

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

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

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

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

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

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

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

(d) Persons registering a handgun under this subsection shall be given the 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

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

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

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

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

20 (2) (a) If the adverse party is not present at the hearing ordered pursuant to KRS
21 403.730 and has not been served, a previously issued emergency protective
22 order shall remain in place, and the court shall direct the issuance of a new
23 summons for a hearing set not more than fourteen (14) days in the future. If
24 service has not been made on the adverse party before that hearing or a
25 subsequent hearing, the emergency protective order shall remain in place, and
26 the court shall continue the hearing and issue a new summons with a new date
27 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:*

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 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

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

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

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

10 (1) ~~A~~No person, unit of government, or governmental organization shall not, during a
11 period of disaster or emergency as specified in KRS Chapter 39A or at any other
12 time, have the right to revoke, suspend, limit the use of, or otherwise impair the
13 validity of the right of any person to purchase, transfer, loan, own, possess, carry, or
14 use a firearm, firearm part, ammunition, ammunition component, or any deadly
15 weapon or dangerous instrument.

16 (2) ~~A~~No person, unit of government, or governmental organization shall not, during a
17 period of disaster or emergency as specified in KRS Chapter 39A or at any other
18 time, take, seize, confiscate, or impound a firearm, firearm part, ammunition,
19 ammunition component, or any deadly weapon or dangerous instrument from any
20 person.

21 (3) ~~[The provisions of]~~This section shall not apply to the taking of an item specified in
22 subsection (1) or (2) of this section from a person who is:

23 (a) Forbidden to possess a firearm pursuant to KRS 527.040 or Section 5, 9, 10,
24 11, or 17 of this Act;
25 (b) Forbidden to possess a firearm pursuant to federal law;
26 (c) Violating KRS 527.020;
27 (d) In possession of a stolen firearm;

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.

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~~his or her 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;

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 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[ne]~~ 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;

