

1 AN ACT relating to firearms and declaring an emergency.

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 *As used in this chapter:*

6 *(1) (a) "Assault weapon" means a:*

7 *1. Semiautomatic rifle that has an ability to accept a detachable*  
8 *magazine and has at least one (1) of the following characteristics:*

9 *a. A folding or telescoping stock;*

10 *b. A pistol grip that protrudes conspicuously beneath the action of*  
11 *the weapon;*

12 *c. A second handgrip or a protruding grip that can be held by the*  
13 *nontrigger hand;*

14 *d. A bayonet mount;*

15 *e. A flash suppressor, muzzle break, muzzle compensator, or*  
16 *threaded barrel designed to accommodate a flash suppressor,*  
17 *muzzle break, or muzzle compensator; or*

18 *f. A grenade launcher;*

19 *2. Semiautomatic shotgun that has at least one (1) of the following*  
20 *characteristics:*

21 *a. A folding or telescoping stock;*

22 *b. A second handgrip or a protruding grip that can be held by the*  
23 *nontrigger hand;*

24 *c. A fixed magazine capacity in excess of seven (7) rounds; or*

25 *d. An ability to accept a detachable magazine;*

26 *3. Semiautomatic pistol that has an ability to accept a detachable*  
27 *magazine and has at least one (1) of the following characteristics:*

- 1                    a. A folding or telescoping stock;
- 2                    b. A second handgrip or a protruding grip that can be held by the
- 3                    nontrigger hand;
- 4                    c. Capacity to accept an ammunition magazine that attaches to the
- 5                    pistol outside of the pistol grip;
- 6                    d. A threaded barrel capable of accepting a barrel extender, flash
- 7                    suppressor, forward handgrip, or silencer;
- 8                    e. A shroud that is attached to, or partially or completely encircles,
- 9                    the barrel and that permits the shooter to hold the firearm with
- 10                   the nontrigger hand without being burned; or
- 11                   f. A manufactured weight of fifty (50) ounces or more when the
- 12                   pistol is unloaded;
- 13                   4. Semiautomatic version of an automatic rifle, shotgun, or firearm; or
- 14                   5. Revolving cylinder shotgun.
- 15                   (b) "Assault weapon" does not include:
- 16                   1. Any rifle, shotgun, or pistol that:
- 17                   a. Is manually operated by bolt, pump, lever, or slide action;
- 18                   b. Has been rendered permanently inoperable; or
- 19                   c. Is an antique firearm as defined in 18 U.S.C. sec. 921;
- 20                   2. A semiautomatic rifle that cannot accept a detachable magazine that
- 21                   holds more than five (5) rounds of ammunition; or
- 22                   3. A semiautomatic shotgun that cannot hold more than five (5) rounds
- 23                   of ammunition in a fixed or detachable magazine;
- 24                   (2) "Large capacity ammunition feeding device" means a magazine, belt, drum, feed
- 25                   strip, or similar device that has a capacity of, or that can be readily restored or
- 26                   converted to accept, more than seven (7) rounds of ammunition, but does not
- 27                   include an attached tubular device designed to accept, and capable of operating

1 only with, .22 caliber rimfire ammunition or a feeding device that is a curio or  
2 relic. To qualify as a curio or relic feeding device under this subsection, it must  
3 be a feeding device that:

4 (a) Was manufactured at least fifty (50) years prior to the current date, not  
5 including replicas thereof;

6 (b) Is only capable of being used exclusively in a firearm, rifle, or shotgun that  
7 was manufactured at least fifty (50) years prior to the current date, not  
8 including replicas thereof;

9 (c) Is possessed by an individual who is not prohibited by state or federal law  
10 from possessing a firearm; and

11 (d) Is registered with the Department of Kentucky State Police pursuant to  
12 Section 5 of this Act; and

13 (3) "Seller of ammunition" means any person, firm, partnership, corporation, or  
14 company that engages in the business of purchasing, selling, or keeping  
15 ammunition.

16 ➔SECTION 2. A NEW SECTION OF KRS CHAPTER 237 IS CREATED TO  
17 READ AS FOLLOWS:

18 (1) In addition to any other requirement of state or federal law, all sales, exchanges,  
19 or transfers of firearms shall be conducted in accordance with this section unless  
20 the sale, exchange, or transfer is:

21 (a) Conducted by a licensed importer, licensed manufacturer, or licensed  
22 dealer, as those terms are defined in 18 U.S.C. secs. 921 and 922, when the  
23 sale, exchange, or transfer is conducted pursuant to that person's federal  
24 firearms license; or

25 (b) Between spouses, parents, children, and stepchildren in the same immediate  
26 family.

27 (2) Before any sale, exchange, or transfer pursuant to this section, a national instant

1 criminal background check shall be completed by a dealer who consents to  
2 conduct a check, and upon completion of the background check, the dealer shall  
3 complete a form developed by the Department of Kentucky State Police, and  
4 available for download through the department's website, that identifies and  
5 confirms that the check was performed.

6 (3) In addition to any sales log-keeping requirements created under Section 5 of this  
7 Act or any other requirement of state or federal law, all dealers shall maintain a  
8 record of transactions and background checks conducted pursuant to this section,  
9 and the records shall be maintained on the premises identified and described in  
10 the dealer's license, and shall be available at all reasonable hours for inspection  
11 by any peace officer acting within the scope of his or her duties.

12 (4) A dealer may require that any background check conducted pursuant to this  
13 section be subject to a fee not to exceed ten dollars (\$10) per transaction.

14 (5) Any record produced pursuant to this section and any transmission of the record  
15 to any government agency shall not be considered a public record for purposes of  
16 the Kentucky Open Records Act, KRS 61.870 to 61.884.

17 ➔SECTION 3. A NEW SECTION OF KRS CHAPTER 237 IS CREATED TO  
18 READ AS FOLLOWS:

19 (1) (a) Any owner or other person lawfully in possession of a firearm who suffers  
20 the loss or theft of the firearm or any seller of ammunition who suffers a  
21 loss or theft of ammunition shall report the facts and circumstances of the  
22 loss or theft to an appropriate law enforcement agency within twenty-four  
23 (24) hours of the discovery of the loss or theft.

24 (b) The report required by paragraph (a) of this subsection shall contain, if  
25 known, the caliber, make, model, manufacturer's name and serial number,  
26 if any, and any other distinguishing number or identification mark on the  
27 firearm, or the make, type, and caliber of the ammunition.

1 (2) A law enforcement agency that receives a report pursuant to subsection (1) of this  
2 section shall enter the reported information into the National Crime Information  
3 Center database.

4 ➔SECTION 4. A NEW SECTION OF KRS CHAPTER 237 IS CREATED TO  
5 READ AS FOLLOWS:

6 (1) As used in this section, "safe storage depository":

7 (a) Means a safe or other secure container which, when locked, cannot be  
8 opened without the key, combination, or other unlocking mechanism and  
9 can prevent an unauthorized person from obtaining access to and  
10 possession of its contents; and

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

13 (2) A person who owns or is a custodian of a firearm shall not store or otherwise  
14 leave the firearm out of his or her immediate possession or control without  
15 having first securely locked the firearm in an appropriate safe storage depository  
16 or rendered it incapable of being fired by use of a gun-locking device appropriate  
17 to that weapon.

18 ➔SECTION 5. A NEW SECTION OF KRS CHAPTER 237 IS CREATED TO  
19 READ AS FOLLOWS:

20 (1) (a) The Department of Kentucky State Police shall promulgate an  
21 administrative regulation in accordance with KRS Chapter 13A for the  
22 licensure of persons to possess a handgun in the Commonwealth of  
23 Kentucky. The administrative regulation shall prohibit the possession of a  
24 handgun by a person in the Commonwealth unless the person holds a  
25 license or falls within an exemption that the Department of Kentucky State  
26 Police may create in the administrative regulation. The license shall be  
27 available to persons who are at least twenty-one (21) years old or have been

1           honorably discharged from the Armed Forces of the United States, meet the  
2           eligibility criteria established by the department, and are not otherwise  
3           prohibited by state or federal law from possessing a handgun.

4           (b) The Department of Kentucky State Police may establish a fee for  
5           applications for a license sufficient to cover the costs of administering the  
6           program.

7           (c) Licenses issued under this subsection shall be effective for no longer than  
8           five (5) years.

9           (d) Persons receiving a license under this subsection shall be given the option  
10          of whether the license shall be public or private. If the license is private, the  
11          record shall be available to all state law enforcement agencies but shall not  
12          be a public record under the Kentucky Open Records Act, KRS 61.870 to  
13          61.884.

14        (2) (a) The Department of Kentucky State Police shall promulgate an  
15          administrative regulation in accordance with KRS Chapter 13A for the  
16          registration of handguns in the Commonwealth of Kentucky. The  
17          administrative regulation shall prohibit the possession of an unregistered  
18          handgun by a person in the Commonwealth unless the handgun falls within  
19          an exemption that the Department of Kentucky State Police may create in  
20          the administrative regulation.

21          (b) The administrative regulation shall require that the handgun's registration  
22          information be updated upon any transfer of ownership of the handgun.

23          (c) The Department of Kentucky State Police may establish a fee for  
24          applications for a license sufficient to cover the costs of administering the  
25          program.

26          (d) Persons registering a handgun under this subsection shall be given the  
27          option of deciding whether the registration shall be public or private. If the

1           registration is private, the record shall not be a public record under the  
2           Kentucky Open Records Act, KRS 61.870 to 61.884.

3   (3) (a) The Department of Kentucky State Police shall promulgate an  
4           administrative regulation in accordance with KRS Chapter 13A for the  
5           licensure of persons to possess an assault weapon or a large capacity  
6           ammunition feeding device in the Commonwealth of Kentucky. The  
7           administrative regulation shall prohibit the possession of an assault weapon  
8           or a large capacity ammunition feeding device by a person in the  
9           Commonwealth unless the person holds a license or falls within an  
10          exemption that the Department of Kentucky State Police may create in the  
11          administrative regulation. The license shall be available to persons who are  
12          at least twenty-one (21) years old or have been honorably discharged from  
13          the Armed Forces of the United States, meet the eligibility criteria  
14          established by the department, and are not otherwise prohibited by state or  
15          federal law from possessing an assault weapon or a large capacity  
16          ammunition feeding device.

17       (b) The Department of Kentucky State Police may establish a fee for  
18           applications for a license sufficient to cover the costs of administering the  
19           program.

20       (c) Licenses issued under this subsection shall be effective for no longer than  
21           five (5) years.

22       (d) Persons receiving a license under this subsection shall be given the option  
23           of deciding whether the license shall be public or private. If the license is  
24           private, the record shall not be a public record under the Kentucky Open  
25           Records Act, KRS 61.870 to 61.884.

26   (4) (a) The Department of Kentucky State Police shall promulgate an  
27           administrative regulation in accordance with KRS Chapter 13A for the

1       registration of assault weapons and large capacity ammunition feeding  
2       devices in the Commonwealth of Kentucky. The administrative regulation  
3       shall prohibit the possession of an unregistered assault weapon or a large  
4       capacity ammunition feeding device by a person in Kentucky unless the  
5       assault weapon or large capacity ammunition feeding device falls within an  
6       exemption that the Department of Kentucky State Police may create in the  
7       administrative regulation.

8       (b) The administrative regulation shall require that the assault weapon or large  
9       capacity ammunition feeding device registration information be updated  
10       upon any transfer of ownership of the assault weapon or large capacity  
11       ammunition feeding device.

12       (c) The Department of Kentucky State Police may establish a fee for  
13       applications for a license sufficient to cover the costs of administering the  
14       program.

15       (d) Persons registering an assault weapon or large capacity ammunition  
16       feeding device under this subsection shall be given the option of deciding  
17       whether the registration shall be public or private. If the registration is  
18       private, the record shall not be a public record under the Kentucky Open  
19       Records Act, KRS 61.870 to 61.884.

20       (5) (a) The Department of Kentucky State Police shall promulgate an  
21       administrative regulation in accordance with KRS Chapter 13A establishing  
22       a sales log-keeping requirement for firearms dealers and sellers of  
23       ammunition operating in the Commonwealth that sell handguns,  
24       ammunition for handguns, assault weapons, ammunition for assault  
25       weapons, large capacity ammunition feeding devices, or ammunition for  
26       large capacity ammunition feeding devices.

27       (b) The administrative regulation may require the:



1           1. Log be kept in electronic format and transmitted to the department at  
2           regular intervals; and

3           2. Department of Kentucky State Police or the dealer or seller to require  
4           the purchaser to produce a government-issued photo identification,  
5           which the dealer or seller shall record in the log.

6           (c) By July 1, 2027, the log shall be required to operate in real time and shall  
7           query the records of the department prior to the completion of a sale,  
8           including sales, exchanges, or transfers pursuant to Section 2 of this Act, to  
9           determine whether the purchaser has a current, valid license to possess that  
10           type of firearm or a license for the type of firearm for which the  
11           ammunition is being purchased.

12           (d) Records kept in the sales log shall be open to inspection by any peace officer  
13           acting on official business.

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

16           (1) A person is guilty of criminal purchase or transfer of a weapon when knowing  
17           that:

18           (a) He or she is prohibited by law from possessing a firearm because of a prior  
19           criminal conviction or is otherwise ineligible to lawfully possess a firearm  
20           under state or federal law, the person purchases a firearm from another  
21           person;

22           (b) It is unlawful for another person to possess a firearm, he or she purchases a  
23           firearm for, on behalf of, or for the use of that other person; or

24           (c) Another person is prohibited by law from possessing a firearm because of a  
25           prior criminal conviction or is otherwise ineligible to lawfully possess a  
26           firearm under state or federal law, he or she transfers a firearm to that  
27           other person.

1 **(2) Criminal purchase or transfer of a weapon is a Class D felony.**

2 ➔Section 7. KRS 237.990 is amended to read as follows:

3 (1) Any person who:

4 **(a) Violates any of the provisions of KRS 237.030 to 237.050; or**

5 **(b) Possesses an assault weapon or a large capacity ammunition feeding device**  
6 **in violation of the administrative regulations promulgated under Section 5**  
7 **of this Act;**

8 shall be guilty of a Class D felony.

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

14 **(3) Any person who:**

15 **(a) Violates subsection (1) of Section 3 of this Act;**

16 **(b) Violates Section 4 of this Act;**

17 **(c) Knowingly violates Section 2 of this Act; or**

18 **(d) Possesses a handgun in violation of the administrative regulations**  
19 **promulgated under Section 5 of this Act;**  
20 **shall be guilty of a Class A misdemeanor.**

21 **(4) Any firearms dealer or seller of ammunition who violates the administrative**  
22 **regulations promulgated under subsection (5) of Section 5 of this Act shall be**  
23 **guilty of a Class B misdemeanor.**

24 ➔Section 8. KRS 395.250 is amended to read as follows:

25 ~~[It shall be the duty of ]~~A personal representative of a decedent ~~shall~~~~[to]~~ return an  
26 inventory in duplicate within two (2) months from the time of qualifying as the personal  
27 representative~~[such]~~, to the clerk's office of the court in which he or she qualified, the

original of which shall be recorded by the clerk and the duplicate shall be mailed by the clerk to the commissioner~~[secretary]~~ of the Department of Revenue. The inventory shall include a particularized description of every firearm that is part of the estate, and if a firearm is included, a copy of the inventory shall be provided by the clerk to the Department of Kentucky State Police. Copies from the record of the inventory or appraisal shall be prima facie evidence for or against the personal~~[such]~~ representative.

➔Section 9. KRS 403.735 is amended to read as follows:

(1) Prior to or at a hearing on a petition for an order of protection:

- (a) The court may obtain the respondent's Kentucky criminal and protective order history and utilize that information to assess what relief and which sanctions may protect against danger to the petitioner or other person for whom protection is being sought, with the information so obtained being provided to the parties in accordance with the Kentucky Rules of Civil Procedure; and
- (b) If the petitioner or respondent is a minor, the court shall inquire whether the parties attend school in the same school system to assist the court in imposing conditions in the order that have the least disruption in the administration of education to the parties while providing appropriate protection to the petitioner.

(2) (a) If the adverse party is not present at the hearing ordered pursuant to KRS 403.730 and has not been served, a previously issued emergency protective order shall remain in place, and the court shall direct the issuance of a new summons for a hearing set not more than fourteen (14) days in the future. If service has not been made on the adverse party before that hearing or a subsequent hearing, the emergency protective order shall remain in place, and the court shall continue the hearing and issue a new summons with a new date and time for the hearing to occur, which shall be within fourteen (14) days of

1 the originally scheduled date for the continued hearing. The court shall repeat  
2 the process of continuing the hearing and reissuing a new summons until the  
3 adverse party is served in advance of the scheduled hearing. If service has not  
4 been made on the respondent at least seventy-two (72) hours prior to the  
5 scheduled hearing, the court may continue the hearing no more than fourteen  
6 (14) days in the future. In issuing the summons, the court shall simultaneously  
7 transmit a copy of the summons or notice of its issuance and provisions to the  
8 petitioner. Upon the request of the petitioner, the court may excuse the  
9 petitioner from future court appearances until the respondent has been served.

10 (b) The provisions of this section permitting the continuance of an emergency  
11 protective order shall be limited to six (6) months from the issuance of the  
12 emergency protective order. If the respondent has not been served within that  
13 period, the order shall be rescinded without prejudice. Prior to the expiration  
14 of the emergency protective order, the court shall provide notice to the  
15 petitioner stating that, if the petitioner does not file a new petition, the order  
16 shall be rescinded without prejudice.

17 (c) In issuing an order of protection or in considering any requested  
18 modifications to or violations of an existing order of protection, the court  
19 shall make a determination of whether there is a substantial risk that the  
20 respondent may use or threaten to use a firearm unlawfully against the  
21 person for whose protection the order of protection is issued. If the court  
22 finds that a substantial risk exists, the court shall order that the respondent  
23 be prohibited from possessing a firearm and shall order him or her to  
24 surrender any firearms owned or possessed by the respondent to the sheriff  
25 of the county where the firearm is located. The sheriff shall impound the  
26 weapon until the:

27 1. Prohibition is lifted;

1                    2.    Order expires; or

2                    3.    Respondent directs the transfer of the weapon to a person lawfully  
3                    allowed to possess the firearm.

4                    (d)   Upon the surrender of all firearms by the respondent in compliance with the  
5                    court's order under paragraph (c) of this subsection, the sheriff taking  
6                    possession of the firearms shall issue a receipt identifying the firearms that  
7                    have been surrendered and provide a copy of the receipt to the respondent.  
8                    The sheriff shall file the original receipt with the court and shall ensure that  
9                    the sheriff's office retains a copy of the receipt.

10                  ➔Section 10.   KRS 456.050 is amended to read as follows:

11                  (1)   Prior to or at a hearing on a petition for an interpersonal protective order:

12                    (a)   The court may obtain the respondent's Kentucky criminal and protective order  
13                    history and utilize that information to assess what relief and which sanctions  
14                    may protect against danger to the petitioner or other person for whom  
15                    protection is being sought, with the information so obtained being provided to  
16                    the parties in accordance with the Kentucky Rules of Civil Procedure; and

17                    (b)   If the petitioner or respondent is a minor, the court shall inquire whether the  
18                    parties attend school in the same school system to assist the court in imposing  
19                    conditions in the order that have the least disruption in the administration of  
20                    education to the parties while providing appropriate protection to the  
21                    petitioner.

22                  (2)   (a)   If the adverse party is not present at the hearing ordered pursuant to KRS  
23                    456.040 and has not been served, a previously issued temporary interpersonal  
24                    protective order shall remain in place, and the court shall direct the issuance  
25                    of a new summons for a hearing set not more than fourteen (14) days in the  
26                    future. If service has not been made on the adverse party before that hearing  
27                    or a subsequent hearing, the temporary interpersonal protective order shall

1 remain in place, and the court shall continue the hearing and issue a new  
2 summons with a new date and time for the hearing to occur, which shall be  
3 within fourteen (14) days of the originally scheduled date for the continued  
4 hearing. The court shall repeat the process of continuing the hearing and  
5 reissuing a new summons until the adverse party is served in advance of the  
6 scheduled hearing. If service has not been made on the respondent at least  
7 seventy-two (72) hours prior to the scheduled hearing, the court may continue  
8 the hearing no more than fourteen (14) days in the future. In issuing the  
9 summons, the court shall simultaneously transmit a copy of the summons or  
10 notice of its issuance and provisions to the petitioner. Upon the request of the  
11 petitioner, the court may excuse the petitioner from future court appearances  
12 until the respondent has been served.

13 (b) The provisions of this section permitting the continuance of an interpersonal  
14 protective order shall be limited to six (6) months from the issuance of the  
15 temporary interpersonal protective order. If the respondent has not been  
16 served within that period, the order shall be rescinded without prejudice. Prior  
17 to the expiration of the temporary interpersonal protective order, the court  
18 shall provide notice to the petitioner stating that, if the petitioner does not file  
19 a new petition, the order shall be rescinded without prejudice.

20 (c) In issuing an interpersonal protective order or in considering any requested  
21 modifications to or violations of an existing interpersonal protective order,  
22 the court shall make a determination of whether there is a substantial risk  
23 that the respondent may use or threaten to use a firearm unlawfully against  
24 the person for whose protection the interpersonal protective order is issued.  
25 If the court finds that a substantial risk exists, the court shall order that the  
26 respondent be prohibited from possessing a firearm and shall order him or  
27 her to surrender any firearms owned or possessed by the respondent to the

1 sheriff of the county where the firearm is located. The sheriff shall impound  
2 the weapon until the:

3 1. Prohibition is lifted;

4 2. Order expires; or

5 3. Respondent directs the transfer of the weapon to a person lawfully  
6 allowed to possess the firearm.

7 (d) Upon the surrender of all firearms by the respondent in compliance with the  
8 court's order under paragraph (c) of this subsection, the sheriff taking  
9 possession of the firearms shall issue a receipt identifying the firearms that  
10 have been surrendered and provide a copy of the receipt to the respondent.  
11 The sheriff shall file the original receipt with the court and shall ensure that  
12 the sheriff's office retains a copy of the receipt.

13 ➔Section 11. KRS 504.030 is amended to read as follows:

14 (1) When a defendant is found not guilty by reason of insanity, the court shall:

15 (a) Conduct an involuntary hospitalization proceeding under KRS Chapter 202A  
16 or 202B; and

17 (b) Order in open court that the defendant be prohibited from possessing a  
18 firearm and shall also order him or her to surrender any firearms owned or  
19 possessed by the defendant to the sheriff of the county where the firearm is  
20 located. The sheriff shall impound the weapon until the:

21 1. Order expires or is lifted;

22 2. Conviction is altered, amended, or vacated;

23 3. Defendant is granted a pardon; or

24 4. Respondent directs the transfer of the weapon to a person lawfully  
25 allowed to possess the firearm.

26 Upon the surrender of all firearms by the defendant in compliance with the  
27 court's order under this paragraph, the sheriff taking possession of the

firearms shall issue a receipt identifying the firearms that have been surrendered and provide a copy of the receipt to the defendant. The sheriff shall file the original receipt with the court and shall ensure that the sheriff's office retains a copy of the receipt.

- (2) To facilitate the procedure established in subsection (1)(a) of this section, the court may order the detention of the defendant for a period of ten (10) days to allow for proceedings to be initiated against the defendant for examination and possible detention pursuant to the provisions of KRS Chapter 202A or 202B.

➔Section 12. KRS 237.104 is amended to read as follows:

- (1) ~~A[No]~~ person, unit of government, or governmental organization shall **not**, during a period of disaster or emergency as specified in KRS Chapter 39A or at any other time, have the right to revoke, suspend, limit the use of, or otherwise impair the validity of the right of any person to purchase, transfer, loan, own, possess, carry, or use a firearm, firearm part, ammunition, ammunition component, or any deadly weapon or dangerous instrument.
- (2) ~~A[No]~~ person, unit of government, or governmental organization shall **not**, during a period of disaster or emergency as specified in KRS Chapter 39A or at any other time, take, seize, confiscate, or impound a firearm, firearm part, ammunition, ammunition component, or any deadly weapon or dangerous instrument from any person.
- (3) ~~[The provisions of]~~ This section shall not apply to the taking of an item specified in subsection (1) or (2) of this section from a person who is:
- (a) Forbidden to possess a firearm pursuant to KRS 527.040 **or Section 5, 9, 10, 11, or 17 of this Act;**
  - (b) Forbidden to possess a firearm pursuant to federal law;
  - (c) Violating KRS 527.020;
  - (d) In possession of a stolen firearm;



- 1 (e) Using a firearm in the commission of a separate criminal offense; or  
2 (f) Using a firearm or other weapon in the commission of an offense under KRS  
3 Chapter 150.

4 ➔Section 13. KRS 506.080 is amended to read as follows:

- 5 (1) A person is guilty of criminal facilitation when, acting with knowledge that another  
6 person is committing or intends to commit a crime, he or she engages in conduct  
7 which knowingly provides such person with means or opportunity for the  
8 commission of the crime and which in fact aids such person to commit the crime,  
9 including making available, selling, exchanging, giving, or disposing of a  
10 firearm.

- 11 (2) Criminal facilitation is a:

- 12 (a) Class D felony when the crime facilitated is a Class A or Class B felony or  
13 capital offense;  
14 (b) Class A misdemeanor when the crime facilitated is a Class C or Class D  
15 felony;  
16 (c) Class B misdemeanor when the crime facilitated is a misdemeanor.

17 ➔Section 14. KRS 508.020 is amended to read as follows:

- 18 (1) A person is guilty of assault in the second degree when he or she:

- 19 (a) Intentionally~~[He intentionally]~~ causes serious physical injury to another  
20 person;~~[or]~~  
21 (b) Intentionally~~[He intentionally]~~ causes physical injury to another person by  
22 means of a deadly weapon or a dangerous instrument;~~[or]~~  
23 (c) Wantonly~~[He wantonly]~~ causes serious physical injury to another person by  
24 means of a deadly weapon or a dangerous instrument; or  
25 (d) Wantonly causes physical injury to a minor by intentionally discharging a  
26 firearm.

- 27 (2) Assault in the second degree is a Class C felony.

1 ➔Section 15. KRS 527.040 is amended to read as follows:

2 (1) A person is guilty of possession of a firearm by a convicted felon when he or she  
3 possesses, manufactures, or transports a firearm when he or she has been convicted  
4 of a felony, as defined by the laws of the jurisdiction in which he or she was  
5 convicted, in any state or federal court and has not:

6 (a) Been granted a full pardon by the Governor or by the President of the United  
7 States; or

8 (b) Been granted relief by the Attorney General of the United States~~[Secretary of~~  
9 ~~the Treasury]~~ pursuant to the~~[Federal]~~ Gun Control Act of 1968, 18 U.S.C.  
10 sec. 921 et seq., as amended.

11 (2) (a) Possession of a firearm by a convicted felon is a Class D felony unless the  
12 firearm possessed is a handgun in which case it is a Class C felony.

13 (b) If a felon is convicted of a criminal offense other than possession of a firearm  
14 by a convicted felon, and he or she possessed a firearm in commission of that  
15 offense, then the felon shall be penalized for violating this section one (1)  
16 class more severely if it is a second or subsequent violation of this section.

17 (c) Sentences for violation of this section shall be served consecutively to any  
18 other felony sentence imposed on the offender.

19 (3) ~~[The provisions of]~~ This section shall apply to any youthful offender convicted of a  
20 felony offense under the laws of this Commonwealth. The exceptions contained in  
21 KRS 527.100 prohibiting possession of a handgun by a minor shall not apply to this  
22 section.

23 (4) The provisions of this section with respect to handguns, shall apply only to persons  
24 convicted after January 1, 1975, and with respect to other firearms, to persons  
25 convicted after July 15, 1994.

26 ➔Section 16. KRS 527.070 is amended to read as follows:

27 (1) A person is guilty of unlawful possession of a weapon on school property when he

1 or she knowingly deposits, possesses, or carries, whether openly or concealed, for  
2 purposes other than instructional or school-sanctioned ceremonial purposes, or the  
3 purposes permitted in subsection (3) of this section, any firearm or other deadly  
4 weapon, destructive device, or booby trap device in any postsecondary education  
5 facility, public or private school building or bus, on any public or private school  
6 campus, grounds, recreation area, athletic field, or any other property owned, used,  
7 or operated by any institution of postsecondary education, board of education,  
8 school, board of trustees, regents, or directors for the administration of any public  
9 or private educational institution. ~~The provisions of this section shall not apply to~~  
10 ~~institutions of postsecondary or higher education.~~

- 11 (2) Each chief administrator of a public or private school shall display about the school  
12 in prominent locations, including~~[,]~~ but not limited to~~[,]~~ sports arenas, gymnasiums,  
13 stadiums, and cafeterias, a sign at least six (6) inches high and fourteen (14) inches  
14 wide stating:

15 UNLAWFUL POSSESSION OF A WEAPON ON SCHOOL  
16 PROPERTY IN KENTUCKY IS A FELONY PUNISHABLE  
17 BY A MAXIMUM OF FIVE (5) YEARS IN PRISON AND A  
18 TEN THOUSAND DOLLAR (\$10,000) FINE.

19 Failure to post the sign shall not relieve any person of liability under this section.

- 20 (3) The provisions of this section prohibiting the unlawful possession of a weapon on  
21 school property shall not apply to:

- 22 (a) An adult who is not a pupil of any secondary school and who possesses a  
23 firearm, if the firearm is contained within a vehicle operated by the adult and  
24 is not removed from the vehicle, except for a purpose permitted herein, or  
25 brandished by the adult, or by any other person acting with expressed or  
26 implied consent of the adult, while the vehicle is on school property;  
27 (b) Any pupils who are members of the reserve officers training corps or pupils

- 1 enrolled in a course of instruction or members of a school club or team, to the  
2 extent they are required to carry arms or weapons in the discharge of their  
3 official class or team duties;
- 4 (c) Any peace officer or police officer authorized to carry a concealed weapon  
5 pursuant to KRS 527.020;
- 6 (d) Persons employed by the Armed Forces of the United States or members of  
7 the National Guard or militia when required in the discharge of their official  
8 duties to carry arms or weapons;
- 9 (e) Civil officers of the United States in the discharge of their official duties.  
10 ~~[Nothing in ]~~ This section shall ***not*** be construed as to allow any person to  
11 carry a concealed weapon into a public or private elementary or secondary  
12 school building;
- 13 (f) Any other persons, including~~[,]~~ but not limited to~~[,]~~ exhibitors of historical  
14 displays, who have been authorized to carry a firearm by the board of  
15 education or board of trustees of the public or private institution;
- 16 (g) A person hunting during the lawful hunting season on lands owned by any  
17 public or private educational institution and designated as open to hunting by  
18 the board of education or board of trustees of the educational institution;
- 19 (h) A person possessing unloaded hunting weapons while traversing the grounds  
20 of any public or private educational institution for the purpose of gaining  
21 access to public or private lands open to hunting with the intent to hunt on the  
22 public or private lands, unless the lands of the educational institution are  
23 posted prohibiting the entry; or
- 24 (i) A person possessing guns or knives when conducting or attending a "gun and  
25 knife show" when the program has been approved by the board of education  
26 or board of trustees of the educational institution.
- 27 (4) Unlawful possession of a weapon on school property is a Class D felony.

1        ➔Section 17. KRS 532.030 is amended to read as follows:

- 2        (1) When a person is convicted of a capital offense, he or she shall have his or her  
3        punishment fixed at death, or at a term of imprisonment for life without benefit of  
4        probation or parole, or at a term of imprisonment for life without benefit of  
5        probation or parole until he or she has served a minimum of twenty-five (25) years  
6        of his or her sentence, or to a sentence of life, or to a term of not less than twenty  
7        (20) years nor more than fifty (50) years.
- 8        (2) When a person is convicted of a Class A felony, he or she shall have his  
9        punishment fixed at imprisonment in accordance with KRS 532.060.
- 10       (3) When a person is convicted of an offense other than a capital offense or Class A  
11       felony, he or she shall have his or her punishment fixed at:  
12       (a) A term of imprisonment authorized by this chapter;~~{or}~~  
13       (b) A fine authorized by KRS Chapter 534; or  
14       (c) Both imprisonment and a fine unless precluded by the provisions of KRS  
15       Chapter 534.
- 16       (4) (a) When a person is convicted of any capital offense, felony offense, or offense  
17       where the defendant is found guilty but mentally ill, the judge pronouncing  
18       sentence shall order in open court that the defendant be prohibited from  
19       possessing a firearm and shall order him or her to surrender any firearms  
20       owned or possessed by the defendant to the sheriff of the county where the  
21       firearm is located, who shall impound the weapon until the prohibition is  
22       lifted, the conviction is altered, amended, or vacated, the defendant is  
23       granted a pardon, or the respondent directs the transfer of the weapon to a  
24       person lawfully allowed to possess the firearm.
- 25       (b) Upon the surrender of all firearms by the defendant in compliance with the  
26       court's order under this subsection, the sheriff taking possession of the  
27       firearms shall issue a receipt identifying the firearms that have been

1                   surrendered and provide a copy of the receipt to the defendant. The sheriff  
2                   shall file the original receipt with the court and shall ensure that the  
3                   sheriff's office retains a copy of the receipt.

4    (5) In all cases in which the death penalty may be authorized the judge shall instruct the  
5       jury in accordance with subsection (1) of this section. The instructions shall state,  
6       subject to the aggravating and mitigating limitations and requirements of KRS  
7       532.025, that the jury may recommend upon a conviction for a capital offense a  
8       sentence of death, or at a term of imprisonment for life without benefit of probation  
9       or parole, or a term of imprisonment for life without benefit of probation or parole  
10      until the defendant has served a minimum of twenty-five (25) years of his or her  
11      sentence, or a sentence of life, or to a term of not less than twenty (20) years nor  
12      more than fifty (50) years.

13       ➔Section 18. KRS 532.025 is amended to read as follows:

14    (1) (a) Upon conviction of a defendant in cases where the death penalty may be  
15          imposed, a hearing shall be conducted. In such hearing, the judge shall hear  
16          additional evidence in extenuation, mitigation, and aggravation of  
17          punishment, including the record of any prior criminal convictions and pleas  
18          of guilty or pleas of nolo contendere of the defendant, or the absence of any  
19          prior conviction and pleas; provided, however, that only such evidence in  
20          aggravation as the state has made known to the defendant prior to his or her  
21          trial shall be admissible. Subject to the Kentucky Rules of Evidence, juvenile  
22          court records of adjudications of guilt of a child for an offense that would be a  
23          felony if committed by an adult shall be admissible in court at any time the  
24          child is tried as an adult, or after the child becomes an adult, at any  
25          subsequent criminal trial relating to that same person. Juvenile court records  
26          made available pursuant to this section may be used for impeachment  
27          purposes during a criminal trial and may be used during the sentencing phase

1 of a criminal trial; however, the fact that a juvenile has been adjudicated  
2 delinquent of an offense that would be a felony if the child had been an adult  
3 shall not be used in finding the child to be a persistent felony offender based  
4 upon that adjudication. Release of the child's treatment, medical, mental, or  
5 psychological records is prohibited unless presented as evidence in Circuit  
6 Court. Release of any records resulting from the child's prior abuse and  
7 neglect under Title IV-E or IV-B of the Federal Social Security Act is also  
8 prohibited. The judge shall also hear argument by the defendant or his or her  
9 counsel and the prosecuting attorney, as provided by law, regarding the  
10 punishment to be imposed. The prosecuting attorney shall open and the  
11 defendant shall conclude the argument. In cases in which the death penalty  
12 may be imposed, the judge when sitting without a jury shall follow the  
13 additional procedure provided in subsection (2) of this section. Upon the  
14 conclusion of the evidence and arguments, the judge shall impose the sentence  
15 or shall recess the trial for the purpose of taking the sentence within the limits  
16 prescribed by law. If the trial court is reversed on appeal because of error only  
17 in the presentence hearing, the new trial which may be ordered shall apply  
18 only to the issue of punishment.

- 19 (b) In all cases in which the death penalty may be imposed and which are tried by  
20 a jury, upon a return of a verdict of guilty by the jury, the court shall resume  
21 the trial and conduct a presentence hearing before the jury. Such hearing shall  
22 be conducted in the same manner as presentence hearings conducted before  
23 the judge as provided in paragraph (a) of this subsection, including the record  
24 of any prior criminal convictions and pleas of guilty or pleas of nolo  
25 contendere of the defendant. Upon the conclusion of the evidence and  
26 arguments, the judge shall give the jury appropriate instructions, and the jury  
27 shall retire to determine whether any mitigating or aggravating circumstances,

1 as defined in subsection (2) of this section, exist and to recommend a sentence  
2 for the defendant. Upon the findings of the jury, the judge shall fix a sentence  
3 within the limits prescribed by law.

4 (2) In all cases of offenses for which the death penalty may be authorized, the judge  
5 shall consider, or include in ~~the~~<sup>his or her</sup> instructions to the jury for it to consider,  
6 any mitigating circumstances or aggravating circumstances otherwise authorized by  
7 law and any of the following statutory aggravating or mitigating circumstances  
8 which may be supported by the evidence:

9 (a) Aggravating circumstances:

- 10 1. The offense of murder or kidnapping was committed by a person with a  
11 prior record of conviction for a capital offense, or the offense of murder  
12 was committed by a person who has a substantial history of serious  
13 assaultive criminal convictions;
- 14 2. The offense of murder or kidnapping was committed while the offender  
15 was engaged in the commission of arson in the first degree, robbery in  
16 the first degree, burglary in the first degree, rape in the first degree, or  
17 sodomy in the first degree;
- 18 3. The offender by his or her act of murder, armed robbery, or kidnapping  
19 knowingly created a great risk of death to more than one (1) person in a  
20 public place by means of a weapon of mass destruction, weapon, or  
21 other device which would normally be hazardous to the lives of more  
22 than one (1) person;
- 23 4. The offender committed the offense of murder for himself, herself, or  
24 another, for the purpose of receiving money or any other thing of  
25 monetary value, or for other profit;
- 26 5. The offense of murder was committed by a person who was a prisoner  
27 and the victim was a prison employee engaged at the time of the act in



- 1 the performance of his or her duties;
- 2 6. The offender's act or acts of killing were intentional and resulted in
- 3 multiple deaths;
- 4 7. The offender's act of killing was intentional and the victim was:
- 5 a. A state or local public official; or
- 6 b. A first responder, as defined in KRS 507.070;
- 7 8. The offender murdered the victim when an emergency protective order
- 8 or a domestic violence order was in effect, or when any other order
- 9 designed to protect the victim from the offender, such as an order issued
- 10 as a condition of a bond, conditional release, probation, parole, or
- 11 pretrial diversion, was in effect; and
- 12 9. The offender's act of killing was intentional and resulted in the death of
- 13 a child under twelve (12) years old.
- 14 (b) Mitigating circumstances:
- 15 1. The defendant has no significant history of prior criminal activity;
- 16 2. The capital offense was committed while the defendant was under the
- 17 influence of extreme mental or emotional disturbance even though the
- 18 influence of extreme mental or emotional disturbance is not sufficient to
- 19 constitute a defense to the crime;
- 20 3. The victim was a participant in the defendant's criminal conduct or
- 21 consented to the criminal act;
- 22 4. The capital offense was committed under circumstances which the
- 23 defendant believed to provide a moral justification or extenuation for his
- 24 or her conduct even though the circumstances which the defendant
- 25 believed to provide a moral justification or extenuation for his or her
- 26 conduct are not sufficient to constitute a defense to the crime;
- 27 5. The defendant was an accomplice in a capital offense committed by

1 another person and his or her participation in the capital offense was  
2 relatively minor;

3 6. The defendant acted under duress or under the domination of another  
4 person even though the duress or the domination of another person is not  
5 sufficient to constitute a defense to the crime;

6 7. At the time of the capital offense, the capacity of the defendant to  
7 appreciate the criminality of his or her conduct to the requirements of  
8 law was impaired as a result of mental illness or an intellectual disability  
9 or intoxication even though the impairment of the capacity of the  
10 defendant to appreciate the criminality of his or her conduct or to  
11 conform the conduct to the requirements of law is insufficient to  
12 constitute a defense to the crime; and

13 8. The youth of the defendant at the time of the crime.

14 (3) The instructions as determined by the trial judge to be warranted by the evidence or  
15 as required by KRS 532.030~~(5)~~~~(4)~~ shall be given in charge and in writing to the  
16 jury for its deliberation. The jury, if its verdict be a recommendation of death, or  
17 imprisonment for life without benefit of probation or parole, or imprisonment for  
18 life without benefit of probation or parole until the defendant has served a minimum  
19 of twenty-five (25) years of his or her sentence, shall designate in writing, signed by  
20 the foreman of the jury, the aggravating circumstance or circumstances which it  
21 found beyond a reasonable doubt. In nonjury cases, the judge shall make such  
22 designation. In all cases unless at least one (1) of the statutory aggravating  
23 circumstances enumerated in subsection (2) of this section is so found, the death  
24 penalty, or imprisonment for life without benefit of probation or parole, or the  
25 sentence to imprisonment for life without benefit of probation or parole until the  
26 defendant has served a minimum of twenty-five (25) years of his or her sentence,  
27 shall not be imposed.

1        ➔Section 19. KRS 237.115 is amended to read as follows:

- 2        (1) Except as provided in KRS 527.020, the provisions of~~[nothing contained in]~~ KRS  
3        237.109 or 237.110 shall **not** be construed to limit, restrict, or prohibit in any  
4        manner~~[the right of a college, university, or any postsecondary education facility,~~  
5        ~~including technical schools and community colleges, to control the possession of~~  
6        ~~deadly weapons on any property owned or controlled by them or]~~ the right of a unit  
7        of state, city, county, urban-county **government**, or charter county government to  
8        prohibit the carrying of concealed deadly weapons in that portion of a building  
9        actually owned, leased, or occupied by that unit of government.
- 10       (2) Except as provided in KRS 527.020, the legislative body of a state, city, county, or  
11       urban-county government may, by statute, administrative regulation, or ordinance,  
12       prohibit or limit the carrying of concealed deadly weapons in that portion of a  
13       building owned, leased, or controlled by that unit of government. That portion of a  
14       building in which the carrying of concealed deadly weapons is prohibited or limited  
15       shall be clearly identified by signs posted at the entrance to the restricted area. The  
16       statute or ordinance shall exempt any building used for public housing by private  
17       persons, highway rest areas, firing ranges, and private dwellings owned, leased, or  
18       controlled by that unit of government from any restriction on the carrying or  
19       possession of deadly weapons. The statute, administrative regulation, or ordinance  
20       shall not specify any criminal penalty for its violation but may specify that persons  
21       violating the statute or ordinance may be denied entrance to the building, ordered to  
22       leave the building, and if employees of the unit of government, be subject to  
23       employee disciplinary measures for violation of the provisions of the statute or  
24       ordinance.~~[The provisions of this section shall not be deemed to be a violation of~~  
25       ~~KRS 65.870 if the requirements of this section are followed. The provisions of]~~  
26       This section shall not apply to any other unit of government.
- 27       (3) Unless otherwise specifically provided by the Kentucky Revised Statutes or

1 applicable federal law, ~~a[n]~~ criminal penalty shall ***not*** attach to carrying a  
2 concealed firearm or other deadly weapon at any location at which an unconcealed  
3 firearm or other deadly weapon may be constitutionally carried.

4 ➔Section 20. KRS 65.1591 is amended to read as follows:

5 (1) As used in this section:

6 (a) "Peer support communication" means any oral or written communication  
7 made in the course of, or application for, a peer support counseling session or  
8 any communication by a peer support participant regarding the contents of a  
9 peer support counseling session to another peer support specialist, staff  
10 member of a peer support counseling program, or the supervisor of a peer  
11 support specialist;

12 (b) "Peer support counseling program" means a program provided by a public  
13 agency to provide counseling services from a peer support specialist to a  
14 public safety employee;

15 (c) "Peer support counseling session" means any counseling formally provided  
16 through a peer support counseling program between a peer support specialist  
17 and one (1) or more public safety employees;

18 (d) "Peer support participant" means a public safety employee who receives  
19 counseling services from a peer support specialist;

20 (e) "Peer support specialist" means a public safety employee designated by the  
21 public agency to provide peer support counseling who has received training in  
22 both peer support counseling and in providing emotional and moral support to  
23 public safety employees who have been in or exposed to an emotionally  
24 traumatic experience in the course of employment;

25 (f) "Public agency" **means a city, county, urban-county government, charter**  
26 **county government, consolidated local government, unified local**  
27 **government, special district, local or regional public or quasi-public agency,**

1           board, commission, department, or public corporation ~~has the same meaning~~  
2           ~~as the entities listed in KRS 65.870 (1)~~; and

3           (g) "Public safety employee" means an individual employed by a public agency  
4           who:

- 5                 1. Serves as a police officer as defined by KRS 15.420(2)(a)1.;
- 6                 2. Serves in a position that is primarily engaged in firefighting activities,  
7                     whether paid or unpaid;
- 8                 3. Serves as a certified telecommunicator as provided by KRS 15.560 to  
9                     15.565; or
- 10                4. Is licensed to provide emergency medical services as provided by KRS  
11                    Chapter 311A.

12           (2) Any public agency may create and design a peer support counseling program to  
13           provide support to public safety employees who have been in or exposed to an  
14           emotionally traumatic experience in the course of employment.

15           (3) The content of any peer support communication shall remain confidential and shall  
16           not be disclosed to any individual who was not party to the peer support counseling  
17           session or peer support communication, except when the peer support  
18           communication contains:

- 19               (a) An explicit threat of suicide by a participant in which the participant shares an  
20                    intent to die by suicide, a plan to carry out a suicide attempt, or discloses the  
21                    means by which the participant intends to carry out a suicide attempt. This  
22                    paragraph shall not apply to any peer support communication where the  
23                    participant solely shares that the participant is experiencing suicidal thoughts;
- 24               (b) An explicit threat by a participant of imminent and serious physical and  
25                    bodily harm or death to a clearly identified or reasonably identifiable victim;
- 26               (c) Information related to the abuse or neglect of a child or an older adult or  
27                    vulnerable individual that is required by law to be reported;

- 1 (d) An admission of criminal conduct; or
- 2 (e) Information which is required by law to be disclosed.
- 3 (4) A peer support participant shall hold a privilege from disclosure of any peer support
- 4 communication in any disciplinary proceeding or any civil or criminal proceeding
- 5 unless it contains information exempted under subsection (3)(b), (c), (d), or (e) of
- 6 this section. Under this privilege, the peer support communication shall be subject
- 7 to the same protections as any counselor-client privilege provided under the
- 8 Kentucky Rules of Evidence in any criminal or civil proceeding.
- 9 (5) Nothing in subsection (3) or (4) of this section shall be interpreted or construed to
- 10 prohibit:
- 11 (a) The use of or sharing by the public agency of anonymous data for research,
- 12 statistical analysis, or educational purposes;
- 13 (b) The disclosure of an observation by an employee of the public agency of a
- 14 peer support participant outside of a peer support counseling session and not
- 15 contained in peer support communication; or
- 16 (c) The disclosure of knowledge of a law enforcement officer of the public
- 17 agency about a peer support participant not gained from peer support
- 18 communication.

19 ➔Section 21. The following KRS section is repealed:

20 65.870 Local firearms control ordinances prohibited -- Exemption from immunity --

21 Declaratory and injunctive relief.

22 ➔Section 22. Section 5 of this Act takes effect January 1, 2027.

23 ➔Section 23. Whereas the safety of the citizens of the Commonwealth is of

24 primary importance, an emergency is declared to exist, and Sections 1 to 4 and 6 to 21 of

25 this Act take effect upon their passage and approval by the Governor or upon their

26 otherwise becoming a law.