

1 AN ACT relating to local firearms control and declaring an emergency.

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 ~~A[(1)No existing or future]~~ city, county, urban-county government, charter county,
5 consolidated local government, **or** unified local government~~[, special district, local~~
6 ~~or regional public or quasi-public agency, board, commission, department, public~~
7 ~~corporation, or any person acting under the authority of any of these organizations]~~
8 may **enact ordinances regulating**~~[occupy any part of the field of regulation of]~~ the
9 manufacture, sale, purchase, taxation, transfer, ownership, possession, carrying,
10 storage, or transportation of firearms, ammunition, components of firearms,
11 components of ammunition, firearms accessories, or combination thereof, **but any**
12 **such ordinance shall not impose a requirement that is less restrictive than state**
13 **law.**

14 ~~[(2) Any existing or future ordinance, executive order, administrative regulation, policy,~~
15 ~~procedure, rule, or any other form of executive or legislative action in violation of~~
16 ~~this section or the spirit thereof is hereby declared null, void, and unenforceable.~~

17 ~~(3) Any person or organization specified in subsection (1) of this section shall repeal,~~
18 ~~rescind, or amend to conform, any ordinance, administrative regulation, executive~~
19 ~~order, policy, procedure, rule, or other form of executive or legislative action in~~
20 ~~violation of this section or the spirit thereof within six (6) months after July 12,~~
21 ~~2012.~~

22 ~~(4) Pursuant to Section 231 of the Constitution of Kentucky, insofar as any person or~~
23 ~~organization specified in subsection (1) of this section is considered an agent of the~~
24 ~~Commonwealth, it is the intent of the General Assembly to exempt them from any~~
25 ~~immunity provided in Section 231 of the Constitution of Kentucky to the extent~~
26 ~~provided in this section. A person or an organization whose membership is~~
27 ~~adversely affected by any ordinance, administrative regulation, executive order,~~

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

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

8 ~~and~~

9 ~~(b) Expert witness fees and expenses.~~

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

19 ~~(6) A violation of this section by a public servant shall be a violation of either KRS~~
20 ~~522.020 or 522.030, depending on the circumstances of the violation.~~

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

24 ➔ Section 2. KRS 237.115 is amended to read as follows:

25 (1) Except as provided in KRS 527.020, nothing contained in KRS 237.109 or 237.110
26 shall be construed to limit, restrict, or prohibit in any manner the right of a college,
27 university, or any postsecondary education facility, including technical schools and

1 community colleges, to control the possession of deadly weapons on any property
2 owned or controlled by them or the right of a unit of state, city, county, urban-
3 county, or charter county government to prohibit the carrying of concealed deadly
4 weapons in that portion of a building actually owned, leased, or occupied by that
5 unit of government.

6 (2) Except as provided in KRS 527.020, the legislative body of a state, city, county, or
7 urban-county government may, by statute, administrative regulation, or ordinance,
8 prohibit or limit the carrying of concealed deadly weapons in that portion of a
9 building owned, leased, or controlled by that unit of government. That portion of a
10 building in which the carrying of concealed deadly weapons is prohibited or limited
11 shall be clearly identified by signs posted at the entrance to the restricted area. The
12 statute or ordinance shall exempt any building used for public housing by private
13 persons, highway rest areas, firing ranges, and private dwellings owned, leased, or
14 controlled by that unit of government from any restriction on the carrying or
15 possession of deadly weapons. The statute, administrative regulation, or ordinance
16 shall not specify any criminal penalty for its violation but may specify that persons
17 violating the statute or ordinance may be denied entrance to the building, ordered to
18 leave the building, and if employees of the unit of government, be subject to
19 employee disciplinary measures for violation of the provisions of the statute or
20 ordinance. ~~[The provisions of this section shall not be deemed to be a violation of~~
21 ~~KRS 65.870 if the requirements of this section are followed.]~~ The provisions of this
22 section shall not apply to any other unit of government.

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

27 ➔Section 3. Whereas the Commonwealth of Kentucky continues to suffer from

- 1 gun violence, which is having immediate and significant impacts on local communities,
- 2 an emergency is declared to exist, and this Act takes effect upon its passage and approval
- 3 by the Governor or upon its otherwise becoming law.