

1 AN ACT relating to firearms.

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

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 16 IS CREATED TO
4 READ AS FOLLOWS:

- 5 *(1) The department shall establish and maintain the Kentucky Voluntary Do Not Sell*
6 *Firearms List in the Commonwealth of Kentucky to prohibit the possession,*
7 *transportation, and sale of firearms to any person who voluntarily registers*
8 *himself or herself to be enrolled into the list. The department shall promulgate*
9 *administrative regulations and develop any policies necessary for the*
10 *implementation of this section.*
- 11 *(2) Any person eighteen (18) years of age or older may apply in writing to the*
12 *department to request voluntary enrollment into the Kentucky Voluntary Do Not*
13 *Sell Firearms List and, after being enrolled into the list, may apply in writing to*
14 *the department to request removal from the list.*
- 15 *(3) Any person requesting enrollment into or removal from the Kentucky Voluntary*
16 *Do Not Sell Firearms List shall submit a photocopy of one (1) valid form of photo*
17 *identification issued by a governmental agency of the applicant's state of*
18 *residency or by the United States Department of Defense or an official United*
19 *States passport to accompany the enrollment and removal forms. Enrollment and*
20 *removal requests may be submitted to the department by mail or in person at any*
21 *department office location.*
- 22 *(4) The application for enrollment into and removal from the list shall be on forms*
23 *prescribed by the department. The department shall make the forms available on*
24 *the department's Web site. The forms shall state that any person enrolled into the*
25 *Kentucky Voluntary Do Not Sell Firearms List shall not be removed from the list*
26 *until twenty-one (21) days after the department receives an application for*
27 *removal.*

1 (5) Upon enrolling a person into the Kentucky Voluntary Do Not Sell Firearms List,
 2 the department shall forward a person's eligibility to purchase, possess, or
 3 transport a firearm to the National Instant Criminal Background Check System.
 4 The department shall notify the person by mail that he or she has been enrolled
 5 into the Kentucky Voluntary Do Not Sell Firearms List.

6 (6) Upon enrolling a person into the Kentucky Voluntary Do Not Sell Firearms List,
 7 the department shall revoke any existing license to carry concealed firearms held
 8 by the person.

9 (7) The department shall not remove any person from the Kentucky Voluntary Do
 10 Not Sell Firearms List until twenty-one (21) days after receipt of the person's
 11 removal request. Upon removal of a person's name from the list, the department
 12 shall update the person's eligibility to purchase, possess, or transport a firearm to
 13 the National Instant Criminal Background Check System and shall destroy all
 14 records of enrollment into and request for removal from the list.

15 (8) The department shall withhold from public disclosure all information regarding
 16 a request to be enrolled into or removed from the Kentucky Voluntary Do Not
 17 Sell Firearms List and any other personal identifying information contained in or
 18 related to the list, except that the information may be disclosed to a law
 19 enforcement officer acting in the performance of his or her official duties or to
 20 the applicant with respect to his or her own information.

21 ➔SECTION 2. A NEW SECTION OF KRS CHAPTER 16 IS CREATED TO
 22 READ AS FOLLOWS:

23 The following acts are prohibited:

24 (1) A person who intentionally discriminates against another person with respect to
 25 his or her health care services, employment, education, housing, insurance,
 26 governmental benefits, or contracting because of that person's present or past
 27 status on the Kentucky Voluntary Do Not Sell Firearms List is guilty of a Class A

1 *misdemeanor.*

2 *(2) A person who knowingly makes any false statement to the department with the*
 3 *intent of enrolling or removing any other person into or from the Kentucky*
 4 *Voluntary Do Not Sell Firearms List is guilty of a Class A misdemeanor.*

5 *(3) A person enrolled into the Kentucky Voluntary Do Not Sell Firearms List who*
 6 *knowingly purchases, possesses, or transfers a firearm is guilty of a Class B*
 7 *misdemeanor.*

8 ➔Section 3. KRS 237.110 is amended to read as follows:

9 (1) The Department of Kentucky State Police is authorized to issue and renew licenses
 10 to carry concealed firearms or other deadly weapons, or a combination thereof, to
 11 persons qualified as provided in this section.

12 (2) An original or renewal license issued pursuant to this section shall:

13 (a) Be valid throughout the Commonwealth and, except as provided in this
 14 section or other specific section of the Kentucky Revised Statutes or federal
 15 law, permit the holder of the license to carry firearms, ammunition, or other
 16 deadly weapons, or a combination thereof, at any location in the
 17 Commonwealth;

18 (b) Unless revoked or suspended as provided by law, be valid for a period of five
 19 (5) years from the date of issuance;

20 (c) Authorize the holder of the license to carry a concealed firearm or other
 21 deadly weapon, or a combination thereof, on or about his or her person; and

22 (d) Authorize the holder of the license to carry ammunition for a firearm on or
 23 about his or her person.

24 (3) Prior to the issuance of an original or renewal license to carry a concealed deadly
 25 weapon, the Department of Kentucky State Police, upon receipt of a completed
 26 application, applicable fees, and any documentation required by this section or
 27 administrative regulation promulgated by the Department of Kentucky State Police,

1 shall conduct a background check to ascertain whether the applicant is eligible
2 under 18 U.S.C. sec. 922(g) and (n), any other applicable federal law, and state law
3 to purchase, receive, or possess a firearm or ammunition, or both. The background
4 check shall include:

- 5 (a) A state records check covering the items specified in this subsection, together
6 with any other requirements of this section;
- 7 (b) A federal records check, which shall include a National Instant Criminal
8 Background Check System (NICS) check;
- 9 (c) A federal Immigration Alien Query if the person is an alien who has been
10 lawfully admitted to the United States by the United States government or an
11 agency thereof; and
- 12 (d) In addition to the Immigration Alien Query, if the applicant has not been
13 lawfully admitted to the United States under permanent resident status, the
14 Department of Kentucky State Police shall, if a doubt exists relating to an
15 alien's eligibility to purchase a firearm, consult with the United States
16 Department of Homeland Security, United States Department of Justice,
17 United States Department of State, or other federal agency to confirm whether
18 the alien is eligible to purchase a firearm in the United States, bring a firearm
19 into the United States, or possess a firearm in the United States under federal
20 law.

21 (4) The Department of Kentucky State Police shall issue an original or renewal license
22 if the applicant:

- 23 (a) Is not prohibited from the purchase, receipt, or possession of firearms,
24 ammunition, or both pursuant to 18 U.S.C. 922(g), 18 U.S.C. 922(n), or
25 applicable federal or state law;
- 26 (b) 1. Is a citizen of the United States who is a resident of this Commonwealth;
27 2. Is a citizen of the United States who is a member of the Armed Forces of

- 1 the United States who is on active duty, who is at the time of application
2 assigned to a military posting in Kentucky;
- 3 3. Is lawfully admitted to the United States by the United States
4 government or an agency thereof, is permitted by federal law to purchase
5 a firearm, and is a resident of this Commonwealth; or
- 6 4. Is lawfully admitted to the United States by the United States
7 government or an agency thereof, is permitted by federal law to purchase
8 a firearm, is, at the time of the application, assigned to a military posting
9 in Kentucky, and has been assigned to a posting in the Commonwealth;
- 10 (c) Is twenty-one (21) years of age or older;
- 11 (d) Has not been committed to a state or federal facility for the abuse of a
12 controlled substance or been convicted of a misdemeanor violation of KRS
13 Chapter 218A or similar laws of any other state relating to controlled
14 substances, within a three (3) year period immediately preceding the date on
15 which the application is submitted;
- 16 (e) Does not chronically and habitually use alcoholic beverages as evidenced by
17 the applicant having two (2) or more convictions for violating KRS 189A.010
18 within the three (3) years immediately preceding the date on which the
19 application is submitted, or having been committed as an alcoholic pursuant to
20 KRS Chapter 222 or similar laws of another state within the three (3) year
21 period immediately preceding the date on which the application is submitted;
- 22 (f) Does not owe a child support arrearage which equals or exceeds the
23 cumulative amount which would be owed after one (1) year of nonpayment, if
24 the Department of Kentucky State Police has been notified of the arrearage by
25 the Cabinet for Health and Family Services;
- 26 (g) Has complied with any subpoena or warrant relating to child support or
27 paternity proceedings. If the Department of Kentucky State Police has not

1 been notified by the Cabinet for Health and Family Services that the applicant
2 has failed to meet this requirement, the Department of Kentucky State Police
3 shall assume that paternity and child support proceedings are not an issue;

4 (h) Has not been convicted of a violation of KRS 508.030 or 508.080 within the
5 three (3) years immediately preceding the date on which the application is
6 submitted. The commissioner of the Department of Kentucky State Police
7 may waive this requirement upon good cause shown and a determination that
8 the applicant is not a danger and that a waiver would not violate federal law;

9 (i) Demonstrates competence with a firearm by successful completion of a
10 firearms safety or training course that is conducted by a firearms instructor
11 who is certified by a national organization with membership open to residents
12 of any state or territory of the United States, which was created to promote
13 firearms education, safety, and the profession of firearms use and training, and
14 to foster professional behavior in its members. The organization shall require
15 members to adhere to its own code of ethics and conduct a program which
16 certifies firearms instructors and includes the use of written tests, in person
17 instruction, and a component of live-fire training. These national
18 organizations shall include but are not limited to the National Rifle
19 Association, the United States Concealed Carry Association, and the National
20 Shooting Sports Foundation. The training requirement may also be fulfilled
21 through any firearms safety course offered or approved by the Department of
22 Criminal Justice Training. The firearms safety course offered or approved by
23 the Department of Criminal Justice Training shall:

- 24 1. Be not more than eight (8) hours in length;
- 25 2. Include instruction on handguns, the safe use of handguns, the care and
26 cleaning of handguns, and handgun marksmanship principles;
- 27 3. Include actual range firing of a handgun in a safe manner, and the firing

- 1 of not more than twenty (20) rounds at a full-size silhouette target,
2 during which firing, not less than eleven (11) rounds must hit the
3 silhouette portion of the target; and
- 4 4. Include information on and a copy of laws relating to possession and
5 carrying of firearms, as set forth in KRS Chapters 237 and 527, and the
6 laws relating to the use of force, as set forth in KRS Chapter 503;~~and~~
- 7 (j) Demonstrates knowledge of the law regarding the justifiable use of force by
8 including with the application a copy of the concealed carry deadly weapons
9 legal handout made available by the Department of Criminal Justice Training
10 and a signed statement that indicates that applicant has read and understands
11 the handout; and
- 12 **(k) Is not enrolled into the Kentucky Voluntary Do Not Sell Firearms List**
13 **established pursuant to Section 1 of this Act.**
- 14 (5) (a) A legible photocopy or electronic copy of a certificate of completion issued by
15 a firearms instructor certified by a national organization or the Department of
16 Criminal Justice Training shall constitute evidence of qualification under
17 subsection (4)(i) of this section.
- 18 (b) Persons qualifying under subsection (6)(d) of this section may submit with
19 their application:
- 20 1. At least one (1) of the following paper or electronic forms or their
21 successor forms showing evidence of handgun training or handgun
22 qualifications:
- 23 a. Department of Defense Form DD 2586;
24 b. Department of Defense Form DD 214;
25 c. Coast Guard Form CG 3029;
26 d. Department of the Army Form DA 88-R;
27 e. Department of the Army Form DA 5704-R;

- 1 f. Department of the Navy Form OPNAV 3591-1; or
- 2 g. Department of the Air Force Form AF 522; or
- 3 2. a. Documentary evidence of an honorable discharge; and
- 4 b. A notarized affidavit on a form provided by the Department of
- 5 Kentucky State Police, signed under penalty of perjury, stating the
- 6 person has met the training requirements of subsection (6)(d) of
- 7 this section.
- 8 (6) (a) Peace officers who are currently certified as peace officers by the Kentucky
- 9 Law Enforcement Council pursuant to KRS 15.380 to 15.404 and peace
- 10 officers who are retired and are members of the Kentucky Employees
- 11 Retirement System, State Police Retirement System, or County Employees
- 12 Retirement System or other retirement system operated by or for a city,
- 13 county, or urban-county in Kentucky shall be deemed to have met the training
- 14 requirement.
- 15 (b) Current and retired peace officers of the following federal agencies shall be
- 16 deemed to have met the training requirement:
- 17 1. Any peace officer employed by a federal agency specified in KRS
- 18 61.365;
- 19 2. Any peace officer employed by a federal civilian law enforcement
- 20 agency not specified above who has successfully completed the basic
- 21 law enforcement training course required by that agency;
- 22 3. Any military peace officer of the United States Army, Navy, Marine
- 23 Corps, or Air Force, or a reserve component thereof, or of the Army
- 24 National Guard or Air National Guard who has successfully completed
- 25 the military law enforcement training course required by that branch of
- 26 the military;
- 27 4. Any member of the United States Coast Guard serving in a peace officer

1 role who has successfully completed the law enforcement training
2 course specified by the United States Coast Guard.

3 (c) Corrections officers who are currently employed by a consolidated local
4 government, an urban-county government, or the Department of Corrections
5 who have successfully completed a basic firearms training course required for
6 their employment, and corrections officers who were formerly employed by a
7 consolidated local government, an urban-county government, or the
8 Department of Corrections who are retired, and who successfully completed a
9 basic firearms training course required for their employment, and are members
10 of a state-administered retirement system or other retirement system operated
11 by or for a city, county, or urban-county government in Kentucky shall be
12 deemed to have met the training requirement.

13 (d) Active or honorably discharged service members in the United States Army,
14 Navy, Marine Corps, Air Force, or Coast Guard, or a reserve component
15 thereof, or of the Army National Guard or Air National Guard shall be
16 deemed to have met the training requirement if these persons:

17 1. Successfully completed handgun training which was conducted by the
18 United States Army, Navy, Marine Corps, Air Force, or Coast Guard, or
19 a reserve component thereof, or of the Army National Guard or Air
20 National Guard; or

21 2. Successfully completed handgun qualification within the United States
22 Army, Navy, Marine Corps, Air Force, or Coast Guard, or a reserve
23 component thereof, or of the Army Guard or Air Force National Guard.

24 (7) (a) 1. A paper application for a license, or renewal of a license, to carry a
25 concealed deadly weapon shall be obtained from and submitted to the
26 office of the sheriff in the county in which the person resides.

27 2. An applicant, in lieu of a paper application, may submit an electronic

1 application for a license, or renewal of a license, to carry a concealed
2 deadly weapon to the Department of Kentucky State Police.

3 3. Persons qualifying under subsection (6)(d) of this section shall be
4 supplied the information in subsection (4)(i)4. of this section upon
5 obtaining an application.

6 (b) 1. The completed paper application and any documentation required by this
7 section plus an application fee or renewal fee, as appropriate, of sixty
8 dollars (\$60) shall be presented to the office of the sheriff of the county
9 in which the applicant resides.

10 2. The sheriff shall transmit the paper application and accompanying
11 material to the Department of Kentucky State Police within five (5)
12 working days.

13 3. Twenty dollars (\$20) of the paper application fee shall be retained by the
14 office of the sheriff for official expenses of the office. Twenty dollars
15 (\$20) shall be sent to the Department of Kentucky State Police with the
16 application. Ten dollars (\$10) shall be transmitted by the sheriff to the
17 Administrative Office of the Courts to fund background checks for
18 youth leaders, and ten dollars (\$10) shall be transmitted to the
19 Administrative Office of the Courts to fund background checks for
20 applicants for concealed weapons.

21 (c) 1. A completed electronic application submitted in lieu of a paper
22 application, any documentation required by this section, and an
23 application fee or renewal fee, as appropriate, of seventy dollars (\$70)
24 shall be presented to the Department of Kentucky State Police.

25 2. If an electronic application is submitted in lieu of a paper application,
26 thirty dollars (\$30) of the electronic application fee shall be retained by
27 the Department of Kentucky State Police. Twenty dollars (\$20) shall be

1 sent to the office of the sheriff of the applicant's county of residence for
2 official expenses of the office. Ten dollars (\$10) shall be transmitted to
3 the Administrative Office of the Courts to fund background checks for
4 youth leaders, and ten dollars (\$10) shall be transmitted to the
5 Administrative Office of the Courts to fund background checks for
6 applicants for concealed weapon carry permits.

7 (d) A full-time or part-time peace officer who is currently certified as a peace
8 officer by the Kentucky Law Enforcement Council and who is authorized by
9 his or her employer or government authority to carry a concealed deadly
10 weapon at all times and all locations within the Commonwealth pursuant to
11 KRS 527.020, or a retired peace officer who is a member of the Kentucky
12 Employees Retirement System, State Police Retirement System, County
13 Employees Retirement System, or other retirement system operated by or for a
14 city, county, or urban-county government in Kentucky, shall be exempt from
15 paying the paper or electronic application or renewal fees.

16 (e) The application, whether paper or electronic, shall be completed, under oath,
17 on a form or in a manner promulgated by the Department of Kentucky State
18 Police by administrative regulation which shall include:

19 1. a. The name, address, place and date of birth, citizenship, gender,
20 Social Security number of the applicant; and

21 b. If not a citizen of the United States, alien registration number if
22 applicable, passport number, visa number, mother's maiden name,
23 and other information necessary to determine the immigration
24 status and eligibility to purchase a firearm under federal law of a
25 person who is not a citizen of the United States;

26 2. A statement that, to the best of his or her knowledge, the applicant is in
27 compliance with criteria contained within subsections (3) and (4) of this

- 1 section;
- 2 3. A statement that the applicant, if qualifying under subsection (6)(c) of
- 3 this section, has provided:
- 4 a. At least one (1) of the forms listed in subsection (5) of this section;
- 5 or
- 6 b. i. Documentary evidence of an honorable discharge; and
- 7 ii. A notarized affidavit on a form provided by the Department
- 8 of Kentucky State Police stating the person has met the
- 9 training requirements of subsection (6)(c) of this section;
- 10 4. A statement that the applicant has been furnished a copy of this section
- 11 and is knowledgeable about its provisions;
- 12 5. A statement that the applicant has been furnished a copy of, has read,
- 13 and understands KRS Chapter 503 as it pertains to the use of deadly
- 14 force for self-defense in Kentucky; and
- 15 6. A conspicuous warning that the application is executed under oath and
- 16 that a materially false answer to any question, or the submission of any
- 17 materially false document by the applicant, subjects the applicant to
- 18 criminal prosecution under KRS 523.030.
- 19 (8) The applicant shall submit to the sheriff of the applicant's county of residence or
- 20 county of military posting if submitting a paper application, or to the Department of
- 21 Kentucky State Police if submitting an electronic application:
- 22 (a) A completed application as described in subsection (7) of this section;
- 23 (b) A recent color photograph of the applicant, as prescribed by administrative
- 24 regulation;
- 25 (c) A paper or electronic certificate or an affidavit or document as described in
- 26 subsection (5) of this section;
- 27 (d) A paper or electronic document establishing the training exemption as

1 described in subsection (6) of this section; and

2 (e) For an applicant who is not a citizen of the United States and has been
3 lawfully admitted to the United States by the United States government or an
4 agency thereof, an affidavit as prescribed by administrative regulation
5 concerning his or her immigration status and his or her United States
6 government issued:

- 7 1. Permanent Resident Card I-551 or its equivalent successor
8 identification;
- 9 2. Other United States government issued evidence of lawful admission to
10 the United States which includes the category of admission, if admission
11 has not been granted as a permanent resident; and
- 12 3. Evidence of compliance with the provisions of 18 U.S.C. sec. 922(g)(5),
13 18 U.S.C. sec. 922(d)(5), or 18 U.S.C. sec. 922(y)(2), and 27 C.F.R. Part
14 178, including, as appropriate, but not limited to evidence of ninety (90)
15 day residence in the Commonwealth, a valid current Kentucky hunting
16 license if claiming exemption as a hunter, or other evidence of eligibility
17 to purchase a firearm by an alien which is required by federal law or
18 regulation.

19 If an applicant presents identification specified in this paragraph, the sheriff
20 shall examine the identification, may record information from the
21 identification presented, and shall return the identification to the applicant.

22 (9) The Department of Kentucky State Police shall, within sixty (60) days after the date
23 of receipt of the items listed in subsection (8) of this section if the applicant
24 submitted a paper application, or within fifteen (15) business days after the date of
25 receipt of the items listed in subsection (8) of this section if the applicant applied
26 electronically, either:

27 (a) Issue the license; or

1 (b) Deny the application based solely on the grounds that the applicant fails to
2 qualify under the criteria listed in subsection (3) or (4) of this section. If the
3 Department of Kentucky State Police denies the application, it shall notify the
4 applicant in writing, stating the grounds for denial and informing the applicant
5 of a right to submit, within thirty (30) days, any additional documentation
6 relating to the grounds of denial. Upon receiving any additional
7 documentation, the Department of Kentucky State Police shall reconsider its
8 decision and inform the applicant within twenty (20) days of the result of the
9 reconsideration. The applicant shall further be informed of the right to seek de
10 novo review of the denial in the District Court of his or her place of residence
11 within ninety (90) days from the date of the letter advising the applicant of the
12 denial.

13 (10) The Department of Kentucky State Police shall maintain an automated listing of
14 license holders and pertinent information, and this information shall be available
15 upon request, at all times to all Kentucky, federal, and other states' law enforcement
16 agencies. A request for the entire list of licensees, or for all licensees in a
17 geographic area, shall be denied. Only requests relating to a named licensee shall be
18 honored or available to law enforcement agencies. Information on applications for
19 licenses, names and addresses, or other identifying information relating to license
20 holders shall be confidential and shall not be made available except to law
21 enforcement agencies. No request for lists of local or statewide permit holders shall
22 be made to any state or local law enforcement agency, peace officer, or other agency
23 of government other than the Department of Kentucky State Police, and no state or
24 local law enforcement agency, peace officer, or agency of government, other than
25 the Department of Kentucky State Police, shall provide any information to any
26 requester not entitled to it by law.

27 (11) Within thirty (30) days after the changing of a permanent address, or within thirty

1 (30) days after the loss, theft, or destruction of a license, the licensee shall notify the
2 Department of Kentucky State Police of the loss, theft, or destruction. Failure to
3 notify the Department of Kentucky State Police shall constitute a noncriminal
4 violation with a penalty of twenty-five dollars (\$25) payable to the clerk of the
5 District Court. No court costs shall be assessed for a violation of this subsection.
6 When a licensee makes application to change his or her residence address or other
7 information on the license, neither the sheriff nor the Department of Kentucky State
8 Police shall require a surrender of the license until a new license is in the office of
9 the applicable sheriff and available for issuance. Upon the issuance of a new
10 license, the old license shall be destroyed by the sheriff.

11 (12) If a license is lost, stolen, or destroyed, the license shall be automatically invalid,
12 and the person to whom the same was issued may, upon payment of fifteen dollars
13 (\$15) for a paper request, or twenty-five dollars (\$25) for an electronic request
14 submitted in lieu of a paper request, to the Department of Kentucky State Police,
15 obtain a duplicate, upon furnishing a notarized statement to the Department of
16 Kentucky State Police that the license has been lost, stolen, or destroyed.

17 (13) (a) The commissioner of the Department of Kentucky State Police, or his or her
18 designee in writing, shall revoke the license of any person who becomes
19 permanently ineligible to be issued a license or have a license renewed under
20 the criteria set forth in this section.

21 (b) The commissioner of the Department of Kentucky State Police, or his or her
22 designee in writing, shall suspend the license of any person who becomes
23 temporarily ineligible to be issued a license or have a license renewed under
24 the criteria set forth in this section. The license shall remain suspended until
25 the person is again eligible for the issuance or renewal of a license.

26 (c) Upon the suspension or revocation of a license, the commissioner of the
27 Department of Kentucky State Police, or his or her designee in writing, shall:

- 1 1. Order any peace officer to seize the license from the person whose
- 2 license was suspended or revoked; or
- 3 2. Direct the person whose license was suspended or revoked to surrender
- 4 the license to the sheriff of the person's county of residence within two
- 5 (2) business days of the receipt of the notice.
- 6 (d) If the person whose license was suspended or revoked desires a hearing on the
- 7 matter, the person shall surrender the license as provided in paragraph (c)2. of
- 8 this subsection and petition the commissioner of the Department of Kentucky
- 9 State Police to hold a hearing on the issue of suspension or revocation of the
- 10 license.
- 11 (e) Upon receipt of the petition, the commissioner of the Department of Kentucky
- 12 State Police shall cause a hearing to be held in accordance with KRS Chapter
- 13 13B on the suspension or revocation of the license. If the license has not been
- 14 surrendered, no hearing shall be scheduled or held.
- 15 (f) If the hearing officer determines that the licensee's license was wrongly
- 16 suspended or revoked, the hearing officer shall order the commissioner of the
- 17 Department of Kentucky State Police to return the license and abrogate the
- 18 suspension or revocation of the license.
- 19 (g) Any party may appeal a decision pursuant to this subsection to the District
- 20 Court in the licensee's county of residence in the same manner as for the
- 21 denial of a license.
- 22 (h) If the license is not surrendered as ordered, the commissioner of the
- 23 Department of Kentucky State Police shall order a peace officer to seize the
- 24 license and deliver it to the commissioner.
- 25 (i) Failure to surrender a suspended or revoked license as ordered is a Class A
- 26 misdemeanor.
- 27 (j) The provisions of this subsection relating to surrender of a license shall not

1 apply if a court of competent jurisdiction has enjoined its surrender.

2 (k) When a domestic violence order or emergency protective order is issued
3 pursuant to the provisions of KRS Chapter 403 against a person holding a
4 license issued under this section, the holder of the permit shall surrender the
5 license to the court or to the officer serving the order. The officer to whom the
6 license is surrendered shall forthwith transmit the license to the court issuing
7 the order. The license shall be suspended until the order is terminated, or until
8 the judge who issued the order terminates the suspension prior to the
9 termination of the underlying domestic violence order or emergency protective
10 order, in writing and by return of the license, upon proper motion by the
11 license holder. Subject to the same conditions as above, a peace officer against
12 whom an emergency protective order or domestic violence order has been
13 issued shall not be permitted to carry a concealed deadly weapon when not on
14 duty, the provisions of KRS 527.020 to the contrary notwithstanding.

15 (14) (a) Not less than one hundred twenty (120) days prior to the expiration date of the
16 license, the Department of Kentucky State Police shall mail to each licensee a
17 written notice of the expiration and a renewal form prescribed by the
18 Department of Kentucky State Police. The outside of the envelope containing
19 the license renewal notice shall bear only the name and address of the
20 applicant. No other information relating to the applicant shall appear on the
21 outside of the envelope sent to the applicant. The licensee may renew his or
22 her license on or before the expiration date by filing with the sheriff of his or
23 her county of residence the paper renewal form, or by filing with the
24 Department of Kentucky State Police an electronic renewal form in lieu of a
25 paper renewal form, stating that the licensee remains qualified pursuant to the
26 criteria specified in subsections (3) and (4) of this section, and the required
27 renewal fee set forth in subsection (7) of this section. The sheriff shall issue to

1 the applicant a receipt for the paper application for renewal of the license and
2 shall date the receipt. The Department of Kentucky State Police shall issue to
3 the applicant a receipt for an electronic application for renewal of the license
4 submitted in lieu of a paper application for renewal and shall date the receipt.

5 (b) A license which has expired shall be void and shall not be valid for any
6 purpose other than surrender to the sheriff in exchange for a renewal license.

7 (c) The license shall be renewed to a qualified applicant upon receipt of the
8 completed renewal application, records check as specified in subsection (3) of
9 this section, determination that the renewal applicant is not ineligible for a
10 license as specified in subsection (4), and appropriate payment of fees. Upon
11 the issuance of a new license, the old license shall be destroyed by the sheriff.
12 A licensee who fails to file a renewal application on or before its expiration
13 date may renew his or her license by paying, in addition to the license fees, a
14 late fee of fifteen dollars (\$15). No license shall be renewed six (6) months or
15 more after its expiration date, and the license shall be deemed to be
16 permanently expired six (6) months after its expiration date. A person whose
17 license has permanently expired may reapply for licensure pursuant to
18 subsections (7), (8), and (9) of this section.

19 (15) The licensee shall carry the license at all times the licensee is carrying a concealed
20 firearm or other deadly weapon and shall display the license upon request of a law
21 enforcement officer. Violation of the provisions of this subsection shall constitute a
22 noncriminal violation with a penalty of twenty-five dollars (\$25), payable to the
23 clerk of the District Court, but no court costs shall be assessed.

24 (16) Except as provided in KRS 527.020, no license issued pursuant to this section shall
25 authorize any person to carry a concealed firearm into:

26 (a) Any police station or sheriff's office;

27 (b) Any detention facility, prison, or jail;

- 1 (c) Any courthouse, solely occupied by the Court of Justice courtroom, or court
2 proceeding;
- 3 (d) Any meeting of the governing body of a county, municipality, or special
4 district; or any meeting of the General Assembly or a committee of the
5 General Assembly, except that nothing in this section shall preclude a member
6 of the body, holding a concealed deadly weapon license, from carrying a
7 concealed deadly weapon at a meeting of the body of which he or she is a
8 member;
- 9 (e) Any portion of an establishment licensed to dispense beer or alcoholic
10 beverages for consumption on the premises, which portion of the
11 establishment is primarily devoted to that purpose;
- 12 (f) Any elementary or secondary school facility without the consent of school
13 authorities as provided in KRS 527.070, any child-caring facility as defined in
14 KRS 199.011, any day-care center as defined in KRS 199.894, or any certified
15 family child-care home as defined in KRS 199.8982, except however, any
16 owner of a certified child-care home may carry a concealed firearm into the
17 owner's residence used as a certified child-care home;
- 18 (g) An area of an airport to which access is controlled by the inspection of
19 persons and property; or
- 20 (h) Any place where the carrying of firearms is prohibited by federal law.
- 21 (17) The owner, business or commercial lessee, or manager of a private business
22 enterprise, day-care center as defined in KRS 199.894 or certified or licensed family
23 child-care home as defined in KRS 199.8982, or a health-care facility licensed
24 under KRS Chapter 216B, except facilities renting or leasing housing, may prohibit
25 persons holding concealed deadly weapon licenses from carrying concealed deadly
26 weapons on the premises and may prohibit employees, not authorized by the
27 employer, holding concealed deadly weapons licenses from carrying concealed

1 deadly weapons on the property of the employer. If the building or the premises are
2 open to the public, the employer or business enterprise shall post signs on or about
3 the premises if carrying concealed weapons is prohibited. Possession of weapons, or
4 ammunition, or both in a vehicle on the premises shall not be a criminal offense so
5 long as the weapons, or ammunition, or both are not removed from the vehicle or
6 brandished while the vehicle is on the premises. A private but not a public employer
7 may prohibit employees or other persons holding a concealed deadly weapons
8 license from carrying concealed deadly weapons, or ammunition, or both in vehicles
9 owned by the employer, but may not prohibit employees or other persons holding a
10 concealed deadly weapons license from carrying concealed deadly weapons, or
11 ammunition, or both in vehicles owned by the employee, except that the Justice and
12 Public Safety Cabinet may prohibit an employee from carrying any weapons, or
13 ammunition, or both other than the weapons, or ammunition, or both issued or
14 authorized to be used by the employee of the cabinet, in a vehicle while transporting
15 persons under the employee's supervision or jurisdiction. Carrying of a concealed
16 weapon, or ammunition, or both in a location specified in this subsection by a
17 license holder shall not be a criminal act but may subject the person to denial from
18 the premises or removal from the premises, and, if an employee of an employer,
19 disciplinary measures by the employer.

20 (18) All moneys collected by the Department of Kentucky State Police pursuant to this
21 section shall be used to administer the provisions of this section and KRS 237.138
22 to 237.142. By March 1 of each year, the Department of Kentucky State Police and
23 the Administrative Office of the Courts shall submit reports to the Governor, the
24 President of the Senate, and the Speaker of the House of Representatives, indicating
25 the amounts of money collected and the expenditures related to this section, KRS
26 237.138 to 237.142, and KRS 237.115, 244.125, 527.020, and 527.070, and the
27 administration of the provisions of this section, KRS 237.138 to 237.142, and KRS

1 237.115, 244.125, 527.020, and 527.070.

2 (19) The General Assembly finds as a matter of public policy that it is necessary to
3 provide statewide uniform standards for issuing licenses to carry concealed firearms
4 and to occupy the field of regulation of the bearing of concealed firearms to ensure
5 that no person who qualifies under the provisions of this section is denied his rights.
6 The General Assembly does not delegate to the Department of Kentucky State
7 Police the authority to regulate or restrict the issuing of licenses provided for in this
8 section beyond those provisions contained in this section. This section shall be
9 liberally construed to carry out the constitutional right to bear arms for self-defense.

10 (20) (a) A person who is not a resident of Kentucky and who has a valid license issued
11 by another state of the United States to carry a concealed deadly weapon in
12 that state may, subject to provisions of Kentucky law, carry a concealed
13 deadly weapon in Kentucky, and his or her license shall be considered as valid
14 in Kentucky.

15 (b) If a person with a valid license to carry a concealed deadly weapon issued
16 from another state that has entered into a reciprocity agreement with the
17 Department of Kentucky State Police becomes a resident of Kentucky, the
18 license issued by the other state shall be considered as valid for the first one
19 hundred twenty (120) days of the person's residence in Kentucky, if within
20 sixty (60) days of moving to Kentucky, the person completes a form
21 promulgated by the Department of Kentucky State Police which shall include:

22 1. A signed and notarized statement averring that to the best of his or her
23 knowledge the person's license to carry a concealed deadly weapon is
24 valid and in compliance with applicable out-of-state law, and has not
25 been revoked or suspended for any reason except for valid forfeiture due
26 to departure from the issuing state;

27 2. The person's name, date of birth, citizenship, gender, Social Security

- 1 number if applicable, proof that he or she is a citizen of the United
2 States, a permanent resident of the United States, or otherwise lawfully
3 present in the United States, former out-of-state address, current address
4 within the state of Kentucky, date on which Kentucky residence began,
5 state which issued the concealed carry license, the issuing state's
6 concealed carry license number, and the state of issuance of license; and
- 7 3. A photocopy of the person's out-of-state license to carry a concealed
8 deadly weapon.
- 9 (c) Within sixty (60) days of moving to Kentucky, the person shall deliver the
10 form and accompanying documents by registered or certified mail, return
11 receipt requested, to the address indicated on the form provided by the
12 Department of Kentucky State Police pursuant to this subsection.
- 13 (d) The out-of-state concealed carry license shall become invalid in Kentucky
14 upon the earlier of:
- 15 1. The out-of-state person having resided in Kentucky for more than one
16 hundred twenty (120) days; or
- 17 2. The person being issued a Kentucky concealed deadly weapon license
18 pursuant to this section.
- 19 (e) The Department of Kentucky State Police shall, not later than thirty (30) days
20 after July 15, 1998, and not less than once every twelve (12) months
21 thereafter, make written inquiry of the concealed deadly weapon carrying
22 licensing authorities in each other state as to whether a Kentucky resident may
23 carry a concealed deadly weapon in their state based upon having a valid
24 Kentucky concealed deadly weapon license, or whether a Kentucky resident
25 may apply for a concealed deadly weapon carrying license in that state based
26 upon having a valid Kentucky concealed deadly weapon license. The
27 Department of Kentucky State Police shall attempt to secure from each other

1 state permission for Kentucky residents who hold a valid Kentucky concealed
2 deadly weapon license to carry concealed deadly weapons in that state, either
3 on the basis of the Kentucky license or on the basis that the Kentucky license
4 is sufficient to permit the issuance of a similar license by the other state. The
5 Department of Kentucky State Police shall enter into a written reciprocity
6 agreement with the appropriate agency in each state that agrees to permit
7 Kentucky residents to carry concealed deadly weapons in the other state on the
8 basis of a Kentucky-issued concealed deadly weapon license or that will issue
9 a license to carry concealed deadly weapons in the other state based upon a
10 Kentucky concealed deadly weapon license. If a reciprocity agreement is
11 reached, the requirement to recontact the other state each twelve (12) months
12 shall be eliminated as long as the reciprocity agreement is in force. The
13 information shall be a public record and shall be available to individual
14 requesters free of charge for the first copy and at the normal rate for open
15 records requests for additional copies.

16 (21) By March 1 of each year, the Department of Kentucky State Police shall submit a
17 statistical report to the Governor, the President of the Senate, and the Speaker of the
18 House of Representatives, indicating the number of licenses issued, revoked,
19 suspended, and denied since the previous report and in total and also the number of
20 licenses currently valid. The report shall also include the number of arrests,
21 convictions, and types of crimes committed since the previous report by individuals
22 licensed to carry concealed weapons.

23 (22) The following provisions shall apply to concealed deadly weapon training classes
24 conducted by the Department of Criminal Justice Training or any other agency
25 pursuant to this section:

26 (a) No concealed deadly weapon instructor trainer shall have his or her
27 certification as a concealed deadly weapon instructor trainer reduced to that of

- 1 instructor or revoked except after a hearing conducted pursuant to KRS
2 Chapter 13B in which the instructor is found to have committed an act in
3 violation of the applicable statutes or administrative regulations;
- 4 (b) No concealed deadly weapon instructor shall have his or her certification as a
5 concealed deadly weapon instructor license suspended or revoked except after
6 a hearing conducted pursuant to KRS Chapter 13B in which the instructor is
7 found to have committed an act in violation of the applicable statutes or
8 administrative regulations;
- 9 (c) The department shall not require prior notification that an applicant class or
10 instructor class will be conducted by a certified instructor or instructor trainer;
- 11 (d) Each concealed deadly weapon instructor or instructor trainer who teaches a
12 concealed deadly weapon applicant or concealed deadly weapon instructor
13 class shall supply the Department of Criminal Justice Training with a class
14 roster indicating which students enrolled and successfully completed the class,
15 and which contains the name and address of each student, within five (5)
16 working days of the completion of the class. The information may be sent by
17 mail, facsimile, e-mail, or other method which will result in the receipt of or
18 production of a hard copy of the information. The postmark, facsimile date, or
19 e-mail date shall be considered as the date on which the notice was sent.
20 Concealed deadly weapon class applicant, instructor, and instructor trainer
21 information and records shall be confidential. The department may release to
22 any person or organization the name, address, and telephone number of a
23 concealed deadly weapon instructor or instructor trainer if that instructor or
24 instructor trainer authorizes the release of the information in writing. The
25 department shall include on any application for an instructor or instructor
26 trainer certification a statement that the applicant either does or does not
27 desire the applicant's name, address, and telephone number to be made public;

- 1 (e) An instructor trainer who assists in the conduct of a concealed deadly weapon
2 instructor class or concealed deadly weapon applicant class for more than two
3 (2) hours shall be considered as to have taught a class for the purpose of
4 maintaining his or her certification. All class record forms shall include spaces
5 for assistant instructors to sign and certify that they have assisted in the
6 conduct of a concealed deadly weapon instructor or concealed deadly weapon
7 class;
- 8 (f) An instructor who assists in the conduct of a concealed deadly weapon
9 applicant class for more than two (2) hours shall be considered as to have
10 taught a class for the purpose of maintaining his or her license. All class
11 record forms shall include spaces for assistant instructors to sign and certify
12 that they have assisted in the conduct of a concealed deadly weapon class;
- 13 (g) If the Department of Criminal Justice Training believes that a firearms
14 instructor trainer or certified firearms instructor has not in fact complied with
15 the requirements for teaching a certified firearms instructor or applicant class
16 by not teaching the class as specified in KRS 237.126, or who has taught an
17 insufficient class as specified in KRS 237.128, the department shall send to
18 each person who has been listed as successfully completing the concealed
19 deadly weapon applicant class or concealed deadly weapon instructor class a
20 verification form on which the time, date, date of range firing if different from
21 the date on which the class was conducted, location, and instructor of the class
22 is listed by the department and which requires the person to answer "yes" or
23 "no" to specific questions regarding the conduct of the training class. The
24 form shall be completed under oath and shall be returned to the Department of
25 Criminal Justice Training not later than forty-five (45) days after its receipt. A
26 person who fails to complete the form, to sign the form, or to return the form
27 to the Department of Criminal Justice Training within the time frame

1 specified in this section or who, as a result of information on the returned
2 form, is determined by the Department of Criminal Justice Training, following
3 a hearing pursuant to KRS Chapter 13B, to not have received the training
4 required by law shall have his or her concealed deadly weapon license
5 revoked by the Department of Kentucky State Police, following a hearing
6 conducted by the Department of Criminal Justice Training pursuant to KRS
7 Chapter 13B, at which hearing the person is found to have violated the
8 provisions of this section or who has been found not to have received the
9 training required by law;

10 (h) The department shall annually, not later than December 31 of each year, report
11 to the Legislative Research Commission:

- 12 1. The number of firearms instructor trainers and certified firearms
13 instructors whose certifications were suspended, revoked, denied, or
14 who were otherwise disciplined;
- 15 2. The reasons for the imposition of suspensions, revocations, denials, or
16 other discipline; and
- 17 3. Suggestions for improvement of the concealed deadly weapon applicant
18 training program and instructor process;

19 (i) If a concealed deadly weapon license holder is convicted of, pleads guilty to,
20 or enters an Alford plea to a felony offense, then his or her concealed deadly
21 weapon license shall be forthwith revoked by the Department of Kentucky
22 State Police as a matter of law;

23 (j) If a concealed deadly weapon instructor or instructor trainer is convicted of,
24 pleads guilty to, or enters an Alford plea to a felony offense, then his or her
25 concealed deadly weapon instructor certification or concealed deadly weapon
26 instructor trainer certification shall be revoked by the Department of Criminal
27 Justice Training as a matter of law; and

- 1 (k) The following shall be in effect:
- 2 1. Action to eliminate the firearms instructor trainer program is prohibited.
- 3 The program shall remain in effect, and no firearms instructor trainer
- 4 shall have his or her certification reduced to that of certified firearms
- 5 instructor;
- 6 2. The Department of Kentucky State Police shall revoke the concealed
- 7 deadly weapon license of any person who received no firearms training
- 8 as required by KRS 237.126 and administrative regulations, or who
- 9 received insufficient training as required by KRS 237.128 and
- 10 administrative regulations, if the person voluntarily admits nonreceipt of
- 11 training or admits receipt of insufficient training, or if either nonreceipt
- 12 of training or receipt of insufficient training is proven following a
- 13 hearing conducted by the Department of Criminal Justice Training
- 14 pursuant to KRS Chapter 13B.