

1 AN ACT relating to local firearms control ordinances.

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

3 ➔SECTION 1. KRS 65.870 IS REPEALED AND REENACTED TO READ AS  
4 FOLLOWS:

5 Notwithstanding KRS 237.104, a city, county, urban-county government, charter  
6 county, consolidated local government, or unified local government may enact  
7 ordinances regulating the manufacture, sale, purchase, taxation, transfer, ownership,  
8 possession, carrying, storage, or transportation of firearms, ammunition, components  
9 of firearms, components of ammunition, firearms accessories, or combination thereof.

10 ➔Section 2. KRS 65.1591 is amended to read as follows:

11 (1) As used in this section:

12 (a) "Peer support communication" means any oral or written communication  
13 made in the course of, or application for, a peer support counseling session or  
14 any communication by a peer support participant regarding the contents of a  
15 peer support counseling session to another peer support specialist, staff  
16 member of a peer support counseling program, or the supervisor of a peer  
17 support specialist;

18 (b) "Peer support counseling program" means a program provided by a public  
19 agency to provide counseling services from a peer support specialist to a  
20 public safety employee;

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

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

26 (e) "Peer support specialist" means a public safety employee designated by the  
27 public agency to provide peer support counseling who has received training in

1 both peer support counseling and in providing emotional and moral support to  
2 public safety employees who have been in or exposed to an emotionally  
3 traumatic experience in the course of employment;

4 (f) "Public agency" has the same meaning as the entities listed in KRS  
5 61.870~~[65.870(1)]~~; and

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

- 8 1. Serves as a police officer as defined by KRS 15.420(2)(a)1.;
- 9 2. Serves in a position that is primarily engaged in firefighting activities,  
10 whether paid or unpaid;
- 11 3. Serves as a certified telecommunicator as provided by KRS 15.560 to  
12 15.565; or
- 13 4. Is licensed to provide emergency medical services as provided by KRS  
14 Chapter 311A.

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

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

22 (a) An explicit threat of suicide by a participant in which the participant shares an  
23 intent to die by suicide, a plan to carry out a suicide attempt, or discloses the  
24 means by which the participant intends to carry out a suicide attempt. This  
25 paragraph shall not apply to any peer support communication where the  
26 participant solely shares that the participant is experiencing suicidal thoughts;

27 (b) An explicit threat by a participant of imminent and serious physical and

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

22      ➔Section 3. KRS 237.115 is amended to read as follows:

- 23   (1) Except as provided in KRS 527.020, the provisions of~~[nothing contained in]~~ KRS
- 24       237.109 and~~[or]~~ 237.110 shall not be construed to limit, restrict, or prohibit in any
- 25       manner the right of a college, university, or any postsecondary education facility,
- 26       including technical schools and community colleges, to control the possession of
- 27       deadly weapons on any property owned or controlled by them or the right of a unit

1 of state, city, county, urban-county, or charter county government to prohibit the  
2 carrying of concealed deadly weapons in that portion of a building actually owned,  
3 leased, or occupied by that unit of government.

4 (2) (a) Except as provided in KRS 527.020, the legislative body of a state, city,  
5 county, or urban-county government may, by statute, administrative  
6 regulation, or ordinance, prohibit or limit the carrying of concealed deadly  
7 weapons in that portion of a building owned, leased, or controlled by that unit  
8 of government. That portion of a building in which the carrying of concealed  
9 deadly weapons is prohibited or limited shall be clearly identified by signs  
10 posted at the entrance to the restricted area.

11 (b) The statute or ordinance shall exempt any building used for public housing by  
12 private persons, highway rest areas, firing ranges, and private dwellings  
13 owned, leased, or controlled by that unit of government from any restriction  
14 on the carrying or possession of deadly weapons. The statute, administrative  
15 regulation, or ordinance shall not specify any criminal penalty for its violation  
16 but may specify that persons violating the statute or ordinance may be denied  
17 entrance to the building, ordered to leave the building, and if employees of the  
18 unit of government, be subject to employee disciplinary measures for  
19 violation of the provisions of the statute or ordinance. ~~[The provisions of this~~  
20 ~~section shall not be deemed to be a violation of KRS 65.870 if the~~  
21 ~~requirements of this section are followed.]~~

22 (c) ~~[The provisions of ]~~This section shall not apply to any other unit of  
23 government.

24 (3) Unless otherwise specifically provided by the Kentucky Revised Statutes or  
25 applicable federal law, no criminal penalty shall attach to carrying a concealed  
26 firearm or other deadly weapon at any location at which an unconcealed firearm or  
27 other deadly weapon may be constitutionally carried.