

1 AN ACT relating to firearms.

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

3 ➔Section 1. KRS 237.104 is amended to read as follows:

- 4 (1) No person, unit of government, or governmental organization shall, during a period
5 of disaster or emergency as specified in KRS Chapter 39A or at any other time:~~[-]~~
- 6 ***(a) Have the right to revoke, suspend, limit the use of, or otherwise impair the***
7 ***validity of the right of any person to sell, purchase, transfer, loan, own,***
8 ***possess, carry, transport, store, display, or use a firearm, firearm part, firearm***
9 ***accessory, ammunition, ammunition component, ammunition-reloading***
10 ***equipment and supplies, or any deadly weapon or dangerous instrument:~~[-]~~***
- 11 ~~***(b)(2) [No person, unit of government, or governmental organization shall,***~~
12 ~~***during a period of disaster or emergency as specified in KRS Chapter 39A or***~~
13 ~~***at any other time,]Take, seize, confiscate, or impound a firearm, firearm part,***~~
14 ~~***firearm accessory, ammunition, ammunition component, ammunition-***~~
15 ~~***reloading equipment and supplies, or any deadly weapon or dangerous***~~
16 ~~***instrument from any person:~~[-]~~***~~
- 17 ***(c) Require registration of a firearm, firearm part, firearm accessory,***
18 ***ammunition, ammunition component, ammunition-reloading equipment***
19 ***and supplies, or any deadly weapon or dangerous instrument;***
- 20 ***(d) Suspend or revoke a license to carry a concealed firearm or other deadly***
21 ***weapon issued pursuant to KRS 237.110, except as expressly authorized***
22 ***under KRS 237.110;***
- 23 ***(e) Refuse to accept an application for a license to carry a concealed firearm or***
24 ***other deadly weapon, provided the application has been properly completed***
25 ***in accordance with KRS 237.110;***
- 26 ***(f) Close or limit the operating hours of any entity engaged in the lawful sale***
27 ***or servicing of any firearm, firearm part, firearm accessory, ammunition,***

1 ammunition component, ammunition-reloading equipment and supplies, or
 2 any deadly weapon or dangerous instrument, unless the closure or
 3 limitation of hours applies equally to all forms of commerce within the
 4 authority of the person, unit of government, or governmental organization
 5 ordering the closure or limitation of hours to regulate;

6 (g) Close or limit the operating hours of any indoor or outdoor shooting range;

7 or

8 (h) Place quantity limitations or restrictions on any entity regarding the lawful
 9 sale or servicing of any firearm, firearm part, firearm accessory,
 10 ammunition, ammunition component, ammunition-reloading equipment
 11 and supplies, or any deadly weapon or dangerous instrument.

12 ~~(2)~~~~(3)~~ The provisions of this section shall not apply to the taking of an item specified

13 in subsection (1) ~~or (2)~~ of this section from a person who is:

14 (a) Forbidden to possess a firearm pursuant to KRS 527.040;

15 (b) Forbidden to possess a firearm pursuant to federal law;

16 (c) Violating KRS 527.020;

17 (d) In possession of a stolen firearm;

18 (e) Using a firearm in the commission of a separate criminal offense; or

19 (f) Using a firearm or other weapon in the commission of an offense under KRS
 20 Chapter 150.

21 (3) (a) An individual injured by any act in violation of this section shall have a civil
 22 cause of action in Circuit Court to enjoin further violations, and to recover
 23 the actual damages sustained, together with the costs of the lawsuit,
 24 including reasonable attorney's fees.

25 (b) In addition to any other remedy, an individual who suffers the seizure or
 26 confiscation of his or her property in violation of this section shall have a
 27 civil cause of action in Circuit Court for the return of the property seized or

1
2
3
4
5
6
7
8
9
10
11
12
13

confiscated.

(c) For the purposes of this section, an individual is injured if either of the following applies:

1. The individual is a person who:

a. Lawfully resides within the United States;

b. May legally possess a firearm under the laws of Kentucky; and

c. Is or was subject to any action in violation of this section; or

2. The individual is a membership organization that:

a. Includes two (2) or more members who are persons described in subparagraph 1. of this subsection; and

b. Is dedicated in whole or in part to protecting the rights of persons who possess, own, or use firearms for competition, sport, defense, or other lawful purpose.