

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*

magazine and has at least one (1) of the following characteristics:

- a. A folding or telescoping stock;
- b. A second handgrip or a protruding grip that can be held by the nontrigger hand;
- c. Capacity to accept an ammunition magazine that attaches to the pistol outside of the pistol grip;
- d. A threaded barrel capable of accepting a barrel extender, flash suppressor, forward handgrip, or silencer;
- e. A shroud that is attached to, or partially or completely encircles, the barrel and that permits the shooter to hold the firearm with the nontrigger hand without being burned; or
- f. A manufactured weight of fifty (50) ounces or more when the pistol is unloaded;

(b) Does not include:

1. Any rifle, shotgun, or pistol that:
 - a. Is manually operated by bolt, pump, lever, or slide action;
 - b. Has been rendered permanently inoperable; or
 - c. Is an antique firearm as defined in 18 U.S.C. sec. 921;
2. A semiautomatic rifle that cannot accept a detachable magazine that holds more than five (5) rounds of ammunition; or
3. A semiautomatic shotgun that cannot hold more than five (5) rounds of ammunition in a fixed or detachable magazine;

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:

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.