

1 AN ACT relating to firearms and declaring an emergency.

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

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 237 IS CREATED TO
4 READ AS FOLLOWS:

5 *As used in this chapter:*

6 *(1) (a) "Assault weapon" means:*

7 *1. A semiautomatic rifle that has an ability to accept a detachable*
8 *magazine and has at least one (1) of the following characteristics:*

9 *a. A folding or telescoping stock;*

10 *b. A pistol grip that protrudes conspicuously beneath the action of*
11 *the weapon;*

12 *c. A second handgrip or a protruding grip that can be held by the*
13 *non-trigger hand;*

14 *d. A bayonet mount;*

15 *e. A flash suppressor, muzzle break, muzzle compensator, or*
16 *threaded barrel designed to accommodate a flash suppressor,*
17 *muzzle break, or muzzle compensator; or*

18 *f. A grenade launcher;*

19 *2. A semiautomatic shotgun that has at least one (1) of the following*
20 *characteristics:*

21 *a. A folding or telescoping stock;*

22 *b. A second handgrip or a protruding grip that can be held by the*
23 *non-trigger hand;*

24 *c. A fixed magazine capacity in excess of seven (7) rounds; or*

25 *d. An ability to accept a detachable magazine; or*

26 *3. A semiautomatic pistol that has an ability to accept a detachable*
27 *magazine and has at least one (1) of the following characteristics:*

- 1 a. A folding or telescoping stock;
- 2 b. A second handgrip or a protruding grip that can be held by the
- 3 non-trigger hand;
- 4 c. Capacity to accept an ammunition magazine that attaches to the
- 5 pistol outside of the pistol grip;
- 6 d. A threaded barrel capable of accepting a barrel extender, flash
- 7 suppressor, forward handgrip, or silencer;
- 8 e. A shroud that is attached to, or partially or completely encircles,
- 9 the barrel and that permits the shooter to hold the firearm with
- 10 the non-trigger hand without being burned; or
- 11 f. A manufactured weight of fifty (50) ounces or more when the
- 12 pistol is unloaded;
- 13 4. A semiautomatic version of an automatic rifle, shotgun, or firearm; or
- 14 5. A revolving cylinder shotgun.
- 15 (b) "Assault weapon" does not include:
- 16 1. Any rifle, shotgun, or pistol that is manually operated by bolt, pump,
- 17 lever, or slide action, which has been rendered permanently
- 18 inoperable, or which is an antique firearm as defined in 18 U.S.C. sec.
- 19 921(a)(16);
- 20 2. A semiautomatic rifle that cannot accept a detachable magazine that
- 21 holds more than five (5) rounds of ammunition; or
- 22 3. A semiautomatic shotgun that cannot hold more than five (5) rounds
- 23 of ammunition in a fixed or detachable magazine;
- 24 (2) "Large-capacity ammunition-feeding device" means a magazine, belt, drum, feed
- 25 strip, or similar device that has a capacity of, or that can be readily restored or
- 26 converted to accept, more than seven (7) rounds of ammunition, but does not
- 27 include an attached tubular device designed to accept, and capable of operating

1 only with, .22 caliber rimfire ammunition or a feeding device that is a curio or
 2 relic. To qualify as a curio or relic feeding device under this subsection, it must
 3 be a feeding device that:

4 1. Was manufactured at least fifty (50) years prior to the current date, not
 5 including replicas thereof;

6 2. Is only capable of being used exclusively in a firearm, rifle, or shotgun that
 7 was manufactured at least fifty (50) years prior to the current date, not
 8 including replicas thereof;

9 3. Is possessed by an individual who is not prohibited by state or federal law
 10 from possessing a firearm; and

11 4. Is registered with the Department of Kentucky State Police pursuant to
 12 Section 15 of this Act; and

13 (3) "Seller of ammunition" means any person, firm, partnership, corporation, or
 14 company that engages in the business of purchasing, selling, or keeping
 15 ammunition.

16 ➔SECTION 2. A NEW SECTION OF KRS CHAPTER 237 IS CREATED TO
 17 READ AS FOLLOWS:

18 (1) In addition to any other requirement of state or federal law, all sales, exchanges,
 19 or transfers of firearms shall be conducted in accordance with this section unless
 20 such sale, exchange, or transfer is:

21 (a) Conducted by a licensed importer, licensed manufacturer, or licensed
 22 dealer, as those terms are defined in 18 U.S.C. secs. 921 and 922, when
 23 such sale, exchange, or transfer is conducted pursuant to that person's
 24 federal firearms license; or

25 (b) Between spouses, children, and stepchildren in the same immediate family.

26 (2) Before any sale, exchange, or transfer pursuant to this section, a national instant
 27 criminal background check shall be completed by a dealer who consents to

1 conduct such a check, and upon completion of such a background check, shall
2 complete a document, the form of which shall be developed and distributed by the
3 Department of Kentucky State Police, that identifies and confirms that such a
4 check was performed.

5 (3) In addition to any sales logkeeping requirements created under Section 15 of this
6 Act or any other requirement of state or federal law, all dealers shall maintain a
7 record of transactions and of background checks conducted pursuant to this
8 section, and the records shall be maintained on the premises mentioned and
9 described in the dealer's license, and shall be open at all reasonable hours for
10 inspection by any peace officer acting pursuant to his or her duties.

11 (4) A dealer may require that any sale or transfer conducted pursuant to this section
12 be subject to a fee of not to exceed ten dollars (\$10) per transaction.

13 (5) Any record produced pursuant to this section and any transmission thereof to any
14 government agency shall not be considered a public record for purposes of the
15 Kentucky Open Records Act, KRS 61.870 to 61.884.

16 (6) Any person who knowingly violates this section shall be guilty of a Class A
17 misdemeanor.

18 ➔SECTION 3. A NEW SECTION OF KRS CHAPTER 237 IS CREATED TO
19 READ AS FOLLOWS:

20 (1) Any owner or other person lawfully in possession of a firearm who suffers the
21 loss or theft of the firearm or any person who sells ammunition who suffers a loss
22 or theft of ammunition shall within twenty-four (24) hours of the discovery of the
23 loss or theft report the facts and circumstances of the loss or theft to a local police
24 department or sheriff's office. The report shall contain, if known, the caliber,
25 make, model, manufacturer's name and serial number, if any, and any other
26 distinguishing number or identification mark on the firearm, or the make, type,
27 and caliber of the ammunition. The local police department or sheriff's office

1 shall forward a copy of the report to the Department of Kentucky State Police.

2 (2) The Department of Kentucky State Police shall:

3 (a) Receive, collect, and file the information referred to in subsection (1) of this
 4 section. The department shall cooperate, and undertake to furnish or make
 5 available to law enforcement agencies this information, for the purpose of
 6 coordinating law enforcement efforts to locate the firearm or ammunition;

7 and

8 (b) Promulgate any administrative regulations necessary to implement this
 9 section.

10 (3) A person who fails to make a report of a loss or theft as required by subsection (1)
 11 of this section shall be guilty of a Class A misdemeanor.

12 ➔SECTION 4. A NEW SECTION OF KRS CHAPTER 237 IS CREATED TO
 13 READ AS FOLLOWS:

14 (1) No person who owns or is custodian of a firearm shall store or otherwise leave
 15 the firearm out of his or her immediate possession or control without having first
 16 securely locked the firearm in an appropriate safe storage depository or rendered
 17 it incapable of being fired by use of a gun-locking device appropriate to that
 18 weapon, including through the use of a safe or other secure container which,
 19 when locked, is incapable of being opened without the key, combination, or other
 20 unlocking mechanism and is capable of preventing an unauthorized person from
 21 obtaining access to and possession of its contents.

22 (2) A violation of this section shall be a Class A misdemeanor.

23 ➔Section 5. KRS 395.250 is amended to read as follows:

24 It shall be the duty of a personal representative of a decedent to return an inventory in
 25 duplicate within two (2) months from the time of qualifying as such, to the clerk's office
 26 of the court in which he qualified, the original of which shall be recorded by the clerk and
 27 the duplicate shall be mailed by the clerk to the secretary of revenue. The inventory shall

1 include a particularized description of every firearm that is part of the estate, and if a
2 firearm is included, a copy of the inventory shall be provided to the Department of
3 Kentucky State Police. Copies from the record of the inventory or appraisal shall be
4 prima facie evidence for or against such representative.

5 →Section 6. KRS 403.735 is amended to read as follows:

6 (1) Prior to or at a hearing on a petition for an order of protection:

7 (a) The court may obtain the respondent's Kentucky criminal and protective order
8 history and utilize that information to assess what relief and which sanctions
9 may protect against danger to the petitioner or other person for whom
10 protection is being sought, with the information so obtained being provided to
11 the parties in accordance with the Rules of Civil Procedure; and

12 (b) If the petitioner or respondent is a minor, the court shall inquire whether the
13 parties attend school in the same school system to assist the court in imposing
14 conditions in the order that have the least disruption in the administration of
15 education to the parties while providing appropriate protection to the
16 petitioner.

17 (2) (a) If the adverse party is not present at the hearing ordered pursuant to KRS
18 403.730 and has not been served, a previously issued emergency protective
19 order shall remain in place, and the court shall direct the issuance of a new
20 summons for a hearing set not more than fourteen (14) days in the future. If
21 service has not been made on the adverse party before that hearing or a
22 subsequent hearing, the emergency protective order shall remain in place, and
23 the court shall continue the hearing and issue a new summons with a new date
24 and time for the hearing to occur, which shall be within fourteen (14) days of
25 the originally scheduled date for the continued hearing. The court shall repeat
26 the process of continuing the hearing and reissuing a new summons until the
27 adverse party is served in advance of the scheduled hearing. If service has not

1 been made on the respondent at least seventy-two (72) hours prior to the
2 scheduled hearing, the court may continue the hearing no more than fourteen
3 (14) days in the future. In issuing the summons, the court shall simultaneously
4 transmit a copy of the summons or notice of its issuance and provisions to the
5 petitioner.

6 (b) The provisions of this section permitting the continuance of an emergency
7 protective order shall be limited to six (6) months from the issuance of the
8 emergency protective order. If the respondent has not been served within that
9 period, the order shall be rescinded without prejudice. Prior to the expiration
10 of the emergency protective order, the court shall provide notice to the
11 petitioner stating that, if the petitioner does not file a new petition, the order
12 shall be rescinded without prejudice.

13 (c) *In issuing an order of protection or in considering any requested*
14 *modifications to or violations of an existing order of protection, the court*
15 *shall make a determination of whether there is a substantial risk that the*
16 *respondent may use or threaten to use a firearm unlawfully against the*
17 *person for whose protection the order of protection is issued. If the court*
18 *finds that such a substantial risk exists, the court shall order that the*
19 *respondent be prohibited from possessing a firearm and shall order him or*
20 *her to surrender any firearms owned or possessed by the respondent to the*
21 *sheriff of the county where the firearm is located, who shall impound the*
22 *weapon until the prohibition is lifted, the order expires, or the respondent*
23 *directs the transfer of the weapon to a person lawfully allowed to possess the*
24 *firearm.*

25 ➔Section 7. KRS 504.030 is amended to read as follows:

26 (1) When a defendant is found not guilty by reason of insanity, the court shall:

27 (a) Conduct an involuntary hospitalization proceeding under KRS Chapter 202A

1 or 202B; and

2 (b) Order in open court that the defendant be prohibited from possessing a
3 firearm and shall also order him or her to surrender any firearms owned or
4 possessed by the defendant to the sheriff of the county where the firearm is
5 located. The sheriff shall impound the weapon until the order expires or is
6 lifted, the conviction is altered, amended, or vacated, the defendant is
7 granted a pardon, or the respondent directs the transfer of the weapon to a
8 person lawfully allowed to possess the firearm.

9 (2) To facilitate the procedure established in subsection (1) of this section, the court
10 may order the detention of the defendant for a period of ten (10) days to allow for
11 proceedings to be initiated against the defendant for examination and possible
12 detention pursuant to the provisions of KRS Chapter 202A or 202B.

13 ➔Section 8. KRS 237.104 is amended to read as follows:

14 (1) No person, unit of government, or governmental organization shall, during a period
15 of disaster or emergency as specified in KRS Chapter 39A or at any other time,
16 have the right to revoke, suspend, limit the use of, or otherwise impair the validity
17 of the right of any person to purchase, transfer, loan, own, possess, carry, or use a
18 firearm, firearm part, ammunition, ammunition component, or any deadly weapon
19 or dangerous instrument.

20 (2) No person, unit of government, or governmental organization shall, during a period
21 of disaster or emergency as specified in KRS Chapter 39A or at any other time,
22 take, seize, confiscate, or impound a firearm, firearm part, ammunition, ammunition
23 component, or any deadly weapon or dangerous instrument from any person.

24 (3) The provisions of this section shall not apply to the taking of an item specified in
25 subsection (1) or (2) of this section from a person who is:

26 (a) Forbidden to possess a firearm pursuant to KRS 527.040 and Sections 6, 7,
27 and 14 of this Act;

- 1 (b) Forbidden to possess a firearm pursuant to federal law;
 2 (c) Violating KRS 527.020;
 3 (d) In possession of a stolen firearm;
 4 (e) Using a firearm in the commission of a separate criminal offense; or
 5 (f) Using a firearm or other weapon in the commission of an offense under KRS
 6 Chapter 150.

7 ➔Section 9. KRS 506.080 is amended to read as follows:

8 (1) A person is guilty of criminal facilitation when, acting with knowledge that another
 9 person is committing or intends to commit a crime, he engages in conduct which
 10 knowingly provides such person with means or opportunity for the commission of
 11 the crime and which in fact aids such person to commit the crime, **including**
 12 **making available, selling, exchanging, giving, or disposing of a firearm.**

13 (2) Criminal facilitation is a:

- 14 (a) Class D felony when the crime facilitated is a Class A or Class B felony or
 15 capital offense;
 16 (b) Class A misdemeanor when the crime facilitated is a Class C or Class D
 17 felony;
 18 (c) Class B misdemeanor when the crime facilitated is a misdemeanor.

19 ➔Section 10. KRS 508.020 is amended to read as follows:

20 (1) A person is guilty of assault in the second degree when:

- 21 (a) He intentionally causes serious physical injury to another person;~~{or}~~
 22 (b) He intentionally causes physical injury to another person by means of a deadly
 23 weapon or a dangerous instrument;~~{or}~~
 24 (c) He wantonly causes serious physical injury to another person by means of a
 25 deadly weapon or a dangerous instrument; **or**

26 **(d) He wantonly causes physical injury to a minor by intentionally discharging**
 27 **a firearm.**

1 (2) Assault in the second degree is a Class C felony.

2 ➔SECTION 11. A NEW SECTION OF KRS CHAPTER 527 IS CREATED TO
3 READ AS FOLLOWS:

4 **(1) A person is guilty of criminal purchase or transfer of a weapon when:**

5 **(a) Knowing that he or she is prohibited by law from possessing a firearm**
6 **because of a prior conviction or is otherwise ineligible to lawfully possess a**
7 **firearm under state or federal law, the person purchases a firearm from**
8 **another person;**

9 **(b) Knowing that it would be unlawful for another person to possess a firearm,**
10 **he or she purchases a firearm for, on behalf of, or for the use of that other**
11 **person; or**

12 **(c) Knowing that another person is prohibited by law from possessing a firearm**
13 **because of a prior conviction or is otherwise ineligible to lawfully possess a**
14 **firearm under state or federal law, a person transfers a firearm to that other**
15 **person.**

16 **(2) Criminal purchase or disposal of a weapon is a Class D felony.**

17 ➔Section 12. KRS 527.040 is amended to read as follows:

18 (1) A person is guilty of possession of a firearm by a convicted felon when he
19 possesses, manufactures, or transports a firearm when he has been convicted of a
20 felony, as defined by the laws of the jurisdiction in which he was convicted, in any
21 state or federal court and has not:

22 (a) Been granted a full pardon by the Governor or by the President of the United
23 States; or

24 (b) Been granted relief by the United States Secretary of the Treasury pursuant to
25 the Federal Gun Control Act of 1968, as amended.

26 (2) (a) Possession of a firearm by a convicted felon is a Class D felony unless the
27 firearm possessed is a handgun in which case it is a Class C felony.

1 (b) If a felon is convicted of a criminal offense other than possession of a firearm
 2 by a convicted felon, and he or she possessed a firearm in commission of that
 3 offense, then the felon shall be penalized for violating this section one (1)
 4 class more severely if it is a second or subsequent violation of this section.

5 **(c) Sentences for violation of this section shall be served subsequent to the**
 6 **service of any other felony sentence imposed on the offender.**

7 (3) The provisions of this section shall apply to any youthful offender convicted of a
 8 felony offense under the laws of this Commonwealth. The exceptions contained in
 9 KRS 527.100 prohibiting possession of a handgun by a minor shall not apply to this
 10 section.

11 (4) The provisions of this section with respect to handguns, shall apply only to persons
 12 convicted after January 1, 1975, and with respect to other firearms, to persons
 13 convicted after July 15, 1994.

14 ➔Section 13. KRS 527.070 is amended to read as follows:

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

26 (2) Each chief administrator of a public or private school shall display about the school
 27 in prominent locations, including, but not limited to, sports arenas, gymnasiums,

1 stadiums, and cafeterias, a sign at least six (6) inches high and fourteen (14) inches
2 wide stating:

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

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

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

10 (a) An adult who is not a pupil of any secondary school and who possesses a
11 firearm, if the firearm is contained within a vehicle operated by the adult and
12 is not removed from the vehicle, except for a purpose permitted herein, or
13 brandished by the adult, or by any other person acting with expressed or
14 implied consent of the adult, while the vehicle is on school property;

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

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

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

24 (e) Civil officers of the United States in the discharge of their official duties.
25 Nothing in this section shall be construed as to allow any person to carry a
26 concealed weapon into a public or private elementary or secondary school
27 building;

- 1 (f) Any other persons, including, but not limited to, exhibitors of historical
2 displays, who have been authorized to carry a firearm by the board of
3 education or board of trustees of the public or private institution;
- 4 (g) A person hunting during the lawful hunting season on lands owned by any
5 public or private educational institution and designated as open to hunting by
6 the board of education or board of trustees of the educational institution;
- 7 (h) A person possessing unloaded hunting weapons while traversing the grounds
8 of any public or private educational institution for the purpose of gaining
9 access to public or private lands open to hunting with the intent to hunt on the
10 public or private lands, unless the lands of the educational institution are
11 posted prohibiting the entry; or
- 12 (i) A person possessing guns or knives when conducting or attending a "gun and
13 knife show" when the program has been approved by the board of education
14 or board of trustees of the educational institution.
- 15 (4) Unlawful possession of a weapon on school property is a Class D felony.
- 16 ➔Section 14. KRS 532.030 is amended to read as follows:
- 17 (1) When a person is convicted of a capital offense, he shall have his punishment fixed
18 at death, or at a term of imprisonment for life without benefit of probation or parole,
19 or at a term of imprisonment for life without benefit of probation or parole until he
20 has served a minimum of twenty-five (25) years of his sentence, or to a sentence of
21 life, or to a term of not less than twenty (20) years nor more than fifty (50) years.
- 22 (2) When a person is convicted of a Class A felony, he shall have his punishment fixed
23 at imprisonment in accordance with KRS 532.060.
- 24 (3) When a person is convicted of an offense other than a capital offense or Class A
25 felony, he shall have his punishment fixed at:
- 26 (a) A term of imprisonment authorized by this chapter; or
27 (b) A fine authorized by KRS Chapter 534; or

1 (c) Both imprisonment and a fine unless precluded by the provisions of KRS
2 Chapter 534.

3 (4) When a person is convicted of any capital offense, any felony offense, or any
4 offense where the defendant is found guilty but mentally ill, the judge
5 pronouncing sentence shall order in open court that the defendant be prohibited
6 from possessing a firearm and shall order him or her to surrender any firearms
7 owned or possessed by the defendant to the sheriff of the county where the
8 firearm is located, who shall impound the weapon until the prohibition is lifted,
9 the conviction is altered, amended, or vacated, the defendant is granted a pardon,
10 or the respondent directs the transfer of the weapon to a person lawfully allowed
11 to possess the firearm.

12 (5) In all cases in which the death penalty may be authorized the judge shall instruct the
13 jury in accordance with subsection (1) of this section. The instructions shall state,
14 subject to the aggravating and mitigating limitations and requirements of KRS
15 532.025, that the jury may recommend upon a conviction for a capital offense a
16 sentence of death, or at a term of imprisonment for life without benefit of probation
17 or parole, or a term of imprisonment for life without benefit of probation or parole
18 until the defendant has served a minimum of twenty-five (25) years of his sentence,
19 or a sentence of life, or to a term of not less than twenty (20) years nor more than
20 fifty (50) years.

21 ➔SECTION 15. A NEW SECTION OF KRS CHAPTER 237 IS CREATED TO
22 READ AS FOLLOWS:

23 (1) (a) The Department of Kentucky State Police shall promulgate an
24 administrative regulation for the licensure of persons to possess a handgun
25 in the Commonwealth of Kentucky. The administrative regulation shall
26 prohibit the possession of a handgun by a person in Kentucky unless the
27 person holds such a license or falls within an exemption that the

1 Department of Kentucky State Police may create in the administrative
2 regulation. The license shall be available to persons who are at least twenty-
3 one (21) years old or who have been honorably discharged from the Armed
4 Forces of the United States who meet the eligibility criteria established by
5 the department, and who are not otherwise prohibited by state or federal law
6 from possessing a handgun.

7 (b) The Department of Kentucky State Police may establish a fee for
8 applications for a license sufficient to cover the costs of administering the
9 program.

10 (c) Licenses issued under this subsection shall be effective for no longer than
11 five (5) years.

12 (d) Persons receiving a license under this subsection shall be given the option
13 of deciding whether the license shall be public or private. If the registration
14 is private, the record shall not be a public record under the Kentucky Open
15 Records Act, KRS 61.870 to 61.884.

16 (e) Any person who possesses a handgun in violation of the administrative
17 regulations promulgated under this subsection shall be guilty of a Class A
18 misdemeanor.

19 (2) (a) The Department of Kentucky State Police shall promulgate an
20 administrative regulation for the registration of handguns in Kentucky. The
21 administrative regulation shall prohibit the possession of an unregistered
22 handgun by a person in Kentucky unless the handgun falls within an
23 exemption that the Department of Kentucky State Police may create in the
24 administrative regulation.

25 (b) The administrative regulation shall require that the handgun's registration
26 information be updated upon any transfer of ownership of the handgun.

27 (c) The Department of Kentucky State Police may establish a fee for

1 applications for a license sufficient to cover the costs of administering the
2 program.

3 (d) Persons registering a handgun under this subsection shall be given the
4 option of deciding whether the registration shall be public or private. If the
5 registration is private, the record shall not be a public record under the
6 Kentucky Open Records Act, KRS 61.870 to 61.884.

7 (e) Any person who possesses an unregistered handgun in violation of the
8 administrative regulation promulgated under this subsection shall be guilty
9 of a Class A misdemeanor.

10 (3) (a) The Department of Kentucky State Police shall promulgate an
11 administrative regulation for the licensure of persons to possess an assault
12 weapon or a large-capacity ammunition-feeding device in the
13 Commonwealth of Kentucky. The administrative regulation shall prohibit
14 the possession of an assault weapon or a large-capacity ammunition-
15 feeding device by a person in Kentucky unless the person holds such a
16 license or falls within an exemption that the Department of Kentucky State
17 Police may create in the administrative regulation. The license shall be
18 available to persons who are at least twenty-one (21) years old or who have
19 been honorably discharged from the Armed Forces of the United States who
20 meet the eligibility criteria established by the department, and who are not
21 otherwise prohibited by state or federal law from possessing an assault
22 weapon or a large-capacity ammunition-feeding device.

23 (b) The Department of Kentucky State Police may establish a fee for
24 applications for a license sufficient to cover the costs of administering the
25 program.

26 (c) Licenses issued under this subsection shall be effective for no longer than
27 five (5) years.

1 (d) Persons receiving a license under this subsection shall be given the option
2 of deciding whether the license shall be public or private. If the registration
3 is private, the record shall not be a public record under the Kentucky Open
4 Records Act, KRS 61.870 to 61.884.

5 (e) Any person who possesses an assault weapon or a large-capacity
6 ammunition-feeding device in violation of the administrative regulation
7 promulgated under this subsection shall be guilty of a Class D felony.

8 (4) (a) The Department of Kentucky State Police shall promulgate an
9 administrative regulation for the registration of assault weapons or large-
10 capacity ammunition-feeding devices in Kentucky. The administrative
11 regulation shall prohibit the possession of an unregistered assault weapon
12 or a large-capacity ammunition-feeding device by a person in Kentucky
13 unless the assault weapon or large-capacity ammunition-feeding device
14 falls within an exemption that the Department of Kentucky State Police may
15 create in the administrative regulation.

16 (b) The administrative regulation shall require that the assault weapon or
17 large-capacity ammunition-feeding device registration information be
18 updated upon any transfer of ownership of the assault weapon or large-
19 capacity ammunition-feeding device.

20 (c) The Department of Kentucky State Police may establish a fee for
21 applications for a license sufficient to cover the costs of administering the
22 program.

23 (d) Persons registering an assault weapon or large-capacity ammunition-
24 feeding device under this subsection shall be given the option of deciding
25 whether the registration shall be public or private. If the registration is
26 private, the record shall not be a public record under the Kentucky Open
27 Records Act, KRS 61.870 to 61.884.

1 (e) Any person who possesses an unregistered assault weapon or large-capacity
2 ammunition-feeding device in violation of the administrative regulation
3 promulgated under this subsection shall be guilty of a Class D felony.

4 (5) (a) The Department of Kentucky State Police shall promulgate an
5 administrative regulation establishing a sales log-keeping requirement for
6 firearms dealers and ammunition sellers operating in Kentucky that sell
7 handguns, ammunition for handguns, assault weapons, ammunition for
8 assault weapons, large-capacity ammunition-feeding devices and
9 ammunition for large-capacity ammunition-feeding devices.

10 (b) 1. The administrative regulation may require that the log be kept in
11 electronic format and transmitted to the department at regular
12 intervals.

13 2. The administrative regulation may require the Department of
14 Kentucky State Police or seller to require the purchaser to produce a
15 government-issued photo identification, which the dealer or seller
16 shall record in the log.

17 (c) By July 1, 2021, the log shall be required to operate in real time, and shall
18 query the records of the department prior to the completion of a sale,
19 including sales, exchanges, or transfers pursuant to Section 2 of this Act, to
20 determine whether the purchaser has a current, valid license to possess that
21 type of firearm or a license for the type of firearm for which the
22 ammunition is being purchased.

23 (d) Records kept in the sales log shall be open to inspection by any peace officer
24 acting on official business.

25 (e) Any firearms dealer who violates the administrative regulation promulgated
26 under this subsection shall be guilty of a Class B misdemeanor.

27 ➔Section 16. KRS 532.025 is amended to read as follows:

1 (1) (a) Upon conviction of a defendant in cases where the death penalty may be
2 imposed, a hearing shall be conducted. In such hearing, the judge shall hear
3 additional evidence in extenuation, mitigation, and aggravation of
4 punishment, including the record of any prior criminal convictions and pleas
5 of guilty or pleas of nolo contendere of the defendant, or the absence of any
6 prior conviction and pleas; provided, however, that only such evidence in
7 aggravation as the state has made known to the defendant prior to his trial
8 shall be admissible. Subject to the Kentucky Rules of Evidence, juvenile court
9 records of adjudications of guilt of a child for an offense that would be a
10 felony if committed by an adult shall be admissible in court at any time the
11 child is tried as an adult, or after the child becomes an adult, at any subsequent
12 criminal trial relating to that same person. Juvenile court records made
13 available pursuant to this section may be used for impeachment purposes
14 during a criminal trial and may be used during the sentencing phase of a
15 criminal trial; however, the fact that a juvenile has been adjudicated
16 delinquent of an offense that would be a felony if the child had been an adult
17 shall not be used in finding the child to be a persistent felony offender based
18 upon that adjudication. Release of the child's treatment, medical, mental, or
19 psychological records is prohibited unless presented as evidence in Circuit
20 Court. Release of any records resulting from the child's prior abuse and
21 neglect under Title IV-E or IV-B of the Federal Social Security Act is also
22 prohibited. The judge shall also hear argument by the defendant or his counsel
23 and the prosecuting attorney, as provided by law, regarding the punishment to
24 be imposed. The prosecuting attorney shall open and the defendant shall
25 conclude the argument. In cases in which the death penalty may be imposed,
26 the judge when sitting without a jury shall follow the additional procedure
27 provided in subsection (2) of this section. Upon the conclusion of the evidence

1 and arguments, the judge shall impose the sentence or shall recess the trial for
2 the purpose of taking the sentence within the limits prescribed by law. If the
3 trial court is reversed on appeal because of error only in the presentence
4 hearing, the new trial which may be ordered shall apply only to the issue of
5 punishment;

6 (b) In all cases in which the death penalty may be imposed and which are tried by
7 a jury, upon a return of a verdict of guilty by the jury, the court shall resume
8 the trial and conduct a presentence hearing before the jury. Such hearing shall
9 be conducted in the same manner as presentence hearings conducted before
10 the judge as provided in paragraph (a) of this subsection, including the record
11 of any prior criminal convictions and pleas of guilty or pleas of nolo
12 contendere of the defendant. Upon the conclusion of the evidence and
13 arguments, the judge shall give the jury appropriate instructions, and the jury
14 shall retire to determine whether any mitigating or aggravating circumstances,
15 as defined in subsection (2) of this section, exist and to recommend a sentence
16 for the defendant. Upon the findings of the jury, the judge shall fix a sentence
17 within the limits prescribed by law.

18 (2) In all cases of offenses for which the death penalty may be authorized, the judge
19 shall consider, or he shall include in his instructions to the jury for it to consider,
20 any mitigating circumstances or aggravating circumstances otherwise authorized by
21 law and any of the following statutory aggravating or mitigating circumstances
22 which may be supported by the evidence:

23 (a) Aggravating circumstances:

24 1. The offense of murder or kidnapping was committed by a person with a
25 prior record of conviction for a capital offense, or the offense of murder
26 was committed by a person who has a substantial history of serious
27 assaultive criminal convictions;

- 1 2. The offense of murder or kidnapping was committed while the offender
2 was engaged in the commission of arson in the first degree, robbery in
3 the first degree, burglary in the first degree, rape in the first degree, or
4 sodomy in the first degree;
- 5 3. The offender by his act of murder, armed robbery, or kidnapping
6 knowingly created a great risk of death to more than one (1) person in a
7 public place by means of a weapon of mass destruction, weapon, or
8 other device which would normally be hazardous to the lives of more
9 than one (1) person;
- 10 4. The offender committed the offense of murder for himself or another,
11 for the purpose of receiving money or any other thing of monetary value,
12 or for other profit;
- 13 5. The offense of murder was committed by a person who was a prisoner
14 and the victim was a prison employee engaged at the time of the act in
15 the performance of his duties;
- 16 6. The offender's act or acts of killing were intentional and resulted in
17 multiple deaths;
- 18 7. The offender's act of killing was intentional and the victim was a state or
19 local public official or police officer, sheriff, or deputy sheriff engaged
20 at the time of the act in the lawful performance of his duties; and
- 21 8. The offender murdered the victim when an emergency protective order
22 or a domestic violence order was in effect, or when any other order
23 designed to protect the victim from the offender, such as an order issued
24 as a condition of a bond, conditional release, probation, parole, or
25 pretrial diversion, was in effect.
- 26 (b) Mitigating circumstances:
 - 27 1. The defendant has no significant history of prior criminal activity;

- 1 2. The capital offense was committed while the defendant was under the
- 2 influence of extreme mental or emotional disturbance even though the
- 3 influence of extreme mental or emotional disturbance is not sufficient to
- 4 constitute a defense to the crime;
- 5 3. The victim was a participant in the defendant's criminal conduct or
- 6 consented to the criminal act;
- 7 4. The capital offense was committed under circumstances which the
- 8 defendant believed to provide a moral justification or extenuation for his
- 9 conduct even though the circumstances which the defendant believed to
- 10 provide a moral justification or extenuation for his conduct are not
- 11 sufficient to constitute a defense to the crime;
- 12 5. The defendant was an accomplice in a capital offense committed by
- 13 another person and his participation in the capital offense was relatively
- 14 minor;
- 15 6. The defendant acted under duress or under the domination of another
- 16 person even though the duress or the domination of another person is not
- 17 sufficient to constitute a defense to the crime;
- 18 7. At the time of the capital offense, the capacity of the defendant to
- 19 appreciate the criminality of his conduct to the requirements of law was
- 20 impaired as a result of mental illness or an intellectual disability or
- 21 intoxication even though the impairment of the capacity of the defendant
- 22 to appreciate the criminality of his conduct or to conform the conduct to
- 23 the requirements of law is insufficient to constitute a defense to the
- 24 crime; and
- 25 8. The youth of the defendant at the time of the crime.
- 26 (3) The instructions as determined by the trial judge to be warranted by the evidence or
- 27 as required by KRS 532.030(5)~~(4)~~ shall be given in charge and in writing to the

1 jury for its deliberation. The jury, if its verdict be a recommendation of death, or
2 imprisonment for life without benefit of probation or parole, or imprisonment for
3 life without benefit of probation or parole until the defendant has served a minimum
4 of twenty-five (25) years of his sentence, shall designate in writing, signed by the
5 foreman of the jury, the aggravating circumstance or circumstances which it found
6 beyond a reasonable doubt. In nonjury cases, the judge shall make such designation.
7 In all cases unless at least one (1) of the statutory aggravating circumstances
8 enumerated in subsection (2) of this section is so found, the death penalty, or
9 imprisonment for life without benefit of probation or parole, or the sentence to
10 imprisonment for life without benefit of probation or parole until the defendant has
11 served a minimum of twenty-five (25) years of his sentence, shall not be imposed.

12 ➔Section 17. KRS 237.115 is amended to read as follows:

13 (1) Except as provided in KRS 527.020, nothing contained in KRS 237.109 or 237.110
14 shall be construed to limit, restrict, or prohibit in any manner~~[the right of a college,~~
15 ~~university, or any postsecondary education facility, including technical schools and~~
16 ~~community colleges, to control the possession of deadly weapons on any property~~
17 ~~owned or controlled by them or]~~ the right of a unit of state, city, county, urban-
18 county, or charter county government to prohibit the carrying of concealed deadly
19 weapons in that portion of a building actually owned, leased, or occupied by that
20 unit of government.

21 (2) Except as provided in KRS 527.020, the legislative body of a state, city, county, or
22 urban-county government may, by statute, administrative regulation, or ordinance,
23 prohibit or limit the carrying of concealed deadly weapons in that portion of a
24 building owned, leased, or controlled by that unit of government. That portion of a
25 building in which the carrying of concealed deadly weapons is prohibited or limited
26 shall be clearly identified by signs posted at the entrance to the restricted area. The
27 statute or ordinance shall exempt any building used for public housing by private

1 persons, highway rest areas, firing ranges, and private dwellings owned, leased, or
2 controlled by that unit of government from any restriction on the carrying or
3 possession of deadly weapons. The statute, administrative regulation, or ordinance
4 shall not specify any criminal penalty for its violation but may specify that persons
5 violating the statute or ordinance may be denied entrance to the building, ordered to
6 leave the building, and if employees of the unit of government, be subject to
7 employee disciplinary measures for violation of the provisions of the statute or
8 ordinance. ~~[- The provisions of this section shall not be deemed to be a violation of~~
9 ~~KRS 65.870 if the requirements of this section are followed.]~~ The provisions of this
10 section shall not apply to any other unit of government.

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

15 ➔Section 18. The following KRS section is repealed:

16 65.870 Local firearms control ordinances prohibited -- Exemption from immunity --
17 Declaratory and injunctive relief.

18 ➔Section 19. Section 15 of this Act shall be effective on January 1, 2021.

19 ➔Section 20. Whereas the citizens of Kentucky deserve the protections afforded
20 by this bill at the earliest possible opportunity and no just cause exists for delay, an
21 emergency is declared to exist, and, with the exception of Section 15, this Act takes effect
22 upon its passage and approval by the Governor or upon its otherwise becoming a law.