

1 AN ACT relating to the regulation of firearms and ammunition.

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

3 ➔Section 1. KRS 65.870 is amended to read as follows:

- 4 (1) **Except as provided in subsection (6) of this section,** no existing or future city,
5 county, urban-county government, charter county, consolidated local government,
6 unified local government, special district, local or regional public or quasi-public
7 agency, board, commission, department, public corporation, or any person acting
8 under the authority of any of these organizations may occupy any part of the field of
9 regulation of the manufacture, sale, purchase, taxation, transfer, ownership,
10 possession, carrying, storage, or transportation of firearms, ammunition,
11 components of firearms, components of ammunition, firearms accessories, or
12 combination thereof.
- 13 (2) Any existing or future ordinance, executive order, administrative regulation, policy,
14 procedure, rule, or any other form of executive or legislative action in violation of
15 this section or the spirit thereof is hereby declared null, void, and unenforceable.
- 16 (3) Any person or organization specified in subsection (1) of this section shall repeal,
17 rescind, or amend to conform, any ordinance, administrative regulation, executive
18 order, policy, procedure, rule, or other form of executive or legislative action in
19 violation of this section or the spirit thereof within six (6) months after July 12,
20 2012.
- 21 (4) Pursuant to Section 231 of the Constitution of Kentucky, insofar as any person or
22 organization specified in subsection (1) of this section is considered an agent of the
23 Commonwealth, it is the intent of the General Assembly to exempt them from any
24 immunity provided in Section 231 of the Constitution of Kentucky to the extent
25 provided in this section. A person or an organization whose membership is
26 adversely affected by any ordinance, administrative regulation, executive order,
27 policy, procedure, rule, or any other form of executive or legislative action

1 promulgated or caused to be enforced in violation of this section or the spirit thereof
2 may file suit against any person or organization specified in subsection (1) of this
3 section in any court of this state having jurisdiction over any defendant to the suit
4 for declaratory and injunctive relief. A court shall award the prevailing party in any
5 such suit:

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

8 (b) Expert witness fees and expenses.

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

18 (6) *A city of the first class or home rule class, county, urban-county government,*
19 *charter county, consolidated local government, or unified local government may*
20 *enact legislation or policies that:*

21 *(a) Require the sale of firearms or ammunitions within their territory or*
22 *jurisdiction be transacted using responsible business practices;*

23 *(b) Require firearm owners who work or reside within the territory or*
24 *jurisdiction to report any lost or stolen firearm to local law enforcement*
25 *within a prescribed amount of time following discovery of the loss or theft*
26 *of the firearm; or*

27 *(c) Provide funding for firearm violence intervention programs within the*

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territory or jurisdiction.

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

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