

1 AN ACT relating to firearms.

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

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

4 *As used in this chapter*~~[The following definitions apply in this chapter unless the context~~  
5 ~~otherwise requires]~~:

6 (1) *"Assault weapon"*:

7 *(a) Means a:*

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

10 *a. A folding or telescoping stock;*

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

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

15 *d. A bayonet mount;*

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

19 *f. A grenade launcher;*

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

22 *a. A folding or telescoping stock;*

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

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

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

27 *3. Semiautomatic pistol that has an ability to accept a detachable*

- 1 magazine and has at least one (1) of the following characteristics:  
2 a. A folding or telescoping stock;  
3 b. A second handgrip or a protruding grip that can be held by the  
4 nontrigger hand;  
5 c. Capacity to accept an ammunition magazine that attaches to the  
6 pistol outside of the pistol grip;  
7 d. A threaded barrel capable of accepting a barrel extender, flash  
8 suppressor, forward handgrip, or silencer;  
9 e. A shroud that is attached to, or partially or completely encircles,  
10 the barrel and that permits the shooter to hold the firearm with  
11 the nontrigger hand without being burned; or  
12 f. A manufactured weight of fifty (50) ounces or more when the  
13 pistol is unloaded;

14 4. Semiautomatic version of an automatic rifle, shotgun, or firearm; or

15 5. Revolving cylinder shotgun; and

16 (b) Does not include:

17 1. Any rifle, shotgun, or pistol that:

18 a. Is manually operated by bolt, pump, lever, or slide action;

19 b. Has been rendered permanently inoperable; or

20 c. Is an antique firearm as defined in 18 U.S.C. sec. 921;

21 2. A semiautomatic rifle that cannot accept a detachable magazine that  
22 holds more than five (5) rounds of ammunition; or

23 3. A semiautomatic shotgun that cannot hold more than five (5) rounds  
24 of ammunition in a fixed or detachable magazine;

25 (2) "Booby trap device" ~~has~~<sup>shall have</sup> the same meaning as ~~set forth~~ in KRS  
26 237.030.

27 (3) "Bump stock" means an after-market device that increases the rate of fire

1 achievable with a semiautomatic rifle by using energy from the recoil of the  
2 weapon to generate a reciprocating action that facilitates repeated activation of  
3 the trigger;

4 ~~(4)(2)~~ "Deface" means to remove, deface, cover, alter, or destroy the manufacturer's  
5 serial number or any other distinguishing number or identification mark;~~[-]~~

6 ~~(5)(3)~~ "Destructive device" has~~[shall have]~~ the same meaning as ~~[set forth]~~in KRS  
7 237.030;~~[-]~~

8 ~~(6)(4)~~ "Firearm" means any weapon which will expel a projectile by the action of an  
9 explosive;~~[-]~~

10 ~~(7)(5)~~ "Handgun" means any pistol or revolver originally designed to be fired by the  
11 use of a single hand, or any other firearm originally designed to be fired by the use  
12 of a single hand; and

13 (8) "Machine gun":

14 (a) Means any weapon which shoots, is designed to shoot, or can be readily  
15 restored to shoot, automatically more than one (1) shot, without manual  
16 reloading; and

17 (b) Includes:

18 1. The frame or receiver of a machine gun;

19 2. Any part designed and intended solely and exclusively, or combination  
20 of parts designed and intended, for use in converting a weapon into a  
21 machine gun;

22 3. A bump stock; and

23 4. Any combination of parts from which a machine gun can be  
24 assembled if the parts are in the possession or under the control of a  
25 person.

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

1 (1) Except as provided in subsection (2) of this section, a person is guilty of  
2 possession of an assault weapon when he or she intentionally manufactures,  
3 sells, transfers, purchases, receives, or possesses an assault weapon.

4 (2) (a) A licensed firearms dealer may:

5 1. Possess an assault weapon lawfully possessed on or before the  
6 effective date of this Act;

7 2. Sell or transfer an assault weapon lawfully possessed on or before the  
8 effective date of this Act in accordance with subsection (3)(b)2. or 3. of  
9 this section; or

10 3. Take possession of an assault weapon from, or transfer an assault  
11 weapon to, a person who lawfully possessed the assault weapon before  
12 the effective date of this Act for the purpose of servicing or repairing  
13 the assault weapon.

14 (b) A person who lawfully possessed or completed a purchase of an assault  
15 weapon before the effective date of this Act may possess and transport the  
16 assault weapon:

17 1. At the person's residence, place of business, or other property owned  
18 by the person, or on property owned by another person with the other  
19 person's express permission;

20 2. While on the premises of a shooting range;

21 3. While attending any exhibition, display, or educational project that is  
22 about firearms and that is sponsored by, conducted under the auspices  
23 of, or approved by a law enforcement agency or a nationally-  
24 recognized entity that fosters proficiency in, or promotes education  
25 about, firearms; or

26 4. While transporting the assault weapon between any of the places set  
27 forth in this paragraph.

1        (c) Ownership of an assault weapon may be transferred from the person  
2        owning the assault weapon to a member of the person's family. The family  
3        member may possess the transferred assault weapon in accordance with  
4        paragraph (b) of this subsection if the family member is otherwise permitted  
5        by law to possess the assault weapon.

6        (3) This section shall not apply to:

7        (a) If acting within the scope of official business:

8                1. Personnel of the United States government or a unit of that  
9                government;

10               2. Members of the Armed Forces of the United States, a reserve  
11               component thereof, or the National Guard; or

12               3. Peace officers;

13        (b) Possession, importation, manufacture, receipt for manufacture, shipment  
14        for manufacture, storage, purchases, sales, and transport to or by a licensed  
15        firearms dealer or manufacturer who:

16               1. Provides or services an assault weapon for a law enforcement agency  
17               or for personnel exempted under paragraph (a) of this subsection;

18               2. Acts to sell or transfer an assault weapon to a licensed firearms dealer  
19               in another state or to an individual purchaser in another state through  
20               a licensed firearms dealer; or

21               3. Acts to return to a customer in another state an assault weapon  
22               transferred to the licensed firearms dealer or manufacturer under the  
23               terms of a warranty or for repair;

24        (c) Organizations that are required or authorized under federal law governing  
25        their specific business or activity to maintain assault weapons;

26        (d) The receipt of an assault weapon by inheritance, and possession of the  
27        inherited assault weapon, if the decedent lawfully possessed the assault

1 weapon and the person inheriting the assault weapon is not otherwise  
2 prohibited by law from possessing a firearm;

3 (e) The receipt of an assault weapon by a personal representative of an estate  
4 for purposes of exercising the powers and duties of a personal  
5 representative of an estate, including transferring the assault weapon  
6 according to will or probate proceedings;

7 (f) Possession by a person who is retired in good standing from services with a  
8 law enforcement agency if the assault weapon:

9 1. Is sold or transferred to the person by the law enforcement agency on  
10 retirement; or

11 2. Was purchased or obtained by the person for official use with the law  
12 enforcement agency before retirement; or

13 (g) Possession, receipt, and testing by, or shipping to or from:

14 1. An ISO 17025 accredited, National Institute of Justice-approved  
15 ballistics testing laboratory; or

16 2. A facility or entity that manufactures or provides research and  
17 development testing, analysis, or engineering for personal protective  
18 equipment or vehicle protection systems.

19 (4) Possession of an assault weapon is a Class D felony.

20 ➔SECTION 3. A NEW SECTION OF KRS CHAPTER 527 IS CREATED TO  
21 READ AS FOLLOWS:

22 (1) A person is guilty of possession of a machine gun when he or she intentionally  
23 manufactures, sells, transfers, purchases, receives, or possesses a machine gun.

24 (2) This section shall not apply to a:

25 (a) Member of the Armed Forces of the United States, a reserve component  
26 thereof, or the National Guard duly authorized to carry a machine gun;

27 (b) Peace officer duly authorized to carry a machine gun; or

1        (c) Person who possesses a machine gun for scientific or experimental research  
2                    and development purposes that is registered under the National Firearms  
3                    Act, 26 U.S.C. sec. 5801 et seq.

4        (3) Possession of a machine gun is a Class C felony.

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

7        (1) A person who may lawfully possess an assault weapon under subsection (2)(b) of  
8                    Section 2 of this Act may, within one (1) year of the effective date of this Act,  
9                    apply to the commissioner of the Department of Kentucky State Police for a  
10                   certificate of possession.

11       (2) In a prosecution under Section 2 of this Act, it is an affirmative defense that the  
12                   defendant was lawfully in possession or had completed a purchase of an assault  
13                   weapon before the effective date of this Act. A certificate of possession is  
14                   conclusive evidence that a person lawfully possessed or had completed a purchase  
15                   of an assault weapon before the effective date of this Act, and is entitled to  
16                   continue to possess and transport the assault weapon under subsection (2)(b) of  
17                   Section 2 of this Act.

18       (3) A person who inherits or receives an assault weapon from a family member that  
19                   is lawfully possessed under subsection (2)(b) of Section 2 of this Act and lawfully  
20                   transferred may apply for a certificate of possession within sixty (60) days of  
21                   taking possession of the assault weapon.

22       (4) The Department of Kentucky State Police shall promulgate administrative  
23                   regulations in accordance with KRS Chapter 13A to implement this section. The  
24                   administrative regulations shall provide that the:

25       (a) Application for a certificate of possession shall contain proof that the  
26                   person lawfully possessed or had completed a purchase of an assault  
27                   weapon before the effective date of this Act;

1       **(b) Certificate of possession shall contain:**

- 2               **1. A description of the assault weapon, including the make, model, and**  
3               **serial number. For an assault weapon manufactured before 1968,**  
4               **identifying marks may be substituted for the serial number;**  
5               **2. The full name, address, and date of birth of the person who owns the**  
6               **assault weapon; and**  
7               **3. Any other information the commissioner deems appropriate; and**

8       **(c) Department shall not retain copies of the certificate or other identifying**  
9       **information relating to any person who applies for a certificate of**  
10       **possession.**

11       ➔Section 5. KRS 237.104 is amended to read as follows:

- 12       (1) No person, unit of government, or governmental organization shall, during a period  
13       of disaster or emergency as specified in KRS Chapter 39A or at any other time,  
14       have the right to revoke, suspend, limit the use of, or otherwise impair the validity  
15       of the right of any person to purchase, transfer, loan, own, possess, carry, or use a  
16       firearm, firearm part, ammunition, ammunition component, or any deadly weapon  
17       or dangerous instrument.
- 18       (2) No person, unit of government, or governmental organization shall, during a period  
19       of disaster or emergency as specified in KRS Chapter 39A or at any other time,  
20       take, seize, confiscate, or impound a firearm, firearm part, ammunition, ammunition  
21       component, or any deadly weapon or dangerous instrument from any person.
- 22       (3) The provisions of this section shall not apply to the taking of an item specified in  
23       subsection (1) or (2) of this section from a person who is:
- 24               (a) Forbidden to possess a firearm pursuant to KRS 527.040;
- 25               (b) Forbidden to possess a firearm pursuant to federal law;
- 26               (c) **Forbidden to possess an assault weapon pursuant to Section 2 of this Act;**
- 27               (d) **Forbidden to possess a machine gun pursuant to Section 3 of this Act;**



- 1        (e)    Violating KRS 527.020 or Section 2 or 3 of this Act;
- 2        (f)~~(d)~~    In possession of a stolen firearm;
- 3        (g)~~(e)~~    Using a firearm in the commission of a separate criminal offense; or
- 4        (h)~~(f)~~    Using a firearm or other weapon in the commission of an offense under
- 5                KRS Chapter 150.