

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.