

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 527 IS CREATED TO  
4 READ AS FOLLOWS:

5 (1) As used in this section:

6 (a) "Ammunition" means fixed cartridge ammunition, shotgun shells,  
7 individual components of fixed cartridge ammunition or shotgun shells,  
8 projectiles for muzzle-loading firearms, or any propellant used in firearms  
9 or ammunition;

10 (b) "Firearm" has the same meaning as KRS 527.010;

11 (c) "Firearm accessory" means an item that is used in conjunction with or  
12 mounted on a firearm but is not essential to the basic function of the  
13 firearm. The term includes a detachable firearm magazine; and

14 (d) "State funds" means money appropriated by the legislature or money under  
15 the control or direction of a state agency.

16 (2) Notwithstanding any other law, an agency of this state, a political subdivision of  
17 this state, or a person employed by an agency of this state or a political  
18 subdivision of this state may not contract with or in any other manner provide  
19 assistance to a federal agency or official with respect to the enforcement of a  
20 federal statute, order, rule, or regulation that:

21 (a) Imposes a prohibition, restriction, or other regulation that does not exist  
22 under the laws of this state; and

23 (b) Relates to:

24 1. A registry requirement for a firearm, a firearm accessory, or  
25 ammunition;

26 2. A requirement that an owner of a firearm, a firearm accessory, or  
27 ammunition possess a license as a condition of owning, possessing, or

- 1                   carrying the firearm, firearm accessory, or ammunition;
- 2                   3. A requirement that a background check be conducted for the private
- 3                   sale or transfer of a firearm, a firearm accessory, or ammunition;
- 4                   4. A program for confiscating a firearm, a firearm accessory, or
- 5                   ammunition from a person who is not otherwise prohibited by the laws
- 6                   of this state from possessing the firearm, firearm accessory, or
- 7                   ammunition; or
- 8                   5. A program that requires an owner of a firearm, a firearm accessory or
- 9                   ammunition to sell the firearm, firearm accessory, or ammunition.
- 10                  (3) A person commits an offense if, in the person's official capacity as an officer of
- 11                  an agency of this state or a political subdivision of this state, or as a person
- 12                  employed by or otherwise under the direction or control of an agency of this state
- 13                  or a political subdivision of this state, or under color of law, the person knowingly
- 14                  enforces or attempts to enforce any federal statute, order, rule, or regulation
- 15                  described by subsection (2) of this section. An offense under this subsection is a
- 16                  Class B misdemeanor for the first offense and a Class A misdemeanor for each
- 17                  subsequent offense.
- 18                  (4) Any person who violates subsection (2) of this section while acting in his or her
- 19                  official capacity is subject to termination from employment to the extent
- 20                  allowable under state law and, if the person is a public servant at the time of
- 21                  conviction, shall forfeit the person's position or provide grounds for removal
- 22                  from office.
- 23                  (5) A political subdivision of this state may not receive state funds if the political
- 24                  subdivision enters into a contract or adopts a rule, order, ordinance, or policy
- 25                  under which the political subdivision requires or assists with the enforcement of
- 26                  any federal statute, order, rule, or regulation described in subsection (2) of this
- 27                  section or, by consistent actions, requires or assists with the enforcement of any

1 federal statute, rule, order, rule, or regulation described by subsection (2) of this  
2 section.

3 (6) A person residing in the jurisdiction of a political subdivision of this state may  
4 file a complaint with the Attorney General if the person offers evidence to support  
5 an allegation that the political subdivision has entered into a contract or adopted  
6 a rule, order, ordinance, or policy under which the political subdivision requires  
7 or assists with the enforcement of any federal statute, order, rule, or regulation  
8 described in subsection (2) of this section or evidence to support an allegation  
9 that the political subdivision, by consistent actions, requires or assists with the  
10 enforcement of any federal statute, order, rule, or regulation described in  
11 subsection (2) of this section. The Person must include with the complaint the  
12 evidence the person has that supports the complaint.

13 (7) If the Attorney General determines that a complaint filed under subsection (6) of  
14 this section against a political subdivision of this state is valid, the Attorney  
15 General may file a petition for a writ of mandamus or apply for other appropriate  
16 equitable relief in Franklin Circuit Court or in the Circuit Court of the county in  
17 which the principal office of the political subdivision is located to compel the  
18 political subdivision to comply with subsection (2) of this section. The attorney  
19 general may recover reasonable expenses incurred in obtaining relief under this  
20 subsection, including court costs, reasonable attorney's fees, investigative costs,  
21 witness fees, and deposition costs.

22 (8) An appeal of a suit brought under subsection (7) of this section shall be  
23 expedited. The appellate court shall render its final order or judgment with the  
24 least possible delay.

25 (9) The Attorney General shall defend any agency of this state in a suit brought  
26 against the agency by the federal government for an action or omission consistent  
27 with the requirements of this section.

1 **(10) The Attorney General and the county attorney shall have concurrent jurisdiction**  
2 **to enforce the provisions of this section.**

3 **(11) A federal officer or agent, or a person otherwise under the direction or control of**  
4 **a federal agency, who arrests, or attempts to arrest, any state or local government**  
5 **official for compliance with this section, or who attempts to enforce any federal**  
6 **statute, order, rule, or regulation described by subsection (2) of this section, shall**  
7 **be subject to arrest by state or local law enforcement.**

8 ➔Section 2. The changes in law made by Section 1 of this Act apply only to  
9 conduct that occurs on or after the effective date of this Act. Conduct that occurs before  
10 the effective date of this Act is governed by the law in effect immediately before the  
11 effective date of this Act, and that law is continued in effect for that purpose.

12 ➔Section 3. The changes in law made by Section 1 of this Act apply only to an  
13 offense committed on or after the effective date of this Act. An offense committed before  
14 the effective date of this Act is governed by the law in effect when the offense was  
15 committed, and the former law is continued in effect for that purpose. For the purposes of  
16 this section, an offense is committed before the effective date of this Act if any element  
17 of the offense occurs before the effective date.

18 ➔Section 4. This Act may be cited as the Kentucky 2nd Amendment Preservation  
19 Act.

20 ➔Section 5. Whereas the right to keep and bear arms is a fundamental individual  
21 right that shall not be infringed, an emergency is declared to exist, and this Act takes  
22 effect upon its passage and approval by the Governor or upon its otherwise becoming  
23 law.