

1 AN ACT relating to gun safety for children.

2 WHEREAS, guns that are not stored safely or securely pose a clear safety risk to
3 children in the form of unintentional gun deaths, youth suicides, and school shootings;
4 and

5 WHEREAS, studies show that between 70 percent and 90 percent of guns used in
6 youth suicides, unintentional shootings among children, and school shootings perpetrated
7 by shooters under the age of 18 are acquired from the home or the homes of relatives or
8 friends; and

9 WHEREAS, it is imperative to impose liability on adults for failing to take simple
10 yet important measures to prevent unsupervised access to guns by young hands;

11 NOW, THEREFORE,

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

13 ➔Section 1. KRS 527.010 is amended to read as follows:

14 As used~~[The following definitions apply]~~ in this chapter, unless the context otherwise
15 requires:

16 (1) "Booby trap device" has~~[shall have]~~ the same meaning as~~[set forth]~~ in KRS
17 237.030;~~[-]~~

18 (2) "Deface" means to remove, deface, cover, alter, or destroy the manufacturer's serial
19 number or any other distinguishing number or identification mark;~~[-]~~

20 (3) "Destructive device" has~~[shall have]~~ the same meaning as~~[set forth]~~ in KRS
21 237.030;~~[-]~~

22 (4) "Firearm" means any weapon which will expel a projectile by the action of an
23 explosive;~~[-]~~

24 (5) "Handgun" means any pistol or revolver originally designed to be fired by the use
25 of a single hand, or any other firearm originally designed to be fired by the use of a
26 single hand;and

27 **(6) "Securely locked container":**

1 (a) Means a container that is fully enclosed and locked by a padlock, keylock,
2 combination lock, or similar locking device; and

3 (b) Does not include the glove compartment of a motor vehicle unless the glove
4 compartment can be manually locked.

5 ➔ SECTION 2. A NEW SECTION OF KRS CHAPTER 527 IS CREATED TO
6 READ AS FOLLOWS:

7 (1) A person is guilty of unlawful storage of a firearm when:

8 (a) He or she recklessly stores or leaves a firearm in a manner that allows a
9 minor to have unsupervised access to a firearm that is not secured by:

10 1. A securely locked container;

11 2. A device or mechanism, other than the firearm safety, designed to
12 render the firearm temporarily inoperable; or

13 3. Carrying the firearm on his or her body; and

14 (b) A minor, without permission of the minor's parent or guardian, accesses the
15 firearm.

16 (2) Unlawful storage of a firearm is a Class B misdemeanor unless the minor,
17 without legal justification, uses the firearm in a manner that results in physical
18 injury, serious physical injury, or death to the minor or another person, in which
19 case it is a Class A misdemeanor.

20 (3) A person shall have an affirmative defense to a prosecution under this section if a
21 minor obtained a firearm through the minor's unlawful entry of any premises or
22 the motor vehicle where the firearm has been stored.

23 ➔ Section 3. This Act may be cited as the Baby Dre Gun Safety Act.