

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 183.8811 is amended to read as follows:

4 **(1)** An air board may utilize electronic equipment or such techniques and procedures as
5 it determines necessary to insure the safety of the public on airplanes and on airport
6 property from persons using or attempting to use bombs, explosives, firearms or
7 other deadly weapons. When a bomb, explosive or other deadly weapon is detected
8 on airport property, or there is good reason to suspect that an individual may have
9 such a device or weapon that he is attempting to conceal from proper authorities, a
10 law enforcement officer, airline employee or air board agent or employee may take
11 prudent and necessary precautionary measures to protect individual lives and
12 property.

13 **(2) Subsection (1) of this section does not authorize an air board to prohibit,**
14 **regulate, or control a person who holds a concealed deadly weapon license issued**
15 **pursuant to KRS 237.110 from carrying a firearm, whether loaded or unloaded,**
16 **in any area authorized by KRS 237.110 or 527.020.**

17 ➔Section 2. KRS 527.020 is amended to read as follows:

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

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

26 (3) The director of the Division of Law Enforcement in the Department of Fish and
27 Wildlife Resources, conservation officers of the Department of Fish and Wildlife

1 Resources, and policemen directly employed by state, county, city, or urban-county
2 governments may carry concealed deadly weapons on or about their person at all
3 times within the Commonwealth of Kentucky, when expressly authorized to do so
4 by law or by the government employing the officer.

5 (4) Persons carrying concealed weapons in accordance with KRS 237.109 or licensed to
6 carry a concealed deadly weapon pursuant to KRS 237.110 may carry a concealed
7 firearm or other concealed deadly weapon on or about their persons at all times
8 within the Commonwealth of Kentucky, if the firearm or concealed deadly weapon
9 is carried in conformity with the requirements of KRS 237.109 or 237.110. Unless
10 otherwise specifically provided by the Kentucky Revised Statutes or applicable
11 federal law, no criminal penalty shall attach to carrying a concealed firearm or other
12 deadly weapon at any location at which an unconcealed firearm or other deadly
13 weapon may be constitutionally carried. No person or organization, public or
14 private, shall prohibit a person from possessing a firearm, ammunition, or both, or
15 other deadly weapon in his or her vehicle in compliance with the provisions of KRS
16 237.109, 237.110, and 237.115. Any attempt by a person or organization, public or
17 private, to violate the provisions of this subsection may be the subject of an action
18 for appropriate relief or for damages in a Circuit Court or District Court of
19 competent jurisdiction.

20 (5) (a) A person who holds a Kentucky~~[The following persons, if they hold a]~~
21 license to carry a concealed deadly weapon pursuant to KRS 237.110~~[or~~
22 ~~237.138 to 237.142]~~, may carry a firearm or other concealed deadly weapon
23 on~~[or about]~~ their person~~[persons]~~ at all times and at all locations within the
24 Commonwealth of Kentucky, without any limitation other than as provided in
25 this subsection~~;~~

- 26 1. ~~— A Commonwealth's attorney or assistant Commonwealth's attorney;~~
- 27 2. ~~— A retired Commonwealth's attorney or retired assistant Commonwealth's~~

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

(b) The provisions of this subsection shall not authorize a person specified in this subsection to carry a concealed deadly weapon in:

- 1. A detention facility as defined in KRS 520.010 or on the premises of a detention facility without the permission of the warden, jailer, or other person in charge of the facility, or the permission of a person authorized by the warden, jailer, or other person in charge of the detention facility to give such permission;
- 2. *A courtroom, court proceeding, or building which is solely occupied by a Court of Justice Courtroom; or*
- 3. *A police station or sheriff's office.* [~~As used in this section, "detention facility" does not include courtrooms, facilities, or other premises used by the Court of Justice or administered by the Administrative Office of the Courts.~~

~~(c) A person specified in this section who is issued a concealed deadly weapon license shall be issued a license which bears on its face the statement that it is valid at all locations within the Commonwealth of Kentucky and may have such other identifying characteristics as determined by the Department of Kentucky State Police.]~~

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

1 concealed deadly weapons on or about their person at all times and at all
2 locations within the Commonwealth of Kentucky:

3 1. An elected sheriff and full-time and part-time deputy sheriffs certified
4 pursuant to KRS 15.380 to 15.404 when expressly authorized to do so
5 by the unit of government employing the officer;

6 2. An elected jailer and a deputy jailer who has successfully completed
7 Department of Corrections basic training and maintains his or her
8 current in-service training when expressly authorized to do so by the
9 jailer;~~and~~

10 3. The department head or any employee of a corrections department in any
11 jurisdiction where the office of elected jailer has been merged with the
12 office of sheriff who has successfully completed Department of
13 Corrections basic training and maintains his or her current in-service
14 training when expressly authorized to do so by the unit of government
15 by which he or she is employed; and

16 4. The following persons, if they hold a concealed deadly weapon license
17 pursuant to KRS 237.110 or 237.138 to 237.142:

18 a. A Commonwealth's attorney or assistant Commonwealth's
19 attorney;

20 b. A retired Commonwealth's attorney or retired assistant
21 Commonwealth's attorney;

22 c. A county attorney or assistant county attorney;

23 d. A retired county attorney or retired assistant county attorney;

24 e. A justice or judge of the Court of Justice;

25 f. A retired or senior status justice or judge of the Court of Justice;

26 and

27 g. A retired peace officer who holds a concealed deadly weapon

1 *license issued pursuant to the Law Enforcement Officers Safety*
2 *Act, 18 U.S.C. sec. 926C, and KRS 237.138 to 237.142.*

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

12 *(c) A person specified in subsection (6) of this section who is issued a concealed*
13 *deadly weapon license shall be issued a license which bears on its face the*
14 *statement that it is valid at all locations within the Commonwealth of*
15 *Kentucky and may have such other identifying characteristics as*
16 *determined by the Department of Kentucky State Police.*

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

26 (b) The provisions of this subsection shall not authorize a person specified in this
27 subsection to carry a concealed deadly weapon in a detention facility as

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

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

21 (9) The provisions of this section shall not apply to a person who carries a concealed
22 deadly weapon on or about his or her person:

23 (a) If he or she is the owner of the property or has the permission of the owner of
24 the property, on real property which he or she or his or her spouse, parent,
25 grandparent, or child owns;

26 (b) If he or she is the lessee of the property or has the permission of the lessee of
27 the property, on real property which he or she or his or her spouse, parent,

1 grandparent, or child occupies pursuant to a lease; or

2 (c) If he or she is the sole proprietor of the business, on real property owned or
3 leased by the business.

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

7 ➔Section 3. KRS 527.070 is amended to read as follows:

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

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

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

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

27 (3) The provisions of this section prohibiting the unlawful possession of a weapon on

1 school property shall not apply to:

- 2 (a) An adult who is not a pupil of any secondary school and who possesses a
3 firearm, if the firearm is contained within a vehicle operated by the adult and
4 is not removed from the vehicle, except for a purpose permitted herein, or
5 brandished by the adult, or by any other person acting with expressed or
6 implied consent of the adult, while the vehicle is on school property;
- 7 (b) Any pupils who are members of the reserve officers training corps or pupils
8 enrolled in a course of instruction or members of a school club or team, to the
9 extent they are required to carry arms or weapons in the discharge of their
10 official class or team duties;
- 11 (c) Any person [~~peace officer or police officer~~] authorized to carry a concealed
12 weapon pursuant to KRS 527.020;
- 13 (d) Persons employed by the Armed Forces of the United States or members of
14 the National Guard or militia when required in the discharge of their official
15 duties to carry arms or weapons;
- 16 (e) Civil officers of the United States in the discharge of their official duties[
17 ~~Nothing in this section shall be construed as to allow any person to carry a~~
18 ~~concealed weapon into a public or private elementary or secondary school~~
19 ~~building~~];
- 20 (f) Any other persons, including, but not limited to, exhibitors of historical
21 displays, who have been authorized to carry a firearm by the board of
22 education or board of trustees of the public or private institution;
- 23 (g) A person hunting during the lawful hunting season on lands owned by any
24 public or private educational institution and designated as open to hunting by
25 the board of education or board of trustees of the educational institution;
- 26 (h) A person possessing unloaded hunting weapons while traversing the grounds
27 of any public or private educational institution for the purpose of gaining

1 access to public or private lands open to hunting with the intent to hunt on the
2 public or private lands, unless the lands of the educational institution are
3 posted prohibiting the entry; or

4 (i) A person possessing guns or knives when conducting or attending a "gun and
5 knife show" when the program has been approved by the board of education
6 or board of trustees of the educational institution.

7 (4) Unlawful possession of a weapon on school property is a Class D felony.