

1 AN ACT relating to gun safety for children.

2 WHEREAS, guns which are not stored safely or securely pose a clear safety risk to  
3 children in the form of unintentional gun deaths, youth suicides, and school shootings;  
4 and

5 WHEREAS, studies show that between 70 percent and 90 percent of guns used in  
6 youth suicides, unintentional shootings among children, and school shootings perpetrated  
7 by shooters under the age of 18 are acquired from the home or the homes of relatives or  
8 friends; and

9 WHEREAS, it is imperative to impose liability on adults for failing to take simple  
10 yet important measures to prevent unsupervised access to guns by young hands;

11 NOW, THEREFORE,

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

13 ➔Section 1. KRS 527.010 is amended to read as follows:

14 The following definitions apply in this chapter unless the context otherwise requires:

15 (1) "Booby trap device" ***has***~~[shall have]~~ the same meaning as~~[set forth]~~ in KRS  
16 237.030;~~[ ]~~

17 (2) "Deface" means to remove, deface, cover, alter, or destroy the manufacturer's serial  
18 number or any other distinguishing number or identification mark;~~[ ]~~

19 (3) "Destructive device" ***has***~~[shall have]~~ the same meaning as~~[set forth]~~ in KRS  
20 237.030;~~[ ]~~

21 (4) "Firearm" means any weapon which will expel a projectile by the action of an  
22 explosive;~~[ ]~~

23 (5) "Handgun" means any pistol or revolver originally designed to be fired by the use  
24 of a single hand, or any other firearm originally designed to be fired by the use of a  
25 single hand; ***and***

26 **(6) "Securely locked container":**

27 **(a) Means a container that is fully enclosed and locked by a padlock, keylock,**

1                   combination lock, or similar locking device; and  
2                   (b) Does not include the glove compartment of a motor vehicle unless the glove  
3                   compartment can be manually locked.

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

6                   (1) A person is guilty of unlawful storage of a firearm when:

7                   (a) He or she recklessly stores or leaves a firearm in a manner which allows a  
8                   minor to have unsupervised access to a firearm that is not secured by:

9                   1. A securely locked container;

10                   2. A device or mechanism, other than the firearm safety, designed to  
11                   render the firearm temporarily inoperable; or

12                   3. Carrying the firearm on his or her body; and

13                   (b) A minor, without permission of the minor's parent or guardian, accesses the  
14                   firearm.

15                   (2) Unlawful storage of a firearm is a Class B misdemeanor unless the minor,  
16                   without legal justification, uses the firearm in a manner which results in physical  
17                   injury, serious physical injury, or death to the minor or another person, in which  
18                   case it is a Class A misdemeanor.

19                   (3) A person charged with unlawful storage of a firearm shall have an affirmative  
20                   defense that a minor obtained a firearm through the minor's unlawful entry of  
21                   any premises or the motor vehicle where the firearm has been stored.

22                   ➔Section 3. This Act may be cited as the Baby Dre Gun Safety Act.