

1 AN ACT relating to concealed deadly weapons.

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

3 ➔Section 1. KRS 150.172 is amended to read as follows:

4 (1) Any person who is not prohibited by state or federal law from possessing a firearm
5 may carry a firearm and ammunition for that firearm for purposes of self-defense
6 and defense of others while hunting, fishing, trapping, or engaging in any other
7 activity not constituting a crime under KRS Chapter 218A or Chapters 500 to 534,
8 and may do so on any public lands under the control of the department and on any
9 private land under the control of the department, unless the owner of the private
10 land has posted notice that concealed deadly weapons are not allowed in a building
11 where they may be prohibited pursuant to KRS 237.110[or 237.115].

12 (2) (a) A person may use a firearm, if he or she is not prohibited by state or federal
13 law from possessing a firearm, or may use any other deadly weapon, at any
14 time and during any season to:

15 1. Kill or attempt to kill an animal, whether protected or unprotected, in
16 self-defense or defense of another person; or
17 2. Kill or attempt to kill an injured animal for humane purposes; and
18 in either event, reports the kill or attempted kill to a game warden before
19 midnight of the same day as the kill or attempted kill.

20 (b) An investigation by the department shall be authorized to substantiate and
21 provide evidence on whether the kill or attempted kill of the animal is in
22 violation of paragraph (a) of this subsection or if the animal presents a threat
23 to public health and safety. If no violation is shown to exist, and if there is no
24 threat to public health and safety, then the animal or parts thereof shall:

25 1. Remain the property and in the possession of the person taking the
26 animal; or
27 2. If the animal or parts thereof were surrendered to the department, be

1 immediately returned to the person.

2 (c) An arrest shall not be made, except upon a warrant issued by a judge of a
3 court of competent jurisdiction, and a citation shall not be issued by a peace
4 officer if an animal is killed under circumstances described in paragraph (a) of
5 this subsection.

6 (d) A citation may be issued by a peace officer who witnesses the killing of an
7 animal in violation of a statute or federal regulation under circumstances
8 different from those described in paragraph (a) of this subsection.

9 (e) An arrest warrant or a summons may be issued by a judge of a court of
10 competent jurisdiction, upon application of the appropriate county attorney, if
11 the court believes that there is sufficient cause to doubt the claim that the
12 animal was killed under circumstances described in paragraph (a) of this
13 subsection.

14 (3) In cases where an animal is killed and there is a claim that the animal was killed
15 under circumstances described in paragraph (a) of subsection (2) of this section, the
16 department shall provide competent evidence as to how the animal was killed and
17 the circumstances surrounding the event.

18 (4) The department shall not promulgate administrative regulations restricting any right
19 provided by this section or the spirit thereof.

20 (5) This section shall not apply to the killing, wounding, or other prohibited act relating
21 to specific wildlife which are protected by the federal Endangered Species Act, 16
22 U.S.C. secs. 1531 to 1544; federal Migratory Bird Treaty Act, 16 U.S.C. secs. 703
23 to 712; or federal Bald and Golden Eagle Protection Act, 16 U.S.C. secs. 668 to
24 668d.

25 (6) The principles contained in KRS Chapter 503 relating to the use of force and deadly
26 force against human beings shall apply to acts where wildlife is involved.

27 ➤Section 2. KRS 237.110 is amended to read as follows:

➔ Section 2. KRS 237.110 is amended to read as follows:

- 1 (1) The Department of Kentucky State Police is authorized to issue and renew licenses
2 to carry concealed firearms or other deadly weapons, or a combination thereof, to
3 persons qualified as provided in this section.
- 4 (2) An original or renewal license issued pursuant to this section shall:
 - 5 (a) Be valid throughout the Commonwealth and, except as provided in this
6 section or other specific section of the Kentucky Revised Statutes or federal
7 law, permit the holder of the license to carry firearms, ammunition, or other
8 deadly weapons, or a combination thereof, at any location in the
9 Commonwealth;
 - 10 (b) Unless revoked or suspended as provided by law, be valid for a period of five
11 (5) years from the date of issuance;
 - 12 (c) Authorize the holder of the license to carry a concealed firearm or other
13 deadly weapon, or a combination thereof, on or about his or her person; and
 - 14 (d) Authorize the holder of the license to carry ammunition for a firearm on or
15 about his or her person.
- 16 (3) Prior to the issuance of an original or renewal license to carry a concealed deadly
17 weapon, the Department of Kentucky State Police, upon receipt of a completed
18 application, applicable fees, and any documentation required by this section or
19 administrative regulation promulgated by the Department of Kentucky State Police,
20 shall conduct a background check to ascertain whether the applicant is eligible
21 under 18 U.S.C. sec. 922(g) and (n), any other applicable federal law, and state law
22 to purchase, receive, or possess a firearm or ammunition, or both. The background
23 check shall include:
 - 24 (a) A state records check covering the items specified in this subsection, together
25 with any other requirements of this section;
 - 26 (b) A federal records check, which shall include a National Instant Criminal
27 Background Check System (NICS) check;

- (c) A federal Immigration Alien Query if the person is an alien who has been lawfully admitted to the United States by the United States government or an agency thereof; and
- (d) In addition to the Immigration Alien Query, if the applicant has not been lawfully admitted to the United States under permanent resident status, the Department of Kentucky State Police shall, if a doubt exists relating to an alien's eligibility to purchase a firearm, consult with the United States Department of Homeland Security, United States Department of Justice, United States Department of State, or other federal agency to confirm whether the alien is eligible to purchase a firearm in the United States, bring a firearm into the United States, or possess a firearm in the United States under federal law.

(4) The Department of Kentucky State Police shall issue an original or renewal license if the applicant:

- (a) Is not prohibited from the purchase, receipt, or possession of firearms, ammunition, or both pursuant to 18 U.S.C. sec. 922(g) and (n), 18 U.S.C. 922(n), or applicable federal or state law;
- (b)
 1. Is a citizen of the United States who is a resident of this Commonwealth;
 2. Is a citizen of the United States who is a member of the Armed Forces of the United States who is on active duty, who is at the time of application assigned to a military posting in Kentucky;
 3. Is lawfully admitted to the United States by the United States government or an agency thereof, is permitted by federal law to purchase a firearm, and is a resident of this Commonwealth; or
 4. Is lawfully admitted to the United States by the United States government or an agency thereof; is permitted by federal law to

1 purchase a firearm; and is, at the time of the application, assigned to a
2 military posting in Kentucky; and has been assigned to a posting in
3 the Commonwealth;

4 (c) Is twenty-one (21) years of age or older;

5 (d) Has not been committed to a state or federal facility for the abuse of a
6 controlled substance or been convicted of a misdemeanor violation of KRS
7 Chapter 218A or similar laws of any other state relating to controlled
8 substances, within a three (3) year period immediately preceding the date on
9 which the application is submitted;

10 (e) Does not chronically and habitually use alcoholic beverages as evidenced by
11 the applicant having two (2) or more convictions for violating KRS 189A.010
12 within the three (3) years immediately preceding the date on which the
13 application is submitted, or having been committed as an alcoholic pursuant to
14 KRS Chapter 222 or similar laws of another state within the three (3) year
15 period immediately preceding the date on which the application is submitted;

16 (f) Does not owe a child support arrearage which equals or exceeds the
17 cumulative amount which would be owed after one (1) year of nonpayment, if
18 the Department of Kentucky State Police has been notified of the arrearage by
19 the Office of the Attorney General;

20 (g) Has complied with any subpoena or warrant relating to child support or
21 paternity proceedings. If the Department of Kentucky State Police has not
22 been notified by the Office of the Attorney General that the applicant has
23 failed to meet this requirement, the Department of Kentucky State Police shall
24 assume that paternity and child support proceedings are not an issue;

25 (h) Has not been convicted of a violation of KRS 508.030 or 508.080 within the
26 three (3) years immediately preceding the date on which the application is
27 submitted. The commissioner of the Department of Kentucky State Police

1 may waive this requirement upon good cause shown and a determination that
2 the applicant is not a danger and that a waiver would not violate federal law;

3 (i) Demonstrates competence with a firearm by successful completion of a
4 firearms safety or training course that is conducted by a firearms instructor
5 who is certified by a national organization with membership open to residents
6 of any state or territory of the United States, which was created to promote
7 firearms education, safety, and the profession of firearms use and training, and
8 to foster professional behavior in its members. The organization shall require
9 members to adhere to its own code of ethics and conduct a program which
10 certifies firearms instructors and includes the use of written tests, in person
11 instruction, and a component of live-fire training. These national
12 organizations shall include but are not limited to the National Rifle
13 Association, the United States Concealed Carry Association, and the National
14 Shooting Sports Foundation. The training requirement may also be fulfilled
15 through any firearms safety course offered or approved by the Department of
16 Criminal Justice Training. The firearms safety course offered or approved by
17 the Department of Criminal Justice Training shall:

18 1. Be not more than eight (8) hours in length;

19 2. Include instruction on handguns, the safe use of handguns, the care and
20 cleaning of handguns, and handgun marksmanship principles;

21 3. Include actual range firing of a handgun in a safe manner, and the firing
22 of not more than twenty (20) rounds at a full-size silhouette target,
23 during which firing, not less than eleven (11) rounds must hit the
24 silhouette portion of the target; and

25 4. Include information on and a copy of laws relating to possession and
26 carrying of firearms, as set forth in KRS Chapters 237 and 527, and the
27 laws relating to the use of force, as set forth in KRS Chapter 503; and

1 (j) Demonstrates knowledge of the law regarding the justifiable use of force by
2 including with the application a copy of the concealed carry deadly weapons
3 legal handout made available by the Department of Criminal Justice Training
4 and a signed statement that indicates ~~the[that]~~ applicant has read and
5 understands the handout.

6 (5) (a) A legible photocopy or electronic copy of a certificate of completion issued
7 by a firearms instructor certified by a national organization or the Department
8 of Criminal Justice Training shall constitute evidence of qualification under
9 subsection (4)(i) of this section.

10 (b) Persons qualifying under subsection (6)(d) of this section may submit with
11 their application:

12 1. At least one (1) of the following paper or electronic forms or their
13 successor forms showing evidence of handgun training or handgun
14 qualifications:

15 a. Department of Defense Form DD 2586;
16 b. Department of Defense Form DD 214;
17 c. Coast Guard Form CG 3029;
18 d. Department of the Army Form DA 88-R;
19 e. Department of the Army Form DA 5704-R;
20 f. Department of the Navy Form OPNAV 3591-1; or
21 g. Department of the Air Force Form AF 522; or

22 2. a. Documentary evidence of an honorable discharge; and
23 b. A notarized affidavit on a form provided by the Department of
24 Kentucky State Police, signed under penalty of perjury, stating the
25 person has met the training requirements of subsection (6)(d) of
26 this section.

27 (6) (a) Peace officers who are currently certified as peace officers by the Kentucky

1 Law Enforcement Council pursuant to KRS 15.380 to 15.404 and peace
2 officers who are retired and are members of the Kentucky Employees
3 Retirement System, State Police Retirement System, ~~or~~ County Employees
4 Retirement System, or other retirement system operated by or for a city,
5 county, or urban-county **government** in Kentucky shall be deemed to have
6 met the training requirement.

7 (b) Current and retired peace officers of the following federal agencies shall be
8 deemed to have met the training requirement:

- 9 1. Any peace officer employed by a federal agency specified in KRS
10 61.365;
- 11 2. Any peace officer employed by a federal civilian law enforcement
12 agency not specified above who has successfully completed the basic
13 law enforcement training course required by that agency;
- 14 3. Any military peace officer of the United States Army, Navy, Marine
15 Corps, or Air Force, or a reserve component thereof, or of the Army
16 National Guard or Air National Guard who has successfully completed
17 the military law enforcement training course required by that branch of
18 the military;
- 19 4. Any member of the United States Coast Guard serving in a peace officer
20 role who has successfully completed the law enforcement training
21 course specified by the United States Coast Guard.

22 (c) Corrections officers who are currently employed by a consolidated local
23 government, an urban-county government, or the Department of Corrections
24 who have successfully completed a basic firearms training course required for
25 their employment, and corrections officers who were formerly employed by a
26 consolidated local government, an urban-county government, or the
27 Department of Corrections who are retired, and who successfully completed a

1 basic firearms training course required for their employment, and are
2 members of a state-administered retirement system or other retirement system
3 operated by or for a city, county, or urban-county government in Kentucky
4 shall be deemed to have met the training requirement.

5 (d) Active or honorably discharged service members in the United States Army,
6 Navy, Marine Corps, Air Force, or Coast Guard, or a reserve component
7 thereof, or of the Army National Guard or Air National Guard shall be
8 deemed to have met the training requirement if these persons:

9 1. Successfully completed handgun training which was conducted by the
10 United States Army, Navy, Marine Corps, Air Force, or Coast Guard, or
11 a reserve component thereof, or of the Army National Guard or Air
12 National Guard; or

13 2. Successfully completed handgun qualification within the United States
14 Army, Navy, Marine Corps, Air Force, or Coast Guard, or a reserve
15 component thereof, or of the Army Guard or Air Force National Guard.

16 (7) (a) 1. A paper application for a license, or renewal of a license, to carry a
17 concealed deadly weapon shall be obtained from and submitted to the
18 office of the sheriff in the county in which the person resides.

19 2. An applicant, in lieu of a paper application, may submit an electronic
20 application for a license, or renewal of a license, to carry a concealed
21 deadly weapon to the Department of Kentucky State Police.

22 3. Persons qualifying under subsection (6)(d) of this section shall be
23 supplied the information in subsection (4)(i)4. of this section upon
24 obtaining an application.

25 (b) 1. The completed paper application and any documentation required by
26 this section plus an application fee or renewal fee, as appropriate, of
27 sixty dollars (\$60) shall be presented to the office of the sheriff of the

1 county in which the applicant resides.

2 2. The sheriff shall transmit the paper application and accompanying

3 material to the Department of Kentucky State Police within five (5)

4 working days.

5 3. Twenty dollars (\$20) of the paper application fee shall be retained by the

6 office of the sheriff for official expenses of the office. Twenty dollars

7 (\$20) shall be sent to the Department of Kentucky State Police with the

8 application. Ten dollars (\$10) shall be transmitted by the sheriff to the

9 Administrative Office of the Courts to fund background checks for

10 youth leaders, and ten dollars (\$10) shall be transmitted to the

11 Administrative Office of the Courts to fund background checks for

12 applicants for concealed **weapon carry permits**~~weapons~~.

13 (c) 1. A completed electronic application submitted in lieu of a paper

14 application, any documentation required by this section, and an

15 application fee or renewal fee, as appropriate, of seventy dollars (\$70)

16 shall be presented to the Department of Kentucky State Police.

17 2. If an electronic application is submitted in lieu of a paper application,

18 thirty dollars (\$30) of the electronic application fee shall be retained by

19 the Department of Kentucky State Police. Twenty dollars (\$20) shall be

20 sent to the office of the sheriff of the applicant's county of residence for

21 official expenses of the office. Ten dollars (\$10) shall be transmitted to

22 the Administrative Office of the Courts to fund background checks for

23 youth leaders, and ten dollars (\$10) shall be transmitted to the

24 Administrative Office of the Courts to fund background checks for

25 applicants for concealed weapon carry permits.

26 (d) A full-time or part-time peace officer who is currently certified as a peace

27 officer by the Kentucky Law Enforcement Council and who is authorized by

1 his or her employer or government authority to carry a concealed deadly
2 weapon at all times and all locations within the Commonwealth pursuant to
3 KRS 527.020, or a retired peace officer who is a member of the Kentucky
4 Employees Retirement System, State Police Retirement System, County
5 Employees Retirement System, or other retirement system operated by or for
6 a city, county, or urban-county government in Kentucky, shall be exempt
7 from paying the paper or electronic application or renewal fees.

8 (e) The application, whether paper or electronic, shall be completed, under oath,
9 on a form or in a manner established~~promulgated~~ by the Department of
10 Kentucky State Police by administrative regulation promulgated in
11 accordance with KRS Chapter 13A which shall include:

12 1. a. The name, address, place and date of birth, citizenship, gender,
13 and Social Security number of the applicant; and
14 b. If not a citizen of the United States, alien registration number if
15 applicable, passport number, visa number, mother's maiden name,
16 and other information necessary to determine the immigration
17 status and eligibility to purchase a firearm under federal law of a
18 person who is not a citizen of the United States;
19 2. A statement that, to the best of his or her knowledge, the applicant is in
20 compliance with criteria contained within subsections (3) and (4) of this
21 section;
22 3. A statement that the applicant, if qualifying under subsection (6)(d) of
23 this section, has provided:
24 a. At least one (1) of the forms listed in subsection (5) of this section;
25 or
26 b. i. Documentary evidence of an honorable discharge; and
27 ii. A notarized affidavit on a form provided by the Department

of Kentucky State Police stating the person has met the training requirements of subsection (6)(d) of this section;

1 identification;

2 2. Other United States government-issued[government issued] evidence of

3 lawful admission to the United States which includes the category of

4 admission, if admission has not been granted as a permanent resident;

5 and

6 3. Evidence of compliance with the provisions of 18 U.S.C. sec. 922(g)(5),

7 18 U.S.C. sec. 922(d)(5), or 18 U.S.C. sec. 922(y)(2), and 27 C.F.R. pt.

8 178, including, as appropriate, but not limited to evidence of ninety (90)

9 day residence in the Commonwealth, a valid current Kentucky hunting

10 license if claiming exemption as a hunter, or other evidence of eligibility

11 to purchase a firearm by an alien which is required by federal law or

12 regulation.

13 If an applicant presents identification specified in this paragraph, the sheriff

14 shall examine the identification, may record information from the

15 identification presented, and shall return the identification to the applicant.

16 (9) The Department of Kentucky State Police shall, within sixty (60) days after the date

17 of receipt of the items listed in subsection (8) of this section if the applicant

18 submitted a paper application, or within fifteen (15) business days after the date of

19 receipt of the items listed in subsection (8) of this section if the applicant applied

20 electronically, either:

21 (a) Issue the license; or

22 (b) Deny the application based solely on the grounds that the applicant fails to

23 qualify under the criteria listed in subsection (3) or (4) of this section. If the

24 Department of Kentucky State Police denies the application, it shall notify the

25 applicant in writing, stating the grounds for denial and informing the applicant

26 of a right to submit, within thirty (30) days, any additional documentation

27 relating to the grounds of denial. Upon receiving any additional

1 documentation, the Department of Kentucky State Police shall reconsider its
2 decision and inform the applicant within twenty (20) days of the result of the
3 reconsideration. The applicant shall further be informed of the right to seek de
4 novo review of the denial in the District Court of his or her place of residence
5 within ninety (90) days from the date of the letter advising the applicant of the
6 denial.

7 (10) The Department of Kentucky State Police shall maintain an automated listing of
8 license holders and pertinent information, and this information shall be available
9 upon request[,] at all times to all Kentucky, federal, and other states' law
10 enforcement agencies. A request for the entire list of licensees, or for all licensees
11 in a geographic area, shall be denied. Only requests relating to a named licensee
12 shall be honored or available to law enforcement agencies. Information on
13 applications for licenses, names and addresses, or other identifying information
14 relating to license holders shall be confidential and shall not be made available
15 except to law enforcement agencies. No request for lists of local or statewide permit
16 holders shall be made to any state or local law enforcement agency, peace officer,
17 or other agency of government other than the Department of Kentucky State Police,
18 and no state or local law enforcement agency, peace officer, or agency of
19 government, other than the Department of Kentucky State Police, shall provide any
20 information to any requester not entitled to it by law.

21 (11) Within thirty (30) days after the changing of a permanent address, or within thirty
22 (30) days after the loss, theft, or destruction of a license, the licensee shall notify the
23 Department of Kentucky State Police of the loss, theft, or destruction. Failure to
24 notify the Department of Kentucky State Police shall constitute a noncriminal
25 violation with a penalty of twenty-five dollars (\$25) payable to the clerk of the
26 District Court. No court costs shall be assessed for a violation of this subsection.
27 When a licensee makes application to change his or her residence address or other

1 information on the license, neither the sheriff nor the Department of Kentucky State
2 Police shall require a surrender of the license until a new license is in the office of
3 the applicable sheriff and available for issuance. Upon the issuance of a new
4 license, the old license shall be destroyed by the sheriff.

5 (12) If a license is lost, stolen, or destroyed, the license shall be automatically invalid,
6 and the person to whom the same was issued may, upon payment of fifteen dollars
7 (\$15) for a paper request, or twenty-five dollars (\$25) for an electronic request
8 submitted in lieu of a paper request, to the Department of Kentucky State Police,
9 obtain a duplicate, upon furnishing a notarized statement to the Department of
10 Kentucky State Police that the license has been lost, stolen, or destroyed.

11 (13) (a) The commissioner of the Department of Kentucky State Police, or his or her
12 designee in writing, shall revoke the license of any person who becomes
13 permanently ineligible to be issued a license or have a license renewed under
14 the criteria set forth in this section.

15 (b) The commissioner of the Department of Kentucky State Police, or his or her
16 designee in writing, shall suspend the license of any person who becomes
17 temporarily ineligible to be issued a license or have a license renewed under
18 the criteria set forth in this section. The license shall remain suspended until
19 the person is again eligible for the issuance or renewal of a license.

20 (c) Upon the suspension or revocation of a license, the commissioner of the
21 Department of Kentucky State Police, or his or her designee in writing, shall:

22 1. Order any peace officer to seize the license from the person whose
23 license was suspended or revoked; or

24 2. Direct the person whose license was suspended or revoked to surrender
25 the license to the sheriff of the person's county of residence within two
26 (2) business days of the receipt of the notice.

27 (d) If the person whose license was suspended or revoked desires a hearing on the

1 matter, the person shall surrender the license as provided in paragraph (c)2. of
2 this subsection and petition the commissioner of the Department of Kentucky
3 State Police to hold a hearing on the issue of suspension or revocation of the
4 license.

5 (e) Upon receipt of the petition, the commissioner of the Department of Kentucky
6 State Police shall cause a hearing to be held in accordance with KRS Chapter
7 13B on the suspension or revocation of the license. If the license has not been
8 surrendered, no hearing shall be scheduled or held.

9 (f) If the hearing officer determines that the licensee's license was wrongly
10 suspended or revoked, the hearing officer shall order the commissioner of the
11 Department of Kentucky State Police to return the license and abrogate the
12 suspension or revocation of the license.

13 (g) Any party may appeal a decision pursuant to this subsection to the District
14 Court in the licensee's county of residence in the same manner as for the
15 denial of a license.

16 (h) If the license is not surrendered as ordered, the commissioner of the
17 Department of Kentucky State Police shall order a peace officer to seize the
18 license and deliver it to the commissioner.

19 (i) Failure to surrender a suspended or revoked license as ordered is a Class A
20 misdemeanor.

21 (j) The provisions of this subsection relating to surrender of a license shall not
22 apply if a court of competent jurisdiction has enjoined its surrender.

23 (k) When a domestic violence order or emergency protective order is issued
24 pursuant to the provisions of KRS Chapter 403 against a person holding a
25 license issued under this section, the holder of the permit shall surrender the
26 license to the court or to the officer serving the order. The officer to whom the
27 license is surrendered shall immediately~~forthwith~~ transmit the license to the

1 court issuing the order. The license shall be suspended until the order is
2 terminated, or until the judge who issued the order terminates the suspension
3 prior to the termination of the underlying domestic violence order or
4 emergency protective order, in writing and by return of the license, upon
5 proper motion by the license holder. Subject to the same conditions as above,
6 a peace officer against whom an emergency protective order or domestic
7 violence order has been issued shall not be permitted to carry a concealed
8 deadly weapon when not on duty, the provisions of KRS 527.020 to the
9 contrary notwithstanding.

10 (14) (a) Not less than one hundred twenty (120) days prior to the expiration date of the
11 license, the Department of Kentucky State Police shall mail to each licensee a
12 written notice of the expiration and a renewal form prescribed by the
13 Department of Kentucky State Police. The outside of the envelope containing
14 the license renewal notice shall bear only the name and address of the
15 applicant. No other information relating to the applicant shall appear on the
16 outside of the envelope sent to the applicant. The licensee may renew his or
17 her license on or before the expiration date by filing with the sheriff of his or
18 her county of residence the paper renewal form, or by filing with the
19 Department of Kentucky State Police an electronic renewal form in lieu of a
20 paper renewal form, stating that the licensee remains qualified pursuant to the
21 criteria specified in subsections (3) and (4) of this section, and the required
22 renewal fee set forth in subsection (7) of this section. The sheriff shall issue to
23 the applicant a receipt for the paper application for renewal of the license and
24 shall date the receipt. The Department of Kentucky State Police shall issue to
25 the applicant a receipt for an electronic application for renewal of the license
26 submitted in lieu of a paper application for renewal and shall date the receipt.

27 (b) A license which has expired shall be void and shall not be valid for any

1 purpose other than surrender to the sheriff in exchange for a renewal license.

2 (c) The license shall be renewed to a qualified applicant upon receipt of the
3 completed renewal application, records check as specified in subsection (3) of
4 this section, determination that the renewal applicant is not ineligible for a
5 license as specified in subsection (4) of this section, and appropriate payment
6 of fees. Upon the issuance of a new license, the old license shall be destroyed
7 by the sheriff. A licensee who fails to file a renewal application on or before
8 its expiration date may renew his or her license by paying, in addition to the
9 license fees, a late fee of fifteen dollars (\$15). No license shall be renewed six
10 (6) months or more after its expiration date, and the license shall be deemed to
11 be permanently expired six (6) months after its expiration date. A person
12 whose license has permanently expired may reapply for licensure pursuant to
13 subsections (7), (8), and (9) of this section.

14 (15) The licensee shall carry the license at all times the licensee is carrying a concealed
15 firearm or other deadly weapon and shall display the license upon request of a law
16 enforcement officer. Violation of the provisions of this subsection shall constitute a
17 noncriminal violation with a penalty of twenty-five dollars (\$25), payable to the
18 clerk of the District Court, but no court costs shall be assessed.

19 (16) Except as provided in KRS 527.020, no license issued pursuant to this section shall
20 authorize any person to carry a concealed firearm into:

21 (a) Any police station or sheriff's office;

22 (b) Any detention facility, prison, or jail;

23 (c) Any courthouse~~,~~ solely occupied by the Court of Justice~~,~~ courtroom, or court
24 proceeding;

25 (d) Any meeting of the governing body of a county, municipality, or special
26 district; or any meeting of the General Assembly or a committee of the
27 General Assembly, except that nothing in this section shall preclude a member

1 of the body[], holding a concealed deadly weapon license[], from carrying a
2 concealed deadly weapon at a meeting of the body of which he or she is a
3 member;

- 4 (e) Any portion of an establishment licensed to dispense beer or alcoholic
5 beverages for consumption on the premises, which portion of the
6 establishment is primarily devoted to that purpose;
- 7 (f) Any ~~elementary or secondary school facility without the consent of school~~
8 ~~authorities as provided in KRS 527.070, any~~ child-caring facility as defined
9 in KRS 199.011, any **child-care**~~day care~~ center as defined in KRS 199.894,
10 or any certified family child-care home as defined in KRS 199.8982, except
11 however, any owner of a certified child-care home may carry a concealed
12 firearm into the owner's residence used as a certified child-care home;
- 13 (g) An area of an airport to which access is controlled by the inspection of
14 persons and property **by the Transportation Security Administration**; or
- 15 (h) Any place where the carrying of firearms is prohibited by federal law.
- 16 (17) The owner, business or commercial lessee, or manager of a private business
17 enterprise, **child-care**~~day care~~ center as defined in KRS 199.894 or certified or
18 licensed family child-care home as defined in KRS 199.8982, or a health-care
19 facility licensed under KRS Chapter 216B, except facilities renting or leasing
20 housing, may prohibit persons holding concealed deadly weapon licenses from
21 carrying concealed deadly weapons on the premises and may prohibit employees,
22 not authorized by the employer, holding concealed deadly weapons licenses from
23 carrying concealed deadly weapons on the property of the employer. If the building
24 or the premises are open to the public, the employer or business enterprise shall
25 post signs on or about the premises if carrying concealed weapons is prohibited.
26 Possession of weapons,~~or~~ ammunition, or both in a vehicle on the premises shall
27 not be a criminal offense so long as the weapons,~~or~~ ammunition, or both are not

1 removed from the vehicle or brandished while the vehicle is on the premises. A
2 private but not a public employer may prohibit employees or other persons holding
3 a concealed deadly weapons license from carrying concealed deadly weapons, [or]
4 ammunition, or both in vehicles owned by the employer, but may not prohibit
5 employees or other persons holding a concealed deadly weapons license from
6 carrying concealed deadly weapons, [or] ammunition, or both in vehicles owned by
7 the employee, except that the Justice and Public Safety Cabinet may prohibit an
8 employee from carrying any weapons, [or] ammunition, or both other than the
9 weapons, [or] ammunition, or both issued or authorized to be used by the employee
10 of the cabinet, in a vehicle while transporting persons under the employee's
11 supervision or jurisdiction. Carrying of a concealed weapon, [or] ammunition, or
12 both in a location specified in this subsection by a license holder shall not be a
13 criminal act but may subject the person to denial from the premises or removal from
14 the premises, and, if an employee of an employer, disciplinary measures by the
15 employer.

16 (18) All moneys collected by the Department of Kentucky State Police pursuant to this
17 section shall be used to administer the provisions of this section and KRS 237.138
18 to 237.142. By March 1 of each year, the Department of Kentucky State Police and
19 the Administrative Office of the Courts shall submit reports to the Governor, the
20 President of the Senate, and the Speaker of the House of Representatives, indicating
21 the amounts of money collected and the expenditures related to this section, KRS
22 237.138 to 237.142, [and KRS 237.115,] 244.125, 527.020, and 527.070, and the
23 administration of the provisions of this section, KRS 237.138 to 237.142, [and KRS
24 237.115,] 244.125, 527.020, and 527.070.

25 (19) The General Assembly finds as a matter of public policy that it is necessary to
26 provide statewide uniform standards for issuing licenses to carry concealed firearms
27 and to occupy the field of regulation of the bearing of concealed firearms to ensure

1 that no person who qualifies under the provisions of this section is denied his or her
2 rights. The General Assembly does not delegate to the Department of Kentucky
3 State Police the authority to regulate or restrict the issuing of licenses provided for
4 in this section beyond those provisions contained in this section. This section shall
5 be liberally construed to carry out the constitutional right to bear arms for self-
6 defense.

7 (20) (a) A person who is not a resident of Kentucky and who has a valid license issued
8 by another state of the United States to carry a concealed deadly weapon in
9 that state may, subject to provisions of Kentucky law, carry a concealed
10 deadly weapon in Kentucky, and his or her license shall be considered as valid
11 in Kentucky.

12 (b) If a person with a valid license to carry a concealed deadly weapon issued
13 from another state that has entered into a reciprocity agreement with the
14 Department of Kentucky State Police becomes a resident of Kentucky, the
15 license issued by the other state shall be considered as valid for the first one
16 hundred twenty (120) days of the person's residence in Kentucky, if within
17 sixty (60) days of moving to Kentucky, the person completes a form
18 provided~~[promulgated]~~ by the Department of Kentucky State Police which
19 shall include:

20 1. A signed and notarized statement averring that to the best of his or her
21 knowledge the person's license to carry a concealed deadly weapon is
22 valid and in compliance with applicable out-of-state law, and has not
23 been revoked or suspended for any reason except for valid forfeiture due
24 to departure from the issuing state;

25 2. The person's name, date of birth, citizenship, gender, Social Security
26 number if applicable, proof that he or she is a citizen of the United
27 States, a permanent resident of the United States, or otherwise lawfully

1 present in the United States, former out-of-state address, current address
2 within the state of Kentucky, date on which Kentucky residence began,
3 state which issued the concealed carry license, the issuing state's
4 concealed carry license number, and the state of issuance of the license;
5 and

6 3. A photocopy of the person's out-of-state license to carry a concealed
7 deadly weapon.

8 (c) Within sixty (60) days of moving to Kentucky, the person shall deliver the
9 form and accompanying documents by registered or certified mail, return
10 receipt requested, to the address indicated on the form provided by the
11 Department of Kentucky State Police pursuant to this subsection.

12 (d) The out-of-state concealed carry license shall become invalid in Kentucky
13 upon the earlier of:

14 1. The out-of-state person having resided in Kentucky for more than one
15 hundred twenty (120) days; or

16 2. The person being issued a Kentucky concealed deadly weapon license
17 pursuant to this section.

18 (e) The Department of Kentucky State Police shall, not less than once every
19 twelve (12) months, make written inquiry of the concealed deadly weapon
20 carrying licensing authorities in each other state as to whether a Kentucky
21 resident may carry a concealed deadly weapon in their state based upon
22 having a valid Kentucky concealed deadly weapon license, or whether a
23 Kentucky resident may apply for a concealed deadly weapon carrying license
24 in that state based upon having a valid Kentucky concealed deadly weapon
25 license. The Department of Kentucky State Police shall attempt to secure from
26 each other state permission for Kentucky residents who hold a valid Kentucky
27 concealed deadly weapon license to carry concealed deadly weapons in that

1 state, either on the basis of the Kentucky license or on the basis that the
2 Kentucky license is sufficient to permit the issuance of a similar license by the
3 other state. The Department of Kentucky State Police shall enter into a written
4 reciprocity agreement with the appropriate agency in each state that agrees to
5 permit Kentucky residents to carry concealed deadly weapons in the other
6 state on the basis of a Kentucky-issued concealed deadly weapon license or
7 that will issue a license to carry concealed deadly weapons in the other state
8 based upon a Kentucky concealed deadly weapon license. If a reciprocity
9 agreement is reached, the requirement to recontact the other state each twelve
10 (12) months shall be eliminated as long as the reciprocity agreement is in
11 force. The information shall be a public record and shall be available to
12 individual requesters free of charge for the first copy and at the normal rate
13 for open records requests for additional copies.

14 (21) By March 1 of each year, the Department of Kentucky State Police shall submit a
15 statistical report to the Governor, the President of the Senate, and the Speaker of the
16 House of Representatives, indicating the number of licenses issued, revoked,
17 suspended, and denied since the previous report and in total, and~~also~~ the number
18 of licenses currently valid. The report shall also include the number of arrests,
19 convictions, and types of crimes committed since the previous report by individuals
20 licensed to carry concealed weapons.

21 (22) The following provisions shall apply to concealed deadly weapon training classes
22 conducted by the Department of Criminal Justice Training or any other agency
23 pursuant to this section:

24 (a) No concealed deadly weapon instructor trainer shall have his or her
25 certification as a concealed deadly weapon instructor trainer reduced to that of
26 instructor or revoked except after a hearing conducted pursuant to KRS
27 Chapter 13B in which the instructor is found to have committed an act in

1 violation of the applicable statutes or administrative regulations;

2 (b) No concealed deadly weapon instructor shall have his or her certification as a

3 concealed deadly weapon instructor license suspended or revoked except after

4 a hearing conducted pursuant to KRS Chapter 13B in which the instructor is

5 found to have committed an act in violation of the applicable statutes or

6 administrative regulations;

7 (c) The department shall not require prior notification that an applicant class or

8 instructor class will be conducted by a certified instructor or instructor trainer;

9 (d) Each concealed deadly weapon instructor or instructor trainer who teaches a

10 concealed deadly weapon applicant or concealed deadly weapon instructor

11 class shall supply the Department of Criminal Justice Training with a class

12 roster indicating which students enrolled and successfully completed the class,

13 and which contains the name and address of each student, within five (5)

14 working days of the completion of the class. The information may be sent by

15 mail, facsimile, email, or other method which will result in the receipt of or

16 production of a hard copy of the information. The postmark, facsimile date, or

17 email date shall be considered as the date on which the notice was sent.

18 Concealed deadly weapon class applicant, instructor, and instructor trainer

19 information and records shall be confidential. The department may release to

20 any person or organization the name, address, and telephone number of a

21 concealed deadly weapon instructor or instructor trainer if that instructor or

22 instructor trainer authorizes the release of the information in writing. The

23 department shall include on any application for an instructor or instructor

24 trainer certification a statement that the applicant either does or does not

25 desire the applicant's name, address, and telephone number to be made public;

26 (e) An instructor trainer who assists in the conduct of a concealed deadly weapon

27 instructor class or concealed deadly weapon applicant class for more than two

6 (f) An instructor who assists in the conduct of a concealed deadly weapon
7 applicant class for more than two (2) hours shall be considered~~as~~ to have
8 taught a class for the purpose of maintaining his or her license. All class
9 record forms shall include spaces for assistant instructors to sign and certify
10 that they have assisted in the conduct of a concealed deadly weapon class;

1 frame specified in this section or who, as a result of information on the
2 returned form, is determined by the Department of Criminal Justice
3 Training, following a hearing pursuant to KRS Chapter 13B, to not have
4 received the training required by law shall have his or her concealed
5 deadly weapon license revoked by the Department of Kentucky State
6 Police, following a hearing conducted by the Department of Criminal
7 Justice Training pursuant to KRS Chapter 13B, at which hearing the
8 person is found to have violated the provisions of this section or who
9 has been found not to have received the training required by law;

10 (h) The department shall annually, not later than December 31 of each year,
11 report to the Legislative Research Commission:

12 1. The number of firearms instructor trainers and certified firearms
13 instructors whose certifications were suspended, revoked, denied, or
14 who were otherwise disciplined;

15 2. The reasons for the imposition of suspensions, revocations, denials, or
16 other discipline; and

17 3. Suggestions for improvement of the concealed deadly weapon applicant
18 training program and instructor process;

19 (i) If a concealed deadly weapon license holder is convicted of, pleads guilty to,
20 or enters an Alford plea to a felony offense, then his or her concealed deadly
21 weapon license shall be immediately~~forthwith~~ revoked by the Department of
22 Kentucky State Police as a matter of law;

23 (j) If a concealed deadly weapon instructor or instructor trainer is convicted of,
24 pleads guilty to, or enters an Alford plea to a felony offense, then his or her
25 concealed deadly weapon instructor certification or concealed deadly weapon
26 instructor trainer certification shall be revoked by the Department of Criminal
27 Justice Training as a matter of law; and

2 1. Action to eliminate the firearms instructor trainer program is prohibited.

3 The program shall remain in effect, and no firearms instructor trainer
4 shall have his or her certification reduced to that of certified firearms
5 instructor;

6 2. The Department of Kentucky State Police shall revoke the concealed
7 deadly weapon license of any person who received no firearms training
8 as required by KRS 237.126 and administrative regulations, or who
9 received insufficient training as required by KRS 237.128 and
10 administrative regulations, if the person voluntarily admits nonreceipt of
11 training or admits receipt of insufficient training, or if either nonreceipt
12 of training or receipt of insufficient training is proven following a
13 hearing conducted by the Department of Criminal Justice Training
14 pursuant to KRS Chapter 13B.

15 ➔Section 3. KRS 527.020 is amended to read as follows:

16 (1) A person is guilty of carrying a concealed weapon when he or she carries concealed
17 a firearm or other deadly weapon on or about his or her person in violation of this
18 section.

19 (2) Peace officers and certified court security officers, when necessary for their
20 protection in the discharge of their official duties; United States mail carriers when
21 actually engaged in their duties; and agents and messengers of express companies,
22 when necessary for their protection in the discharge of their official duties, may
23 carry concealed weapons on or about their person.

24 (3) The director of the Division of Law Enforcement in the Department of Fish and
25 Wildlife Resources, game wardens of the Department of Fish and Wildlife
26 Resources, and policemen directly employed by state, county, city, or urban-county
27 governments may carry concealed deadly weapons on or about their person at all

1 times within the Commonwealth of Kentucky, when expressly authorized to do so
2 by law or by the government employing the officer.

3 (4) Persons carrying concealed weapons in accordance with KRS 237.109 or licensed
4 to carry a concealed deadly weapon pursuant to KRS 237.110 may carry a
5 concealed firearm or other concealed deadly weapon on or about their persons at all
6 times within the Commonwealth of Kentucky, if the firearm or concealed deadly
7 weapon is carried in conformity with the requirements of KRS 237.109 or 237.110.
8 Unless otherwise specifically provided by the Kentucky Revised Statutes or
9 applicable federal law, ~~a[ne]~~ criminal penalty shall not attach to carrying a
10 concealed firearm or other deadly weapon at any location at which an unconcealed
11 firearm or other deadly weapon may be constitutionally carried. ~~A[Ne]~~ person or
12 organization, public or private, shall not prohibit a person from possessing a
13 firearm, ammunition, or both, or other deadly weapon in his or her vehicle in
14 compliance with the provisions of KRS 237.109 and~~,~~ 237.110~~,~~ and 237.115~~,~~.
15 Any attempt by a person or organization, public or private, to violate the provisions
16 of this subsection may be the subject of an action for appropriate relief or for
17 damages in a Circuit Court or District Court of competent jurisdiction.

18 (5) (a) The following persons, if they hold a license to carry a concealed deadly
19 weapon pursuant to KRS 237.110 or 237.138 to 237.142, may carry a firearm
20 or other concealed deadly weapon on or about their persons at all times and at
21 all locations within the Commonwealth of Kentucky, without any limitation
22 other than as provided in this subsection:

- 23 1. A Commonwealth's attorney or assistant Commonwealth's attorney;
- 24 2. A retired Commonwealth's attorney or retired assistant Commonwealth's
25 attorney;
- 26 3. A county attorney or assistant county attorney;
- 27 4. A retired county attorney or retired assistant county attorney;

- 1 5. A justice or judge of the Court of Justice;
- 2 6. A retired or senior status justice or judge of the Court of Justice; and
- 3 7. A retired peace officer who holds a concealed deadly weapon license
- 4 issued pursuant to the federal Law Enforcement Officers Safety Act, 18
- 5 U.S.C. sec. 926C, and KRS 237.138 to 237.142.

6 (b) The provisions of this subsection shall not authorize a person specified in this

7 subsection to carry a concealed deadly weapon in a detention facility as

8 defined in KRS 520.010 or on the premises of a detention facility without the

9 permission of the warden, jailer, or other person in charge of the facility, or

10 the permission of a person authorized by the warden, jailer, or other person in

11 charge of the detention facility to give ~~the~~[such] permission. As used in this

12 section, "detention facility" does not include courtrooms, facilities, or other

13 premises used by the Court of Justice or administered by the Administrative

14 Office of the Courts.

15 (c) A person specified in this section who is issued a concealed deadly weapon

16 license shall be issued a license which bears on its face the statement that it is

17 valid at all locations within the Commonwealth of Kentucky and may have

18 such other identifying characteristics as determined by the Department of

19 Kentucky State Police.

20 (6) (a) Except as provided in this subsection, the following persons may carry

21 concealed deadly weapons on or about their person at all times and at all

22 locations within the Commonwealth of Kentucky:

- 23 1. An elected sheriff and full-time and part-time deputy sheriffs certified
- 24 pursuant to KRS 15.380 to 15.404 when expressly authorized to do so
- 25 by the unit of government employing the officer;
- 26 2. An elected jailer and a deputy jailer who has successfully completed
- 27 Department of Corrections basic training and maintains his or her

18 (7) (a) A full-time paid peace officer of a government agency from another state or
19 territory of the United States or an elected sheriff from another territory of the
20 United States may carry a concealed deadly weapon in Kentucky, on or off
21 duty, if the other state or territory accords a Kentucky full-time paid peace
22 officer and a Kentucky elected sheriff the same rights by law. If the other state
23 or territory limits a Kentucky full-time paid peace officer or elected sheriff to
24 carrying a concealed deadly weapon while on duty, then that same restriction
25 shall apply to a full-time paid peace officer or elected sheriff from that state or
26 territory.

27 (b) The provisions of this subsection shall not authorize a person specified in this

1 subsection to carry a concealed deadly weapon in a detention facility as
2 defined in KRS 520.010 or on the premises of a detention facility without the
3 permission of the warden, jailer, or other person in charge of the facility, or
4 the permission of a person authorized by the warden, jailer, or other person in
5 charge of the detention facility to give such permission. As used in this
6 section, "detention facility" does not include courtrooms, facilities, or other
7 premises used by the Court of Justice or administered by the Administrative
8 Office of the Courts.

9 (8) A loaded or unloaded firearm or other deadly weapon shall not be deemed
10 concealed on or about the person if it is located in any enclosed container,
11 compartment, or storage space installed as original equipment in a motor vehicle by
12 its manufacturer, including but not limited to a glove compartment, center console,
13 or seat pocket, regardless of whether said enclosed container, storage space, or
14 compartment is locked, unlocked, or does not have a locking mechanism. ~~A[No]~~
15 person or organization, public or private, shall not prohibit a person from keeping a
16 loaded or unloaded firearm or ammunition, or both, or other deadly weapon in a
17 vehicle in accordance with the provisions of this subsection. Any attempt by a
18 person or organization, public or private, to violate the provisions of this subsection
19 may be the subject of an action for appropriate relief or for damages in a Circuit
20 Court or District Court of competent jurisdiction. This subsection shall not apply to
21 any person prohibited from possessing a firearm pursuant to KRS 527.040.

22 (9) The provisions of this section shall not apply to a person who carries a concealed
23 deadly weapon on or about his or her person:
24 (a) If he or she is the owner of the property or has the permission of the owner of
25 the property, on real property which he or she or his or her spouse, parent,
26 grandparent, or child owns;
27 (b) If he or she is the lessee of the property or has the permission of the lessee of

1 the property, on real property which he or she or his or her spouse, parent,
2 grandparent, or child occupies pursuant to a lease; or

5 (10) Carrying a concealed weapon is a Class A misdemeanor, unless the defendant has
6 been previously convicted of a felony in which a deadly weapon was possessed,
7 used, or displayed, in which case it is a Class D felony.

8 ➔Section 4. KRS 527.070 is amended to read as follows:

9 (1) A person is guilty of unlawful possession of a weapon on school property when he
10 or she knowingly deposits, possesses, or carries, whether openly or concealed, for
11 purposes other than instructional or school-sanctioned ceremonial purposes, or the
12 purposes permitted in subsection (3) of this section, any firearm or other deadly
13 weapon, destructive device, or booby trap device in any public or private school
14 building or bus, on any public or private school campus, grounds, recreation area,
15 athletic field, or any other property owned, used, or operated by any board of
16 education, school, board of trustees, regents, or directors for the administration of
17 any public or private educational institution. The provisions of this section shall not
18 apply to institutions of postsecondary or higher education.

19 (2) Each chief administrator of a public or private school shall display about the school
20 in prominent locations, including, but not limited to, sports arenas, gymnasiums,
21 stadiums, and cafeterias, a sign at least six (6) inches high and fourteen (14) inches
22 wide stating:

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

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

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

3 (a) An adult who is not a pupil of any secondary school and who possesses a
4 firearm, if the firearm is contained within a vehicle operated by the adult and
5 is not removed from the vehicle, except for a purpose permitted in this
6 section[herein], or brandished by the adult, or by any other person acting with
7 expressed or implied consent of the adult, while the vehicle is on school
8 property;

9 (b) Any pupils who are members of the reserve officers training corps or pupils
10 enrolled in a course of instruction or members of a school club or team, to the
11 extent they are required to carry arms or weapons in the discharge of their
12 official class or team duties;

13 (c) Any peace officer or police officer authorized to carry a concealed weapon
14 pursuant to KRS 527.020;

15 (d) Persons employed by the Armed Forces of the United States or members of
16 the National Guard or militia when required in the discharge of their official
17 duties to carry arms or weapons;

18 (e) Civil officers of the United States in the discharge of their official duties.
19 ~~Nothing in }~~This section shall not be construed as to allow any person to
20 carry a concealed weapon into a public or private elementary or secondary
21 school building;

22 (f) Any other persons, including, but not limited to, exhibitors of historical
23 displays, who have been authorized to carry a firearm by the board of
24 education or board of trustees of the public or private institution;

25 (g) A person hunting during the lawful hunting season on lands owned by any
26 public or private educational institution and designated as open to hunting by
27 the board of education or board of trustees of the educational institution;

1 (h) A person possessing unloaded hunting weapons while traversing the grounds
2 of any public or private educational institution for the purpose of gaining
3 access to public or private lands open to hunting with the intent to hunt on the
4 public or private lands, unless the lands of the educational institution are
5 posted prohibiting the entry; ~~or~~
6 (i) A person possessing guns or knives when conducting or attending a "gun and
7 knife show" when the program has been approved by the board of education
8 or board of trustees of the educational institution; or
9 (j) A person with a valid license to carry concealed deadly weapons issued
10 pursuant to Section 2 of this Act, except pupils attending schools subject to
11 any policy adopted under KRS 158.150(2) or other law required under 20
12 U.S.C. sec. 7961.
13 (4) Unlawful possession of a weapon on school property is a Class D felony.
14 ➔ Section 5. The following KRS section is repealed:
15 237.115 Construction of KRS 237.110 -- Prohibition by local government units of
16 carrying concealed deadly weapons in governmental buildings -- Restriction on
17 criminal penalties.