submit reports to the Governor, the
3 President of the Senate, and the Speaker of the House of Representatives, indicating
4 the amounts of money collected and the expenditures related to this section, KRS
5 237.138 to 237.142, and KRS 237.115, 244.125, 527.020, and 527.070, and the
6 administration of the provisions of this section, KRS 237.138 to 237.142, and KRS
7 237.115, 244.125, 527.020, and 527.070.

8 (19) The General Assembly finds as a matter of public policy that it is necessary to
9 provide statewide uniform standards for issuing licenses to carry concealed firearms
10 and to occupy the field of regulation of the bearing of concealed firearms to ensure
11 that no person who qualifies under the provisions of this section is denied his or her
12 rights. The General Assembly does not delegate to the Department of Kentucky
13 State Police the authority to regulate or restrict the issuing of licenses provided for
14 in this section beyond those provisions contained in this section. This section shall
15 be liberally construed to carry out the constitutional right to bear arms for self-
16 defense.

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

22 (b) If a person with a valid license to carry a concealed deadly weapon issued
23 from another state that has entered into a reciprocity agreement with the
24 Department of Kentucky State Police becomes a resident of Kentucky, the
25 license issued by the other state shall be considered as valid for the first one
26 hundred twenty (120) days of the person's residence in Kentucky, if within
27 sixty (60) days of moving to Kentucky, the person completes a form

1 provided~~[promulgated]~~ by the Department of Kentucky State Police which
2 shall include:

- 3 1. A signed and notarized statement averring that to the best of his or her
4 knowledge the person's license to carry a concealed deadly weapon is
5 valid and in compliance with applicable out-of-state law, and has not
6 been revoked or suspended for any reason except for valid forfeiture due
7 to departure from the issuing state;
 - 8 2. The person's name, date of birth, citizenship, gender, Social Security
9 number if applicable, proof that he or she is a citizen of the United
10 States, a permanent resident of the United States, or otherwise lawfully
11 present in the United States, former out-of-state address, current address
12 within the state of Kentucky, date on which Kentucky residence began,
13 state which issued the concealed carry license, the issuing state's
14 concealed carry license number, and the state of issuance of the license;
15 and
 - 16 3. A photocopy of the person's out-of-state license to carry a concealed
17 deadly weapon.
- 18 (c) Within sixty (60) days of moving to Kentucky, the person shall deliver the
19 form and accompanying documents by registered or certified mail, return
20 receipt requested, to the address indicated on the form provided by the
21 Department of Kentucky State Police pursuant to this subsection.
- 22 (d) The out-of-state concealed carry license shall become invalid in Kentucky
23 upon the earlier of:
- 24 1. The out-of-state person having resided in Kentucky for more than one
25 hundred twenty (120) days; or
 - 26 2. The person being issued a Kentucky concealed deadly weapon license
27 pursuant to this section.

1 (e) The Department of Kentucky State Police shall, ~~not later than thirty (30) days~~
2 ~~after July 15, 1998, and~~ not less than once every twelve (12) months
3 ~~thereafter~~, make written inquiry of the concealed deadly weapon carrying
4 licensing authorities in each other state as to whether a Kentucky resident may
5 carry a concealed deadly weapon in their state based upon having a valid
6 Kentucky concealed deadly weapon license, or whether a Kentucky resident
7 may apply for a concealed deadly weapon carrying license in that state based
8 upon having a valid Kentucky concealed deadly weapon license. The
9 Department of Kentucky State Police shall attempt to secure from each other
10 state permission for Kentucky residents who hold a valid Kentucky concealed
11 deadly weapon license to carry concealed deadly weapons in that state, either
12 on the basis of the Kentucky license or on the basis that the Kentucky license
13 is sufficient to permit the issuance of a similar license by the other state. The
14 Department of Kentucky State Police shall enter into a written reciprocity
15 agreement with the appropriate agency in each state that agrees to permit
16 Kentucky residents to carry concealed deadly weapons in the other state on
17 the basis of a Kentucky-issued concealed deadly weapon license or that will
18 issue a license to carry concealed deadly weapons in the other state based
19 upon a Kentucky concealed deadly weapon license. If a reciprocity agreement
20 is reached, the requirement to recontact the other state each twelve (12)
21 months shall be eliminated as long as the reciprocity agreement is in force.
22 The information shall be a public record and shall be available to individual
23 requesters free of charge for the first copy and at the normal rate for open
24 records requests for additional copies.

25 (21) By March 1 of each year, the Department of Kentucky State Police shall submit a
26 statistical report to the Governor, the President of the Senate, and the Speaker of the
27 House of Representatives, indicating the number of licenses issued, revoked,

1 suspended, and denied since the previous report and in total, ~~and also~~ the number
2 of licenses currently valid. The report shall also include the number of arrests,
3 convictions, and types of crimes committed since the previous report by individuals
4 licensed to carry concealed weapons.

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

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

13 (b) No concealed deadly weapon instructor shall have his or her certification as a
14 concealed deadly weapon instructor ~~license~~ suspended or revoked except
15 after a hearing conducted pursuant to KRS Chapter 13B in which the
16 instructor is found to have committed an act in violation of the applicable
17 statutes or administrative regulations;

18 (c) The department shall not require prior notification that an applicant class or
19 instructor class will be conducted by a certified instructor or instructor trainer;

20 (d) Each concealed deadly weapon instructor or instructor trainer who teaches a
21 concealed deadly weapon applicant or concealed deadly weapon instructor
22 class shall supply the Department of Criminal Justice Training with a class
23 roster indicating which students enrolled and successfully completed the class,
24 and which contains the name and address of each student, within five (5)
25 working days of the completion of the class. The information may be sent by
26 mail, facsimile, email ~~e-mail~~, or other method which will result in the receipt
27 of or production of a hard copy of the information. The postmark, facsimile

1 date, or email~~[e-mail]~~ date shall be considered as the date on which the notice
2 was sent. Concealed deadly weapon class applicant, instructor, and instructor
3 trainer information and records shall be confidential. The department may
4 release to any person or organization the name, address, and telephone
5 number of a concealed deadly weapon instructor or instructor trainer if that
6 instructor or instructor trainer authorizes the release of the information in
7 writing. The department shall include on any application for an instructor or
8 instructor trainer certification a statement that the applicant either does or
9 does not desire the applicant's name, address, and telephone number to be
10 made public;

11 (e) An instructor trainer who assists in the conduct of a concealed deadly weapon
12 instructor class or concealed deadly weapon applicant class for more than two
13 (2) hours shall be considered as to have taught a class for the purpose of
14 maintaining his or her certification. All class record forms shall include spaces
15 for assistant instructors to sign and certify that they have assisted in the
16 conduct of a concealed deadly weapon instructor or concealed deadly weapon
17 class;

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

23 (g) 1. If the Department of Criminal Justice Training believes that a firearms
24 instructor trainer or certified firearms instructor has not in fact complied
25 with the requirements for teaching a certified firearms instructor or
26 applicant class by not teaching the class as specified in KRS 237.126, or
27 who has taught an insufficient class as specified in KRS 237.128, the

1 department shall send to each person who has been listed as successfully
2 completing the concealed deadly weapon applicant class or concealed
3 deadly weapon instructor class a verification form on which the time,
4 date, date of range firing if different from the date on which the class
5 was conducted, location, and instructor of the class is listed by the
6 department and which requires the person to answer "yes" or "no" to
7 specific questions regarding the conduct of the training class.

8 2. The form shall be completed under oath and shall be returned to the
9 Department of Criminal Justice Training not later than forty-five (45)
10 days after its receipt.

11 3. A person who fails to complete the form, to sign the form, or to return
12 the form to the Department of Criminal Justice Training within the time
13 frame specified in this section or who, as a result of information on the
14 returned form, is determined by the Department of Criminal Justice
15 Training, following a hearing pursuant to KRS Chapter 13B, to not have
16 received the training required by law shall have his or her concealed
17 deadly weapon license revoked by the Department of Kentucky State
18 Police, following a hearing conducted by the Department of Criminal
19 Justice Training pursuant to KRS Chapter 13B, at which hearing the
20 person is found to have violated the provisions of this section or who
21 has been found not to have received the training required by law;

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

24 1. The number of firearms instructor trainers and certified firearms
25 instructors whose certifications were suspended, revoked, denied, or
26 who were otherwise disciplined;

27 2. The reasons for the imposition of suspensions, revocations, denials, or

- 1 other discipline; and
- 2 3. Suggestions for improvement of the concealed deadly weapon applicant
- 3 training program and instructor process;
- 4 (i) If a concealed deadly weapon license holder is convicted of, pleads guilty to,
- 5 or enters an Alford plea to a felony offense, then his or her concealed deadly
- 6 weapon license shall be immediately~~forthwith~~ revoked by the Department of
- 7 Kentucky State Police as a matter of law;
- 8 (j) If a concealed deadly weapon instructor or instructor trainer is convicted of,
- 9 pleads guilty to, or enters an Alford plea to a felony offense, then his or her
- 10 concealed deadly weapon instructor certification or concealed deadly weapon
- 11 instructor trainer certification shall be revoked by the Department of Criminal
- 12 Justice Training as a matter of law; and
- 13 (k) The following shall be in effect:
- 14 1. Action to eliminate the firearms instructor trainer program is prohibited.
- 15 The program shall remain in effect, and no firearms instructor trainer
- 16 shall have his or her certification reduced to that of certified firearms
- 17 instructor;
- 18 2. The Department of Kentucky State Police shall revoke the concealed
- 19 deadly weapon license of any person who received no firearms training
- 20 as required by KRS 237.126 and administrative regulations, or who
- 21 received insufficient training as required by KRS 237.128 and
- 22 administrative regulations, if the person voluntarily admits nonreceipt of
- 23 training or admits receipt of insufficient training, or if either nonreceipt
- 24 of training or receipt of insufficient training is proven following a
- 25 hearing conducted by the Department of Criminal Justice Training
- 26 pursuant to KRS Chapter 13B.