

1 AN ACT relating to the regulation of firearms and ammunition by local
2 governments.

3 WHEREAS, public safety is among the most vital roles of government, from the
4 federal level to the municipal level; and

5 WHEREAS, many law-abiding Kentuckians are responsible gun owners, yet issues
6 of gun violence plague Kentucky's urban-county and consolidated local governments; and

7 WHEREAS, the Kentucky Constitution enshrines a broad right to bear arms in the
8 Bill of Rights; and

9 WHEREAS, for more than thirty years, local governments have been preempted
10 from issuing ordinances regulating firearms and ammunition by KRS 65.870; and

11 WHEREAS, some public safety policies are best shaped by the knowledge,
12 experience, and vision of local community leaders;

13 NOW, THEREFORE,

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

15 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 65 IS CREATED TO
16 READ AS FOLLOWS:

17 **(1) This section is intended by the General Assembly of the Commonwealth of**
18 **Kentucky to grant to urban-county governments and to consolidated local**
19 **governments the power to regulate firearms by ordinance in order to reduce gun**
20 **violence.**

21 **(2) Urban-county governments and consolidated local governments may regulate the**
22 **manufacture, sale, purchase, taxation, transfer, ownership, possession, carrying,**
23 **storage, and transportation of firearms, firearms components, ammunition, and**
24 **ammunition components, to an extent not in conflict with the Constitution or**
25 **laws of this Commonwealth or of the United States.**

26 **(3) The power granted by this section shall be in addition to all other powers granted**
27 **to urban-county governments and to consolidated local governments by other**

1 provisions of law.

2 **(4) An ordinance regulating firearms or ammunition that is issued by the council of**
 3 **a consolidated local government shall apply within the jurisdictional boundaries**
 4 **of all cities within that consolidated local government, and no city within the**
 5 **consolidated local government's boundaries shall preempt the controls.**

6 ➔Section 2. KRS 65.870 is amended to read as follows:

7 (1) **Except for urban-county governments and consolidated local governments,** no
 8 existing or future city, county,~~[urban-county government,]~~ charter county,~~[~~
 9 ~~consolidated local government,]~~ unified local government, special district, local or
 10 regional public or quasi-public agency, board, commission, department, public
 11 corporation, or any person acting under the authority of any of these organizations
 12 may occupy any part of the field of regulation of the manufacture, sale, purchase,
 13 taxation, transfer, ownership, possession, carrying, storage, or transportation of
 14 firearms, ammunition, components of firearms, components of ammunition,
 15 firearms accessories, or combination thereof.

16 (2) Any existing or future ordinance, executive order, administrative regulation, policy,
 17 procedure, rule, or any other form of executive or legislative action in violation of
 18 this section or the spirit thereof is hereby declared null, void, and unenforceable.

19 (3) Any person or organization specified in subsection (1) of this section shall repeal,
 20 rescind, or amend to conform, any ordinance, administrative regulation, executive
 21 order, policy, procedure, rule, or other form of executive or legislative action in
 22 violation of this section or the spirit thereof within six (6) months after July 12,
 23 2012.

24 (4) Pursuant to Section 231 of the Constitution of Kentucky, insofar as any person or
 25 organization specified in subsection (1) of this section **other than an urban-county**
 26 **government or a consolidated local government** is considered an agent of the
 27 Commonwealth, it is the intent of the General Assembly to exempt them from any

1 immunity provided in Section 231 of the Constitution of Kentucky to the extent
2 provided in this section. A person or an organization whose membership is
3 adversely affected by any ordinance, administrative regulation, executive order,
4 policy, procedure, rule, or any other form of executive or legislative action
5 promulgated or caused to be enforced in violation of this section or the spirit thereof
6 may file suit against any person or organization specified in subsection (1) of this
7 section in any court of this state having jurisdiction over any defendant to the suit
8 for declaratory and injunctive relief. A court shall award the prevailing party in any
9 such suit:

10 (a) Reasonable attorney's fees and costs in accordance with the laws of this state;
11 and

12 (b) Expert witness fees and expenses.

13 (5) If any person or organization ***preempted by***~~specified in~~ subsection (1) of this
14 section violates this section or the spirit thereof, the court shall declare the improper
15 ordinance, administrative regulation, executive order, policy, procedure, rule, or
16 other form of executive or legislative action specified in subsection (1) of this
17 section null, void, and unenforceable, and issue a permanent injunction against the
18 person or organization specified in subsection (1) of this section prohibiting the
19 enforcement of such ordinance, administrative regulation, executive order, policy,
20 procedure, rule, or any other form of executive or legislative action specified in
21 subsection (1) of this section.

22 (6) A violation of this section by a public servant shall be a violation of either KRS
23 522.020 or 522.030, depending on the circumstances of the violation.

24 (7) The provisions of this section shall not apply where a statute specifically authorizes
25 or directs an agency or person specified in subsection (1) of this section to regulate
26 a subject specified in subsection (1) of this section.