

# Kentucky Code

Current through the 2016 Legislative Session

**Office of the Attorney General**  
Capitol Suite 118  
700 Capitol Avenue  
Frankfort, Kentucky 40601-3449  
**Voice:** (502) 696-5300  
[attorney.general@ag.ky.gov](mailto:attorney.general@ag.ky.gov)



**Louisville Field Division**  
600 Dr. Martin Luther King Jr. Place,  
Suite 500  
Louisville, Kentucky 40202  
**Voice:** (502) 753-3400  
<https://www.atf.gov/louisville-field-division>



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### **TITLE XIX Public Safety and Morals Chapter 237 Firearms and Destructive Devices**

#### **237.020. Right of Kentucky residents, out-of-state residents, and residents of other countries to buy firearms.**

(1) Residents of the Commonwealth of Kentucky who are citizens of the United States shall have the right to purchase or otherwise acquire rifles, shotguns, handguns, and any other firearms which they are permitted to purchase or otherwise acquire under federal law and the Kentucky Revised Statutes from properly licensed dealers, manufacturers, importers, or collectors, and unlicensed individual persons in Kentucky or in any other state or nation outside of the Commonwealth of Kentucky.

(2) Residents of states other than the Commonwealth of Kentucky who are citizens of the United States shall have the right to purchase or otherwise acquire rifles, shotguns, handguns, and any other firearms which they are permitted to purchase or otherwise acquire under federal law and the Kentucky Revised Statutes from properly licensed dealers, manufacturers, importers, or collectors, and from unlicensed individual persons in the Commonwealth of Kentucky.

(3) Citizens of countries other than the United States shall have the right to purchase or otherwise acquire rifles, shotguns, handguns, and any other firearms which they are permitted to purchase or otherwise acquire under federal law and the Kentucky Revised Statutes from properly licensed dealers, manufacturers, importers, or collectors, and from unlicensed individual persons in the Commonwealth of Kentucky.

(4) All such sales shall conform to the requirements of federal law, the Kentucky Revised Statutes, applicable local ordinances, and the law of the purchaser's state.

#### **237.025. Requirements for local gun buy-back programs.**

(1) Each law enforcement agency of state, county, urban-county, charter county, or city government or any other law enforcement agency that participates in a "gun buy-back program" or other program in which firearms or ammunition are purchased or surrendered for the purpose of destruction shall assure that:

(a) The serial number of each firearm that is purchased or surrendered to the program is checked against local, state, and federal records of stolen firearms and, if it is found that the firearm is a stolen firearm, that the firearm is not destroyed without the written permission of the lawful owner thereof and that if the lawful owner of the firearm does not give written permission for the firearm to be destroyed, that the firearm is returned to its lawful owner;

(b) If it is determined that a firearm that is purchased by, or surrendered to the "gun buy-back program" is stolen, that the law enforcement makes an effort to arrest the thief or any person who possessed the firearm knowing it was stolen; and

(c) Prior to the destruction of any firearm that is purchased or surrendered, that a written determination is made as to whether the firearm may have been used in a crime, and that if it is determined that the firearm probably was used in a crime, that it is retained for evidence, and if it is determined that the firearm probably was not used in a crime, if the firearm is a rifled firearm, that a fired bullet and fired cartridge case is retained for possible use as evidence and that if the firearm is a smooth bore firearm, that a fired cartridge case is retained for possible use as evidence.

(2) Prior to returning a stolen firearm to a lawful owner, the law enforcement agency shall determine whether or not the lawful owner is eligible to possess a firearm under federal law. If the lawful owner of the firearm is ineligible to possess a firearm under federal law, the law enforcement agency may destroy the firearm after compliance with subsection (1) (c) of this section.

#### **237.030. Definitions for KRS 237.040 and 237.050.**

(1) "**Destructive device**" means any explosive, incendiary, or poison gas bomb, grenade, mine, rocket, missile, or similar device and includes the unassembled components from which such a device can be made.

**237.040. Criminal possession of destructive device or booby trap device.** A person is guilty of criminal possession of a destructive device or a booby trap device when he possesses, manufactures, or transports such substance or device with:

- (1) Intent to use that device to commit an offense against the laws of this state, a political subdivision thereof, or of the United States; or
- (2) Knowledge that some other person intends to use that device to commit an offense against the laws of this state, a political subdivision thereof, or of the United States.
- (3) Mere possession without substantial evidence of the requisite intent is insufficient to bring action under KRS 237.030 to 237.050.

**237.050. Exemptions.** KRS 237.030 to 237.050 shall not apply to:

- (1) Destructive devices or booby trap devices which are possessed by the government of the United States, this state, or a political subdivision thereof;
- (2) Any device which is lawfully possessed under the Gun Control Act of 1968, the Organized Crime Control Act of 1971, or any other law of the United States or this state, unless a crime is committed therewith;
- (3) Nonlethal devices placed on the premises of the owner or the lawful occupant thereof for his own self-protection or the protection of the said property;
- (4) The setting of traps suitable and legal for the taking of game by persons licensed or permitted to do so by the game laws of the Commonwealth;
- (5) Inert devices which cannot readily be restored to operating condition; or
- (6) The acquisition, possession, use, or control of firearms.

**237.060. Definitions for KRS 237.060 to 237.090 and certain other sections.** The following definitions apply in KRS 237.060 to 237.090 and KRS 197.170, 218A.992, 244.125, 244.990, and 514.110, unless the context otherwise requires:

- (1) "**Handgun**" means any pistol or revolver originally designed to be fired by the use of a single hand, or any other firearm originally designed to be fired by the use of a single hand.
- (2) "**Firearm**" means any weapon which will expel a projectile by the action of an explosive.
- (3) "**Licensed gun dealer**" means a person who has a federal firearms license and any business license required by a state or local government entity.
- (4) "**Loaded**" with respect to a firearm means:
  - (a) There is ammunition in the chamber of the firearm; or
  - (b) There is ammunition in the cylinder of the firearm; or
  - (c) There is ammunition in the magazine of a firearm, if the magazine is attached to the firearm.
- (5) "**Juvenile**" means a person who has not attained his eighteenth birthday.
- (6) "**Ammunition**" means loaded ammunition designed for use in any firearm.
- (7) "**Armor-piercing ammunition**" means a projectile or projectile core which may be used in a handgun and which is constructed entirely (excluding the presence of traces of other substances) from 1 or a combination of tungsten alloys, steel, iron, brass, bronze, beryllium copper, or depleted uranium. "Armor piercing ammunition" does not include shotgun shot required by federal or state environmental or game regulations for hunting purposes, a frangible projectile designed for target shooting, a projectile which the Secretary of the Treasury of the United States finds is primarily intended to be used for sporting purposes, or any other projectile or projectile core which the Secretary of the Treasury of the United States finds is intended to be used for industrial purposes, including a charge used in an oil and gas well perforating device.
- (8) "Flanged ammunition" means ammunition with a soft lead core and having sharp flanges which are designed to expand on impact.

**237.070. Prohibition against sale or transfer of firearm to convicted felon.**

- (1) No person shall knowingly sell or transfer a firearm to any person prohibited from possessing it by KRS 527.040.
- (2) Any person who violates the provisions of subsection (1) of this section is guilty of a Class A misdemeanor.
- (3) Any firearm transferred in violation of this section shall be subject to forfeiture and shall be disposed of pursuant to KRS 237.090.

**237.075. Chief Law enforcement officer's certification for transfer or making of a firearm – Immunity from liability – Appeal of denial of certification request.**

- (1) For purposes of this section:
  - (a) "Certification" means the participation and assent of the chief law enforcement officer necessary under federal law for the approval of the application to transfer or make a firearm;
  - (b) "Chief law enforcement officer" means the sheriff of the county of the applicant's residence, notwithstanding the provisions of 27 C.F.R. secs. 479.63 and 479.85; and
  - (c) "Firearm" has the same meaning as provided in the National Firearms Act, 26 U.S.C. sec. 5845(a).
- (2) (a) When a chief law enforcement officer's certification is required by federal law or regulation for the transfer or making of a firearm, the chief law enforcement officer shall, within 15 days of receipt of a request for certification, provide this certification if the applicant is not prohibited by law from receiving or possessing the firearm and is not the subject of a proceeding that could result in the applicant being prohibited by law from receiving or possessing the firearm. If the chief

law enforcement officer is unable to make a certification as required by this section, he or she shall provide the applicant a written notification of the denial and the reason for this determination.

(b) A chief law enforcement officer is not required to make any certification under this subsection he or she knows to be untrue, but he or she may not refuse to provide certification based on a generalized objection to private persons or entities making, possessing, or receiving firearms or any certain type of firearm the possession of which is not prohibited by law.

(3) Chief law enforcement officers and their employees who act in good faith are immune from liability arising from any act or omission in making a certification as required by this section.

(4) An applicant whose request for certification is denied may appeal the chief law enforcement officer's decision to the Circuit Court that is located in the county in which the applicant resides. The court shall review the chief law enforcement officer's decision to deny the certification de novo. If the court finds that the applicant is not prohibited by law from receiving or possessing the firearm, is not the subject of a proceeding that could result in such prohibition, and that no substantial evidence supports the chief law enforcement officer's determination that he or she cannot truthfully make the certification, the court shall order the chief law enforcement officer to issue the certification and award court costs and reasonable attorney's fees to the applicant.

**237.080. Prohibition against manufacture, sale, delivery, transfer, or importation of armor-piercing ammunition – Exceptions.**

(1) It shall be unlawful for any person to knowingly manufacture, sell, deliver, transfer, or import armor-piercing ammunition.

(2) Subsection (1) of this section shall not apply to members of the Armed Forces of the United States or law enforcement officers within the scope of their duties, nor shall it prohibit licensed gun dealers from possessing armor-piercing ammunition for the purpose of receiving and transferring it to members of the Armed Forces of the United States, or law enforcement officers for use within the scope of their duties.

(3) A violation of subsection (1) of this section shall be a Class D felony for the first offense and a Class C felony for each subsequent offense.

(4) Any armor-piercing ammunition transferred, sold, or offered for sale, in violation of this section is contraband and shall be seized and summarily forfeited to the state and shall be disposed of pursuant to KRS 237.090.

**237.090. Disposition of forfeited firearm or ammunition.** Any firearm or ammunition forfeited pursuant to KRS 237.060 to 237.090 shall, upon order of a court of competent jurisdiction, be disposed of or retained as provided in KRS 500.090.

**237.095. Persons barred by federal law from purchase of firearms – Duty to notify courts and law enforcement agencies of purchase or attempt to purchase – Protocol for providing notice – Duty to notify petitioner – Immunity from liability.**

(1) Upon receiving notice that a person barred from purchasing a firearm under 18 U.S.C. sec. 922(g)(8) has purchased or attempted to purchase a firearm, any agency with the responsibility of entering domestic violence records into the Law Information Network of Kentucky shall notify:

(a) The court in the jurisdiction where the domestic violence order was issued under KRS 403.750; and

(b) The law enforcement agencies, as designated by the Department of Kentucky State Police, that have jurisdiction in the county where the domestic violence order was issued and in the county of the victim's residence if different from the county where the domestic violence order was issued.

(2) The Department of Kentucky State Police shall develop a protocol for providing notice to the required court and law enforcement agencies under subsection (1) of this section. Within the protocol, the Department of Kentucky State Police shall designate which local law enforcement agencies are to receive notice in each county. A minimum of 1 law enforcement agency shall be designated in each county.

(3) When a designated law enforcement agency for the county where the domestic violence order was issued or where the victim resides receives notice under subsection (1)(b) of this section, that agency shall make reasonable efforts to ensure that the petitioner who obtained the domestic violence order is notified that the respondent has purchased or attempted to purchase a firearm.

(4) Any person carrying out responsibilities under this section shall be immune from civil liability for good faith conduct in carrying out those responsibilities.

(5) This section shall apply only to domestic violence orders issued, or reissued, on or after July 14, 2000, through July 15, 2002.

**237.100. Notification of purchase of firearm or attempt to purchase firearm – Immunity.**

(1) Upon receipt of notice that a person barred from purchasing a firearm under 18 U.S.C. sec. 922(g)(8) has purchased or attempted to purchase a firearm, the Justice and Public Safety Cabinet shall make a reasonable effort to provide notice to the petitioner who obtained the domestic violence order issued under KRS 403.740 that the respondent to the order has attempted to purchase a firearm. The Justice and Public Safety Cabinet may contract with a private entity in order to provide notification.

(2) The notification shall be limited to a petitioner who has

(a) Received a domestic violence protective order issued or reissued under KRS 403.740 on or after July 15, 2002;

(b) Received a domestic violence protective order that involves a respondent who is prohibited by 18 U.S.C. sec. 922(g)(8) from possessing a firearm; and

- (c) Provided the Justice and Public Safety Cabinet or the entity with a request for notification.
- (3) Any person carrying out responsibilities under this section shall be immune from civil liability for good faith conduct in carrying out those responsibilities. Nothing in this subsection shall limit liability for negligence.

**237.102. Suspension, revocation, limitation, or impairment of concealed deadly weapon license permitted only in accordance with KRS 237.110 and 237.138 to 237.142.**

- (1) No person, unit of government, or governmental organization shall have the authority to suspend, revoke, limit the use of, or impair the validity of a concealed deadly weapon license issued pursuant to KRS 237.110, or a foreign license which is recognized as valid pursuant to KRS 237.110, unless the license is revoked for the reasons specified in KRS 237.110 and the revocation is done in the manner specified in KRS 237.110.
- (2) No person, unit of government, or governmental organization shall have the authority to suspend, revoke, limit the use of, or impair the validity of a concealed deadly weapon license which is issued pursuant to KRS 237.138 to 237.142 unless the license is revoked for the reasons specified in KRS 237.110 or 237.138 to 237.142.
- (3) No action which may be taken pursuant to KRS Chapter 39A shall apply with regard to a license specified in this section or to a person who is the holder of a license specified in this section.

**237.104. Rights to acquire, carry, and use deadly weapons not to be impaired – Seizure of deadly weapons prohibited – Application of section.**

- (1) No person, unit of government, or governmental organization shall, during a period of disaster or emergency as specified in KRS Chapter 39A or at any other time, have the right to revoke, suspend, limit the use of, or otherwise impair the validity of the right of any person to purchase, transfer, loan, own, possess, carry, or use a firearm, firearm part, ammunition, ammunition component, or any deadly weapon or dangerous instrument.
- (2) No person, unit of government, or governmental organization shall, during a period of disaster or emergency as specified in KRS Chapter 39A or at any other time, take, seize, confiscate, or impound a firearm, firearm part, ammunition, ammunition component, or any deadly weapon or dangerous instrument from any person.
- (3) The provisions of this section shall not apply to the taking of an item specified in subsection (1) or (2) of this section from a person who is:
- (a) Forbidden to possess a firearm pursuant to KRS 527.040;
  - (b) Forbidden to possess a firearm pursuant to federal law;
  - (c) Violating KRS 527.020;
  - (d) In possession of a stolen firearm;
  - (e) Using a firearm in the commission of a separate criminal offense; or
  - (f) Using a firearm or other weapon in the commission of an offense under KRS Chapter 150.

**237.106. Right of employees and other persons to possess firearms in vehicle – Employer liable for denying right – Exceptions.**

- (1) No person, including but not limited to an employer, who is the owner, lessee, or occupant of real property shall prohibit any person who is legally entitled to possess a firearm from possessing a firearm, part of a firearm, ammunition, or ammunition component in a vehicle on the property.
- (2) A person, including but not limited to an employer, who owns, leases, or otherwise occupies real property may prevent a person who is prohibited by state or federal law from possessing a firearm or ammunition from possessing a firearm or ammunition on the property.
- (3) A firearm may be removed from the vehicle or handled in the case of self-defense, defense of another, defense of property, or as authorized by the owner, lessee, or occupant of the property.
- (4) An employer that fires, disciplines, demotes, or otherwise punishes an employee who is lawfully exercising a right guaranteed by this section and who is engaging in conduct in compliance with this statute shall be liable in civil damages. An employee may seek and the court shall grant an injunction against an employer who is violating the provisions of this section when it is found that the employee is in compliance with the provisions of this section.
- (5) The provisions of this section shall not apply to any real property:
- (a) Owned, leased, or occupied by the United States government, upon which the possession or carrying of firearms is prohibited or controlled;
  - (b) Of a detention facility as defined in KRS 520.010; or
  - (c) Where a section of the Kentucky Revised Statutes specifically prohibits possession or carrying of firearms on the property.

**237.108. Persons adjudicated mentally defective and committed to mental institutions – Identifying information to be forwarded to Department of Kentucky State Police and Federal Bureau of Investigation – Information to be included in National Instant Criminal Background Check System database – Petition to court for relief from prohibition against possession of firearms – Prohibition against allowing improper use of information obtained by Kentucky State Police.**

- (1) A court that orders a commitment or makes a finding or adjudication under which a person becomes subject to the provisions of 18 U.S.C. sec. 922(d)(4) and (g)(4) shall order the circuit clerk to forward the person's name and nonclinical identifying information, including the person's Social Security number and date of birth, along with a copy of the order of commitment to the Department of Kentucky State Police, which in turn shall forward the information to the Federal Bureau

of Investigation, its successor agency, or agency designated by the Federal Bureau of Investigation, for inclusion in the National Instant Criminal Background Check System database. The court shall also notify the person of the prohibitions of 18 U.S.C. sec. 922(d)(4) and (g)(4).

(2) A person who is subject to the provisions of 18 U.S.C. sec. 922(d)(4) and (g)(4) because of a commitment, finding, or adjudication that occurred in this state may petition the court in which such commitment, finding, or adjudication occurred to remove, pursuant to Section 105(a) of Pub. L. No. 110-180, the disabilities imposed under 18 U.S.C. sec. 922(d)(4) and (g)(4). A copy of the petition for relief shall also be served on the director of the Division of Behavioral Health and the county attorney of the county in which the original commitment, finding, or adjudication occurred. The director of the Division of Behavioral Health and the county attorney may, as each deems appropriate, appear, support, object to, or present evidence relevant to the relief sought by the petitioner. The court shall receive and consider evidence in a closed proceeding, including evidence offered by the petitioner concerning:

- (a) The circumstances of the original commitment, finding, or adjudication;
- (b) The petitioner's mental health and criminal history records, if any;
- (c) The petitioner's reputation;
- (d) The petitioner's date of birth and Social Security number; and
- (e) Changes in the petitioner's condition or circumstances relevant to the relief sought.

The court shall grant the petition for relief if it finds by a preponderance of the evidence that the petitioner will not be likely to act in a manner dangerous to public safety and that granting of the relief would not be contrary to the public interest. A record shall be kept of the proceedings, but it shall remain confidential and be disclosed only to a court in the event of an appeal. The petitioner may appeal a denial of the requested relief, and review on appeal shall be de novo. A person may file a petition for relief under this section no more than once every 2 years.

(3) When the court issues an order granting a petition for relief under subsection (2) of this section, the circuit clerk shall immediately forward a copy of the order to the Department of Kentucky State Police, which in turn shall immediately forward a copy to the Federal Bureau of Investigation, or its successor agency, for updating of the National Instant Criminal Background Check System database and shall remove all information in any database over which the department exercises control relating to the person whose relief from disability is granted and shall immediately destroy all paper copies of the order of commitment and other documents relating to the matter.

(4) If a petition is granted under this section, the order, finding, or adjudication for which relief is granted shall, pursuant to § 105(a) of Pub. L. No. 110-180, be deemed not to have occurred for purposes of 18 U.S.C. sec. 922(d)(4) and (g)(4).

(5) The Department of Kentucky State Police shall not use or permit the use of the records or information obtained or retained pursuant to this section for any purpose not specified in this section.

(6) The provisions of this section shall supersede any other statute to the contrary for the purposes set forth in this section but otherwise shall be held and construed as ancillary and supplemental to any other statute.

### **Carrying Concealed Deadly Weapon**

#### **237.110. License to carry concealed deadly weapon – Criteria – Training – Paper or electronic application – Issuance and denial of licenses – Automated listing of license holders – Suspension or revocation – Renewal – Prohibitions – Reciprocity – Reports – Requirements for training classes.**

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

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

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

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

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

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

(3) Prior to the issuance of an original or renewal license to carry a concealed deadly weapon, the Department of Kentucky State Police, upon receipt of a completed application, applicable fees, and any documentation required by this section or administrative regulation promulgated by the Department of Kentucky State Police, shall conduct a background check to ascertain whether the applicant is eligible under 18 U.S.C. sec. 922(g) and (n), any other applicable federal law, and state law to purchase, receive, or possess a firearm or ammunition, or both. The background check shall include:

(a) A state records check covering the items specified in this subsection, together with any other requirements of this section;

(b) A federal records check, which shall include a National Instant Criminal Background Check System (NICS) check;

(c) A federal Immigration Alien Query if the person is an alien who has been lawfully admitted to the United States by the United States government or an agency thereof; and

(d) In addition to the Immigration Alien Query, if the applicant has not been lawfully admitted to the United States under permanent resident status, the Department of Kentucky State Police shall, if a doubt exists relating to an alien's eligibility to purchase a firearm, consult with the United States Department of Homeland Security, United States Department of

Justice, United States Department of State, or other federal agency to confirm whether the alien is eligible to purchase a firearm in the United States, bring a firearm into the United States, or possess a firearm in the United States under federal law.

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

**(a)** Is not prohibited from the purchase, receipt, or possession of firearms, ammunition, or both pursuant to 18 U.S.C. 922(g), 18 U.S.C. 922(n), or applicable federal or state law;

**(b)**1. Is a citizen of the United States who is a resident of this Commonwealth;

2. Is a citizen of the United States who is a member of the Armed Forces of the United States who is on active duty, who is at the time of application assigned to a military posting in Kentucky;

3. Is lawfully admitted to the United States by the United States government or an agency thereof, is permitted by federal law to purchase a firearm, and is a resident of this Commonwealth; or

4. Is lawfully admitted to the United States by the United States government or an agency thereof, is permitted by federal law to purchase a firearm, is, at the time of the application, assigned to a military posting in Kentucky, and has been assigned to a posting in the Commonwealth;

**(c)** Is 21 years of age or older;

**(d)** Has not been committed to a state or federal facility for the abuse of a controlled substance or been convicted of a misdemeanor violation of KRS Chapter 218A or similar laws of any other state relating to controlled substances, within a 3 year period immediately preceding the date on which the application is submitted;

**(e)** Does not chronically and habitually use alcoholic beverages as evidenced by the applicant having 2 or more convictions for violating KRS 189A.010 within the 3 years immediately preceding the date on which the application is submitted, or having been committed as an alcoholic pursuant to KRS Chapter 222 or similar laws of another state within the 3 year period immediately preceding the date on which the application is submitted;

**(f)** Does not owe a child support arrearage which equals or exceeds the cumulative amount which would be owed after 1 year of nonpayment, if the Department of Kentucky State Police has been notified of the arrearage by the Cabinet for Health and Family Services;

**(g)** Has complied with any subpoena or warrant relating to child support or paternity proceedings. If the Department of Kentucky State Police has not been notified by the Cabinet for Health and Family Services that the applicant has failed to meet this requirement, the Department of Kentucky State Police shall assume that paternity and child support proceedings are not an issue;

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

**(i)** Demonstrates competence with a firearm by successful completion of a firearms safety or training course that is conducted by a firearms instructor who is certified by a national organization that certifies firearms instructors and includes the use of written tests, in person instruction, and a component of live-fire training or a firearms safety course offered or approved by the Department of Criminal Justice Training. The firearms safety course offered or approved by the Department of Criminal Justice Training shall:

1. Be not more than 8 hours in length;

2. Include instruction on handguns, the safe use of handguns, the care and cleaning of handguns, and handgun marksmanship principles;

3. Include actual range firing of a handgun in a safe manner, and the firing of not more than 20 rounds at a full-size silhouette target, during which firing, not less than 11 rounds must hit the silhouette portion of the target;

4. Include information on and a copy of laws relating to possession and carrying of firearms, as set forth in KRS Chapters 237 and 527, and the laws relating to the use of force, as set forth in KRS Chapter 503; and

**(j)** Demonstrates knowledge of the law regarding the justifiable use of force by including with the application a copy of the concealed carry deadly weapons legal handout made available by the Department of Criminal Justice Training and a signed statement that indicates that applicant has read and understands the handout.

**(5) (a)** A legible photocopy or electronic copy of a certificate of completion issued by a firearms instructor certified by a national organization or the Department of Criminal Justice Training shall constitute evidence of qualification under subsection (4)(i) of this section.

**(b)** Persons qualifying under subsection (6)(d) of this section may submit with their application:

1. At least one (1) of the following paper or electronic forms or their successor forms showing evidence of handgun training or handgun qualifications:

a. Department of Defense Form DD 2586;

b. Department of Defense Form DD 214;

c. Coast Guard Form CG 3029;

d. Department of the Army Form DA 88-R;

e. Department of the Army Form DA 5704-R;

f. Department of the Navy Form OPNAV 3591-1; or

g. Department of the Air Force Form AF 522; or

2. a. Documentary evidence of an honorable discharge; and

**b.** A notarized affidavit on a form provided by the Department of Kentucky State Police, signed under penalty of perjury, stating the person has met the training requirements of subsection (6)(d) of this section.

**(6) (a)** Peace officers who are currently certified as peace officers by the Kentucky Law Enforcement Council pursuant to KRS 15.380 to 15.404 and peace officers who are retired and are members of the Kentucky Employees Retirement System, State Police Retirement System, or County Employees Retirement System or other retirement system operated by or for a city, county, or urban-county in Kentucky shall be deemed to have met the training requirement.

**(b)** Current and retired peace officers of the following federal agencies shall be deemed to have met the training requirement:

1. Any peace officer employed by a federal agency specified in KRS 61.365;
2. Any peace officer employed by a federal civilian law enforcement agency not specified above who has successfully completed the basic law enforcement training course required by that agency;
3. Any military peace officer of the United States Army, Navy, Marine Corps, or Air Force, or a reserve component thereof, or of the Army National Guard or Air National Guard who has successfully completed the military law enforcement training course required by that branch of the military; and
4. Any member of the United States Coast Guard serving in a peace officer role who has successfully completed the law enforcement training course specified by the United States Coast Guard.

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

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

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

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

**2.** An applicant, in lieu of a paper application, may submit an electronic application for a license, or renewal of a license, to carry a concealed deadly weapon to the Department of Kentucky State Police.

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

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

**2.** The sheriff shall transmit the paper application and accompanying material to the Department of Kentucky State Police within 5 working days.

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

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

**2.** If an electronic application is submitted in lieu of a paper application, \$30 of the electronic application fee shall be retained by the Department of Kentucky State Police. Twenty dollars (\$20) shall be sent to the office of the sheriff of the applicant's county of residence for official expenses of the office. Ten dollars (\$10) shall be transmitted to the Administrative Office of the Courts to fund background checks for youth leaders, and \$10 shall be transmitted to the Administrative Office of the Courts to fund background checks for applicants for concealed weapon carry permits.

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

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



1. **a.** The name, address, place and date of birth, citizenship, gender, Social Security number of the applicant; and  
**b.** If not a citizen of the United States, alien registration number if applicable, passport number, visa number, mother's maiden name, and other information necessary to determine the immigration status and eligibility to purchase a firearm under federal law of a person who is not a citizen of the United States;

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

3. A statement that the applicant, if qualifying under subsection (6)(c) of this section, has provided:

**a.** At least 1 of the forms listed in subsection (5) of this section; or

**b. i.** Documentary evidence of an honorable discharge; and

**ii.** A notarized affidavit on a form provided by the Department of Kentucky State Police stating the person has met the training requirements of subsection (6)(c) of this section;

4. A statement that the applicant has been furnished a copy of this section and is knowledgeable about its provisions;

5. A statement that the applicant has been furnished a copy of, has read, and understands KRS Chapter 503 as it pertains to the use of deadly force for self-defense in Kentucky; and

6. A conspicuous warning that the application is executed under oath and that a materially false answer to any question, or the submission of any materially false document by the applicant, subjects the applicant to criminal prosecution under KRS 523.030.

**(8)** The applicant shall submit to the sheriff of the applicant's county of residence or county of military posting if submitting a paper application, or to the Department of Kentucky State Police if submitting an electronic application:

**(a)** A completed application as described in subsection (7) of this section;

**(b)** A recent color photograph of the applicant, as prescribed by administrative regulation;

**(c)** A paper or electronic certificate or an affidavit or document as described in subsection (5) of this section;

**(d)** A paper or electronic document establishing the training exemption as described in subsection (6) of this section; and

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

1. Permanent Resident Card I-551 or its equivalent successor identification;

2. Other United States government issued evidence of lawful admission to the United States which includes the category of admission, if admission has not been granted as a permanent resident; and

3. Evidence of compliance with the provisions of 18 U.S.C. sec. 922(g)(5), 18 U.S.C. sec. 922(d)(5), or 18 U.S.C. sec. 922(y)(2), and 27 C.F.R. Part 178, including, as appropriate, but not limited to evidence of 90 day residence in the Commonwealth, a valid current Kentucky hunting license if claiming exemption as a hunter, or other evidence of eligibility to purchase a firearm by an alien which is required by federal law or regulation.

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

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

**(a)** Issue the license; or

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

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

**(11)** Within 30 days after the changing of a permanent address, or within 30 days after the loss, theft, or destruction of a license, the licensee shall notify the Department of Kentucky State Police of the loss, theft, or destruction. Failure to notify the Department of Kentucky State Police shall constitute a noncriminal violation with a penalty of \$25 payable to the clerk of the District Court. No court costs shall be assessed for a violation of this subsection. When a licensee makes application to change his or her residence address or other information on the license, neither the sheriff nor the

Department of Kentucky State Police shall require a surrender of the license until a new license is in the office of the applicable sheriff and available for issuance. Upon the issuance of a new license, the old license shall be destroyed by the sheriff.

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

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

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

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

1. Order any peace officer to seize the license from the person whose license was suspended or revoked; or

2. Direct the person whose license was suspended or revoked to surrender the license to the sheriff of the person's county of residence within 2 business days of the receipt of the notice.

**(d)** If the person whose license was suspended or revoked desires a hearing on the matter, the person shall surrender the license as provided in paragraph (c)2. of this subsection and petition the commissioner of the Department of Kentucky State Police to hold a hearing on the issue of suspension or revocation of the license.

**(e)** Upon receipt of the petition, the commissioner of the Department of Kentucky State Police shall cause a hearing to be held in accordance with KRS Chapter 13B on the suspension or revocation of the license. If the license has not been surrendered, no hearing shall be scheduled or held.

**(f)** If the hearing officer determines that the licensee's license was wrongly suspended or revoked, the hearing officer shall order the commissioner of the Department of Kentucky State Police to return the license and abrogate the suspension or revocation of the license.

**(g)** Any party may appeal a decision pursuant to this subsection to the District Court in the licensee's county of residence in the same manner as for the denial of a license.

**(h)** If the license is not surrendered as ordered, the commissioner of the Department of Kentucky State Police shall order a peace officer to seize the license and deliver it to the commissioner.

**(i)** Failure to surrender a suspended or revoked license as ordered is a Class A misdemeanor.

**(j)** The provisions of this subsection relating to surrender of a license shall not apply if a court of competent jurisdiction has enjoined its surrender.

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

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

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

**(c)** The license shall be renewed to a qualified applicant upon receipt of the completed renewal application, records check as specified in subsection (3) of this section, determination that the renewal applicant is not ineligible for a license as specified in subsection (4), and appropriate payment of fees. Upon the issuance of a new license, the old license shall be destroyed by the sheriff. A licensee who fails to file a renewal application on or before its expiration date may renew his or her license by paying, in addition to the license fees, a late fee of \$15. No license shall be renewed 6 months or more

after its expiration date, and the license shall be deemed to be permanently expired 6 months after its expiration date. A person whose license has permanently expired may reapply for licensure pursuant to subsections (7), (8), and (9) of this section.

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

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

- (a)** Any police station or sheriff's office;
- (b)** Any detention facility, prison, or jail;
- (c)** Any courthouse, solely occupied by the Court of Justice courtroom, or court proceeding;
- (d)** Any meeting of the governing body of a county, municipality, or special district; or any meeting of the General Assembly or a committee of the General Assembly, except that nothing in this section shall preclude a member of the body, holding a concealed deadly weapon license, from carrying a concealed deadly weapon at a meeting of the body of which he or she is a member;
- (e)** Any portion of an establishment licensed to dispense beer or alcoholic beverages for consumption on the premises, which portion of the establishment is primarily devoted to that purpose;
- (f)** Any elementary or secondary school facility without the consent of school authorities as provided in KRS 527.070, any child-caring facility as defined in KRS 199.011, any day-care center as defined in KRS 199.894, or any certified family child-care home as defined in KRS 199.8982, except however, any owner of a certified child-care home may carry a concealed firearm into the owner's residence used as a certified child-care home;
- (g)** An area of an airport to which access is controlled by the inspection of persons and property; or
- (h)** Any place where the carrying of firearms is prohibited by federal law.

**(17)** The owner, business or commercial lessee, or manager of a private business enterprise, day-care center as defined in KRS 199.894 or certified or licensed family child-care home as defined in KRS 199.8982, or a health-care facility licensed under KRS Chapter 216B, except facilities renting or leasing housing, may prohibit persons holding concealed deadly weapon licenses from carrying concealed deadly weapons on the premises and may prohibit employees, not authorized by the employer, holding concealed deadly weapons licenses from carrying concealed deadly weapons on the property of the employer. If the building or the premises are open to the public, the employer or business enterprise shall post signs on or about the premises if carrying concealed weapons is prohibited. Possession of weapons, or ammunition, or both in a vehicle on the premises shall not be a criminal offense so long as the weapons, or ammunition, or both are not removed from the vehicle or brandished while the vehicle is on the premises. A private but not a public employer may prohibit employees or other persons holding a concealed deadly weapons license from carrying concealed deadly weapons, or ammunition, or both in vehicles owned by the employer, but may not prohibit employees or other persons holding a concealed deadly weapons license from carrying concealed deadly weapons, or ammunition, or both in vehicles owned by the employee, except that the Justice and Public Safety Cabinet may prohibit an employee from carrying any weapons, or ammunition, or both other than the weapons, or ammunition, or both issued or authorized to be used by the employee of the cabinet, in a vehicle while transporting persons under the employee's supervision or jurisdiction. Carrying of a concealed weapon, or ammunition, or both in a location specified in this subsection by a license holder shall not be a criminal act but may subject the person to denial from the premises or removal from the premises, and, if an employee of an employer, disciplinary measures by the employer.

**(19)** ...The General Assembly does not delegate to the Department of Kentucky State Police the authority to regulate or restrict the issuing of licenses provided for in this section beyond those provisions contained in this section. This section shall be liberally construed to carry out the constitutional right to bear arms for self-defense.

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

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

1. A signed and notarized statement averring that to the best of his or her knowledge the person's license to carry a concealed deadly weapon is valid and in compliance with applicable out-of-state law, and has not been revoked or suspended for any reason except for valid forfeiture due to departure from the issuing state;
2. The person's name, date of birth, citizenship, gender, Social Security number if applicable, proof that he or she is a citizen of the United States, a permanent resident of the United States, or otherwise lawfully present in the United States, former out-of-state address, current address within the state of Kentucky, date on which Kentucky residence began, state which issued the concealed carry license, the issuing state's concealed carry license number, and the state of issuance of license; and
3. A photocopy of the person's out-of-state license to carry a concealed deadly weapon.

**(c)** Within 60 days of moving to Kentucky, the person shall deliver the form and accompanying documents by registered or certified mail, return receipt requested, to the address indicated on the form provided by the Department of Kentucky State Police pursuant to this subsection.

**(d)** The out-of-state concealed carry license shall become invalid in Kentucky upon the earlier of:

1. The out-of-state person having resided in Kentucky for more than 120 days; or
2. The person being issued a Kentucky concealed deadly weapon license pursuant to this section.

**(e)** The Department of Kentucky State Police shall, not later than 30 days after July 15, 1998, and not less than once every 12 months thereafter, make written inquiry of the concealed deadly weapon carrying licensing authorities in each other state as to whether a Kentucky resident may carry a concealed deadly weapon in their state based upon having a valid Kentucky concealed deadly weapon license, or whether a Kentucky resident may apply for a concealed deadly weapon carrying license in that state based upon having a valid Kentucky concealed deadly weapon license. The Department of Kentucky State Police shall attempt to secure from each other state permission for Kentucky residents who hold a valid Kentucky concealed deadly weapon license to carry concealed deadly weapons in that state, either on the basis of the Kentucky license or on the basis that the Kentucky license is sufficient to permit the issuance of a similar license by the other state. The Department of Kentucky State Police shall enter into a written reciprocity agreement with the appropriate agency in each state that agrees to permit Kentucky residents to carry concealed deadly weapons in the other state on the basis of a Kentucky-issued concealed deadly weapon license or that will issue a license to carry concealed deadly weapons in the other state based upon a Kentucky concealed deadly weapon license. If a reciprocity agreement is reached, the requirement to recontact the other state each 12 months shall be eliminated as long as the reciprocity agreement is in force. The information shall be a public record and shall be available to individual requesters free of charge for the first copy and at the normal rate for open records requests for additional copies.

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

**(a)** No concealed deadly weapon instructor trainer shall have his or her certification as a concealed deadly weapon instructor trainer reduced to that of instructor or revoked except after a hearing conducted pursuant to KRS Chapter 13B in which the instructor is found to have committed an act in violation of the applicable statutes or administrative regulations;

**(b)** No concealed deadly weapon instructor shall have his or her certification as a concealed deadly weapon instructor license suspended or revoked except after a hearing conducted pursuant to KRS Chapter 13B in which the instructor is found to have committed an act in violation of the applicable statutes or administrative regulations;

**(d)** Each concealed deadly weapon instructor or instructor trainer who teaches a concealed deadly weapon applicant or concealed deadly weapon instructor class shall supply the Department of Criminal Justice Training with a class roster indicating which students enrolled and successfully completed the class, and which contains the name and address of each student, within 5 working days of the completion of the class. The information may be sent by mail, facsimile, e-mail, or other method which will result in the receipt of or production of a hard copy of the information. The postmark, facsimile date, or e-mail date shall be considered as the date on which the notice was sent. Concealed deadly weapon class applicant, instructor, and instructor trainer information and records shall be confidential. The department may release to any person or organization the name, address, and telephone number of a concealed deadly weapon instructor or instructor trainer if that instructor or instructor trainer authorizes the release of the information in writing. The department shall include on any application for an instructor or instructor trainer certification a statement that the applicant either does or does not desire the applicant's name, address, and telephone number to be made public;

**(g)** If the Department of Criminal Justice Training believes that a firearms instructor trainer or certified firearms instructor has not in fact complied with the requirements for teaching a certified firearms instructor or applicant class by not teaching the class as specified in KRS 237.126, or who has taught an insufficient class as specified in KRS 237.128, the department shall send to each person who has been listed as successfully completing the concealed deadly weapon applicant class or concealed deadly weapon instructor class a verification form on which the time, date, date of range firing if different from the date on which the class was conducted, location, and instructor of the class is listed by the department and which requires the person to answer "yes" or "no" to specific questions regarding the conduct of the training class. The form shall be completed under oath and shall be returned to the Department of Criminal Justice Training not later than 45 days after its receipt. A person who fails to complete the form, to sign the form, or to return the form to the Department of Criminal Justice Training within the time frame specified in this section or who, as a result of information on the returned form, is determined by the Department of Criminal Justice Training, following a hearing pursuant to KRS Chapter 13B, to not have received the training required by law shall have his or her concealed deadly weapon license revoked by the Department of Kentucky State Police, following a hearing conducted by the Department of Criminal Justice Training pursuant to KRS Chapter 13B, at which hearing the person is found to have violated the provisions of this section or who has been found not to have received the training required by law;

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

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

(k) The following shall be in effect:

1. Action to eliminate the firearms instructor trainer program is prohibited. The program shall remain in effect, and no firearms instructor trainer shall have his or her certification reduced to that of certified firearms instructor;

2. The Department of Kentucky State Police shall revoke the concealed deadly weapon license of any person who received no firearms training as required by KRS 237.126 and administrative regulations, or who received insufficient training as required by KRS 237.128 and administrative regulations, if the person voluntarily admits nonreceipt of training or admits receipt of insufficient training, or if either nonreceipt of training or receipt of insufficient training is proven following a hearing conducted by the Department of Criminal Justice Training pursuant to KRS Chapter 13B.

**237.115. Construction of KRS 237.110 – Prohibition by local government units of carrying concealed deadly weapons in governmental buildings – Restriction on criminal penalties.**

(1) Except as provided in KRS 527.020, nothing contained in KRS 237.110 shall be construed to limit, restrict, or prohibit in any manner the right of a college, university, or any postsecondary education facility, including technical schools and community colleges, to control the possession of deadly weapons on any property owned or controlled by them or the right of a unit of state, city, county, urban-county, or charter county government to prohibit the carrying of concealed deadly weapons by licensees in that portion of a building actually owned, leased, or occupied by that unit of government.

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

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

**237.124. Program for training applicants for concealed deadly weapon license.**

(1) The Department of Criminal Justice Training shall operate a program for the training of applicants for a concealed deadly weapon license. Only the General Assembly may eliminate the training program for applicants for a concealed deadly weapon license.

(2) Training pursuant to this section shall be conducted by a firearms instructor trainer or certified firearms instructor in accordance with the provisions of this chapter and administrative regulations promulgated thereunder.

**237.126. Misrepresentation of having conducted training courses.**

(1) A firearms instructor trainer or certified firearms instructor is guilty of not providing firearms training if he or she represents to the department that he or she has conducted training for a student firearms instructor or for an applicant in an applicant training course and has not, in fact, provided any such training.

(2) Not providing firearms training is a Class D felony.

**237.128. Providing incomplete firearms training.**

(1) A firearms instructor trainer or firearms instructor is guilty of providing incomplete firearms training if he or she represents to the department that he or she has conducted training for a student firearms instructor or for an applicant in an applicant training course and has not, in fact, provided lecture instruction, showed a required visual aid, conducted hands-on firearm safety and cleaning training, provided range instruction and range firing, or has permitted a student to qualify on a target on which the student has not achieved the marksmanship required by administrative regulation.

(2) Providing incomplete firearms training is a Class D felony.

**237.130. Failure to report nonreceipt of firearms training when receiving certification without notice to specified law enforcement or prosecutorial personnel.**

(1) A person is guilty of failure to report nonreceipt of firearms training when he or she receives certification that he or she has successfully completed a firearms instructor trainer, certified firearms instructor, or applicant training course and has not, in fact, received any such training and has not reported the matter in writing to the sheriff, Commonwealth's attorney, or county attorney serving the county in which the training was conducted or has not made a written report to the Department of Kentucky State Police and provided a copy of the certification documents to the agency reported to along with the report. The report shall be made not more than 30 working days after receiving documentation of successful completion of training, unless a request for additional time has been made and has been granted by an officer or agency to which the report shall be made.

(2) Failure to report nonreceipt of firearms training is a Class A misdemeanor.

(3) A person who makes a report pursuant to this section within the time frame specified in subsection (1) of this section shall not be prosecuted for a violation of this section and shall be eligible to reenroll in the level of class for which they were originally enrolled.

**237.132. Failure to report insufficient firearms training when receiving certification without notice to specified law enforcement or prosecutorial personnel.**

(1) A person is guilty of failure to report insufficient firearms training when he or she receives certification that he or she has successfully completed a firearms instructor trainer, certified firearms instructor, or applicant training course and has not, in fact received lecture instruction, the showing of a required visual aid, hands-on firearm safety and cleaning training, range instruction and range firing, or has not successfully completed the marksmanship requirement during range firing and has not reported the matter in writing to the sheriff, Commonwealth's attorney, or county attorney serving the county in which the training was conducted or has not made a written report to the Department of Kentucky State Police and provided a copy of the certification documents to the agency reported to along with the report. The report shall be made not more than 30 working days after receiving documentation of successful completion of training, unless additional time is requested and has been granted by an officer or agency to which a report shall be made.

(2) Failure to report insufficient firearms training is a Class A misdemeanor.

(3) A person who makes a report pursuant to this section within the time frame specified in subsection (1) of this section shall not be prosecuted for a violation of this section and shall be eligible to reenroll in the level of class for which the person was originally enrolled.

**237.137. Concealed carry authority for off-duty and certified retired peace officers.** Off-duty peace officers authorized to do so by the government employing the officer and retired peace officers certified under KRS 237.138 to 237.142 may carry concealed firearms on or about their persons at all times and at any location within the Commonwealth where an on-duty peace officer is permitted to carry firearms.

**237.138. Application of KRS 237.138 to 237.142 to retired peace officers.** KRS 237.138 to 237.142 shall apply to any elected or appointed peace officer who is honorably retired and who:

(1) Meets the provisions of the federal Law Enforcement Officers Safety Act, 18 U.S.C. sec. 926C;

(2) Meets the provisions of KRS 237.138 to 237.142; and

(3) Desires to carry a concealed deadly weapon in conformity with the provisions of the federal Law Enforcement Officers Safety Act, 18 U.S.C. sec. 926C.

**237.140. Certification for retired peace officer to carry concealed deadly weapon – Administrative regulations – Requirements – Firearms instruction.**

(1) (a) Certification for a retired peace officer to carry a concealed deadly weapon pursuant to KRS 237.138 to 237.142 shall be administered by the Department of Kentucky State Police.

(b) Costs of certification shall be paid for by moneys generated by the concealed deadly weapon license program under KRS 15.383 and collected by the Department of Kentucky State Police pursuant to that section.

(c) The Department of Kentucky State Police shall promulgate administrative regulations in accordance with KRS Chapter 13A necessary to implement the provisions of KRS 237.138 to 237.142. The regulations shall allow the validity of any license or certifying documentation issued to the retired peace officer under this section to be extended in yearly increments not more than 4 times. To facilitate this objective, the regulations may authorize the material required by subsection (2) of this section to be submitted to the person supervising the firearms qualifications under subsection (4)(b) of this section, with that person then submitting the material to the Department of Kentucky State Police and signing the license or certification in a manner that satisfies the requirements of federal law as to the retiree's passage of the required yearly firearms testing.

(2) Each retired peace officer who desires certification to carry a concealed deadly weapon shall annually submit:

(a) Evidence of retired status to the commissioner of the Department of Kentucky State Police together with all information required by federal law, this section, and administrative regulations promulgated pursuant to this section;

(b) Evidence of successful completion of firearms qualification required under this section; and

(c) A notarized statement that he or she is not prohibited by state or federal law from possessing a firearm.

(3) Each law enforcement agency that employed the retired peace officer, or at which the retired peace officer served in an elected capacity, shall provide to the retired officer and the Department of Kentucky State Police the information required by federal law, this section, and the administrative regulations promulgated pursuant to this section in a prompt and efficient manner, without charge either to the Department of Kentucky State Police or the retiree.

(4) (a) Each retired peace officer shall annually fire 20 rounds at an adult size silhouette target at a range of 21 feet, with a handgun, and shall hit the target not less than 11 times to obtain or maintain certification under KRS 237.138 to 237.142.

(b) The rounds fired pursuant to paragraph (a) of this subsection shall be done under the supervision of:

1. A firearms instructor of the retiree's former employing agency;

2. A currently certified peace officer who has successfully completed a Kentucky Law Enforcement Council approved firearms instructor course;

3. A Department of Criminal Justice Training certified police firearms instructor or instructor trainer; or

4. A Department of Criminal Justice Training certified concealed carry instructor or instructor trainer.

(c) A firearms instructor may, if not compensated pursuant to paragraph (d) of this subsection, charge each participant a fee of not more than \$20, which shall include the cost of the range, firearms instructor, range personnel, targets, and all other costs associated therewith, but not the cost of ammunition. Ammunition, or the cost of ammunition, shall be provided by the retiree.

(d) A local or state law enforcement agency that desires to conduct firearms qualification for its retirees shall schedule not less than 2 dates for firearms qualification per year, and those dates shall be approximately 6 months apart. The local or state law enforcement agency may charge each participant a fee of not more than \$20, which shall include the cost of use of the range, firearms instructor, range personnel, targets, and all other costs associated therewith, but not the cost of ammunition. Ammunition, or the cost of ammunition, shall be provided by the retiree.

(e) No employer or appointing authority of a firearms instructor who has successfully completed a Kentucky Law Enforcement Council approved firearms instructor course, Department of Criminal Justice Training certified police firearms instructor or instructor trainer, or Department of Criminal Justice Training certified concealed carry instructor or instructor trainer shall prohibit or in any way limit the instructor from qualifying active or retired peace officers in conformity with KRS 237.138 or 237.142 while that instructor is off duty. No employer or appointing authority of an instructor specified in this paragraph shall be liable in civil damages for the actions or omissions of the instructor during qualification of active or retired peace officers when that instructor is off duty.

#### **237.142. Availability of range facilities for retired peace officers.**

(1) The following agencies of the Commonwealth shall make range facilities available not less than 4 days per year for firearms qualification by retired peace officers seeking certification pursuant to the provisions of KRS 237.138 to 237.142:

- (a) The Justice and Public Safety Cabinet;
- (b) The Department of Military Affairs; and
- (c) The Department of Fish and Wildlife Resources.

(2) Firearms qualification may be conducted at any location, public or private, at which a handgun may be safely fired. The safety of the location at which firing takes place shall be the responsibility of the instructor conducting the qualification.

### **Shooting Ranges**

**237.200. Definitions for KRS 237.210 and 237.220.** As used in KRS 237.210 and 237.220:

(1) "**Shooting range**" or "**range**" means an area designated and operated by a person for the shooting of firearms and not available for that use by the general public without payment of a fee, membership contribution, or dues, or by invitation of an authorized person; or any area so designated and operated by a unit of government, regardless of the terms of admission thereto.

(2) "**Unit of government**" means any of the departments of state government or political subdivisions of the state, cities, counties, urban-counties, or charter counties, or any of their respective departments, agencies, or authorities.

#### **237.210. Effect of changed conditions on nuisance actions involving shooting ranges – Standing to sue – Limitation of liability – Prohibition against retroactive application of laws.**

(1) No shooting range shall be or shall become a nuisance, either public or private, solely as a result of changed conditions in or around the locality of the range if the range has been in operation for 1 year since the date on which it commenced operation as a shooting range. Subsequent physical expansion of the range or expansion of the types of firearms in use at the range shall not establish a new date of commencement of operations for purposes of this section unless the change triples the amount of the noise produced by the shooting range. The increase in the noise level at the shooting range shall be measured by an independent testing agency or a unit of government and shall compare the highest noise levels during any 1 month during which the range is in full operation with a subsequent month in which the range is in full operation and conducting a comparable level of shooting activities. Only a person who lives adjacent to the shooting range shall have standing to bring an action under this section.

(2) No shooting range or unit of government or person owning, operating, or using a shooting range for the shooting of firearms shall be subject to any action for civil or criminal liability, damages, abatement, or injunctive relief resulting from or relating to noise generated by the operation of the range if the range remains in compliance with noise control or nuisance abatement administrative regulations, statutes, or ordinances applicable to the range on the date on which it commenced operation.

(3) No administrative regulations, statutes, or ordinances relating to noise control, noise pollution, or noise abatement adopted or enacted by a unit of government shall be applied retroactively to prohibit conduct at a shooting range, which conduct was lawful and being engaged in prior to the adoption or enactment of the administrative regulations, statutes, or ordinances.

### **Penalties**

#### **237.990. Penalties.**

(1) Any person who violates any of the provisions of KRS 237.030 to 237.050 shall be guilty of a Class D felony.

(2) Any person who violates any of the provisions of KRS 237.030 to 237.050, and in so doing uses any destructive device or booby trap device to avoid detection by law enforcement or other government personnel or to avoid theft or

detection by any other person, of any controlled substance as set forth in KRS Chapter 218A and held in violation of KRS 218A.140, shall be guilty of a Class C felony.

**TITLE L Kentucky Penal Code**  
**Chapter 527 Offenses Relating to Firearms and Weapons**

**527.010. Definitions for chapter.** The following definitions apply in this chapter unless the context otherwise requires:

(2) "**Deface**" means to remove, deface, cover, alter, or destroy the manufacturer's serial number or any other distinguishing number or identification mark.

(3) "**Destructive device**" shall have the same meaning as set forth in KRS 237.030.

(4) "**Firearm**" means any weapon which will expel a projectile by the action of an explosive.

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

**527.020. Carrying concealed deadly weapon.**

(1) A person is guilty of carrying a concealed weapon when he or she carries concealed a firearm or other deadly weapon on or about his or her person.

(2) Peace officers and certified court security officers, when necessary for their protection in the discharge of their official duties; United States mail carriers when actually engaged in their duties; and agents and messengers of express companies, when necessary for their protection in the discharge of their official duties, may carry concealed weapons on or about their person.

(3) The director of the Division of Law Enforcement in the Department of Fish and Wildlife Resources, conservation officers of the Department of Fish and Wildlife Resources, and policemen directly employed by state, county, city, or urban-county governments may carry concealed deadly weapons on or about their person at all times within the Commonwealth of Kentucky, when expressly authorized to do so by law or by the government employing the officer.

(4) Persons, except those specified in subsection (5) of this section, licensed to carry a concealed deadly weapon pursuant to KRS 237.110 may carry a firearm or other concealed deadly weapon on or about their persons at all times within the Commonwealth of Kentucky, if the firearm or concealed deadly weapon is carried in conformity with the requirements of that section. Unless otherwise specifically provided by the Kentucky Revised Statutes or applicable federal law, no criminal penalty shall attach to carrying a concealed firearm or other deadly weapon with a permit at any location at which an unconcealed firearm or other deadly weapon may be constitutionally carried. No person or organization, public or private, shall prohibit a person licensed to carry a concealed deadly weapon from possessing a firearm, ammunition, or both, or other deadly weapon in his or her vehicle in compliance with the provisions of KRS 237.110 and 237.115. Any attempt by a person or organization, public or private, to violate the provisions of this subsection may be the subject of an action for appropriate relief or for damages in a Circuit Court or District Court of competent jurisdiction.

(5) (a) The following persons, if they hold a license to carry a concealed deadly weapon pursuant to KRS 237.110 or 237.138 to 237.142, may carry a firearm or other concealed deadly weapon on or about their persons at all times and at all locations within the Commonwealth of Kentucky, without any limitation other than as provided in this subsection:

1. A Commonwealth's attorney or assistant Commonwealth's attorney;
2. A retired Commonwealth's attorney or retired assistant Commonwealth's attorney;
3. A county attorney or assistant county attorney;
4. A retired county attorney or retired assistant county attorney;
5. A justice or judge of the Court of Justice;
6. A retired or senior status justice or judge of the Court of Justice; and
7. A retired peace officer who holds a concealed deadly weapon license issued pursuant to the federal Law Enforcement Officers Safety Act, 18 U.S.C. sec. 926C, and KRS 237.138 to 237.142.

(b) The provisions of this subsection shall not authorize a person specified in this subsection to carry a concealed deadly weapon in a detention facility as defined in KRS 520.010 or on the premises of a detention facility without the permission of the warden, jailer, or other person in charge of the facility, or the permission of a person authorized by the warden, jailer, or other person in charge of the detention facility to give such permission. As used in this section, "detention facility" does not include courtrooms, facilities, or other premises used by the Court of Justice or administered by the Administrative Office of the Courts.

(c) A person specified in this section who is issued a concealed deadly weapon license shall be issued a license which bears on its face the statement that it is valid at all locations within the Commonwealth of Kentucky and may have such other identifying characteristics as determined by the Department of Kentucky State Police.

(6) (a) Except provided in this subsection, the following persons may carry concealed deadly weapons on or about their person at all times and at all locations within the Commonwealth of Kentucky:

1. An elected sheriff and full-time and part-time deputy sheriffs certified pursuant to KRS 15.380 to 15.404 when expressly authorized to do so by the unit of government employing the officer;
2. An elected jailer and a deputy jailer who has successfully completed Department of Corrections basic training and maintains his or her current in-service training when expressly authorized to do so by the jailer; and



**3.** The department head or any employee of a corrections department in any jurisdiction where the office of elected jailer has been merged with the office of sheriff who has successfully completed Department of Corrections basic training and maintains his or her current in-service training when expressly authorized to do so by the unit of government by which he or she is employed.

**(b)** The provisions of this subsection shall not authorize a person specified in this subsection to carry a concealed deadly weapon in a detention facility as defined in KRS 520.010 or on the premises of a detention facility without the permission of the warden, jailer, or other person in charge of the facility, or the permission of a person authorized by the warden, jailer, or other person in charge of the detention facility to give such permission. As used in this section, "detention facility" does not include courtrooms, facilities, or other premises used by the Court of Justice or administered by the Administrative Office of the Courts.

**(7) (a)** A full-time paid peace officer of a government agency from another state or territory of the United States or an elected sheriff from another territory of the United States may carry a concealed deadly weapon in Kentucky, on or off duty, if the other state or territory accords a Kentucky full-time paid peace officer and a Kentucky elected sheriff the same rights by law. If the other state or territory limits a Kentucky full-time paid peace officer or elected sheriff to carrying a concealed deadly weapon while on duty, then that same restriction shall apply to a full-time paid peace officer or elected sheriff from that state or territory.

**(b)** The provisions of this subsection shall not authorize a person specified in this subsection to carry a concealed deadly weapon in a detention facility as defined in KRS 520.010 or on the premises of a detention facility without the permission of the warden, jailer, or other person in charge of the facility, or the permission of a person authorized by the warden, jailer, or other person in charge of the detention facility to give such permission. As used in this section, "detention facility" does not include courtrooms, facilities, or other premises used by the Court of Justice or administered by the Administrative Office of the Courts.

**(8)** A loaded or unloaded firearm or other deadly weapon shall not be deemed concealed on or about the person if it is located in any enclosed container, compartment, or storage space installed as original equipment in a motor vehicle by its manufacturer, including but not limited to a glove compartment, center console, or seat pocket, regardless of whether said enclosed container, storage space, or compartment is locked, unlocked, or does not have a locking mechanism. No person or organization, public or private, shall prohibit a person from keeping a loaded or unloaded firearm or ammunition, or both, or other deadly weapon in a vehicle in accordance with the provisions of this subsection. Any attempt by a person or organization, public or private, to violate the provisions of this subsection may be the subject of an action for appropriate relief or for damages in a Circuit Court or District Court of competent jurisdiction. This subsection shall not apply to any person prohibited from possessing a firearm pursuant to KRS 527.040.

**(9)** The provisions of this section shall not apply to a person who carries a concealed deadly weapon on or about his or her person without a license issued pursuant to KRS 237.110:

**(a)** If he or she is the owner of the property or has the permission of the owner of the property, on real property which he or she or his or her spouse, parent, grandparent, or child owns;

**(b)** If he or she is the lessee of the property or has the permission of the lessee of the property, on real property which he or she or his or her spouse, parent, grandparent, or child occupies pursuant to a lease; or

**(c)** If he or she is the sole proprietor of the business, on real property owned or leased by the business.

**(10)** Carrying a concealed weapon is a Class A misdemeanor, unless the defendant has been previously convicted of a felony in which a deadly weapon was possessed, used, or displayed, in which case it is a Class D felony.

#### **527.030. Defacing a firearm.**

**(1)** A person is guilty of defacing a firearm when he intentionally defaces a firearm.

**(2)** Defacing a firearm is a Class A misdemeanor.

#### **527.040. Possession of firearm by convicted felon – Exceptions.**

**(1)** A person is guilty of possession of a firearm by a convicted felon when he possesses, manufactures, or transports a firearm when he has been convicted of a felony, as defined by the laws of the jurisdiction in which he was convicted, in any state or federal court and has not:

**(a)** Been granted a full pardon by the Governor or by the President of the United States;

**(b)** Been granted relief by the United States Secretary of the Treasury pursuant to the Federal Gun Control Act of 1968, as amended.

**(2)** Possession of a firearm by a convicted felon is a Class D felony unless the firearm possessed is a handgun in which case it is a Class C felony.

**(3)** The provisions of this section shall apply to any youthful offender convicted of a felony offense under the laws of this Commonwealth. The exceptions contained in KRS 527.100 prohibiting possession of a handgun by a minor shall not apply to this section.

**(4)** The provisions of this section with respect to handguns, shall apply only to persons convicted after January 1, 1975, and with respect to other firearms, to persons convicted after July 15, 1994.

#### **527.050. Possession of defaced firearm.**

**(1)** A person is guilty of possession of a defaced firearm when he knowingly possesses a defaced firearm unless he makes a report to the police or other appropriate government agency of such possession prior to arrest or authorization of

a warrant by a court.

**(2)** Possession of a defaced firearm is a Class A misdemeanor.

**527.060. Forfeiture.** Upon the conviction of any person for the violation of any law of this Commonwealth in which a deadly weapon was used, displayed or unlawfully possessed by such person the court shall order the weapon forfeited to the state and sold, destroyed or otherwise disposed of in accordance with KRS 500.090.

**527.070. Unlawful possession of a weapon on school property – Posting of sign – Exemptions.**

**(1)** A person is guilty of unlawful possession of a weapon on school property when he knowingly deposits, possesses, or carries, whether openly or concealed, for purposes other than instructional or school-sanctioned ceremonial purposes, or the purposes permitted in subsection (3) of this section, any firearm or other deadly weapon, destructive device, or booby trap device in any public or private school building or bus, on any public or private school campus, grounds, recreation area, athletic field, or any other property owned, used, or operated by any board of education, school, board of trustees, regents, or directors for the administration of any public or private educational institution. The provisions of this section shall not apply to institutions of postsecondary or higher education.

**(2)** Each chief administrator of a public or private school shall display about the school in prominent locations, including, but not limited to, sports arenas, gymnasiums, stadiums, and cafeterias, a sign at least 6 inches high and 14 inches wide stating:

**UNLAWFUL POSSESSION OF A WEAPON ON SCHOOL PROPERTY IN KENTUCKY IS A FELONY PUNISHABLE BY A MAXIMUM OF FIVE (5) YEARS IN PRISON AND A TEN THOUSAND DOLLAR (\$ 10,000) FINE.**

Failure to post the sign shall not relieve any person of liability under this section.

**(3)** The provisions of this section prohibiting the unlawful possession of a weapon on school property shall not apply to:

**(a)** An adult who possesses a firearm, if the firearm is contained within a vehicle operated by the adult and is not removed from the vehicle, except for a purpose permitted herein, or brandished by the adult, or by any other person acting with expressed or implied consent of the adult, while the vehicle is on school property;

**(b)** Any pupils who are members of the reserve officers training corps or pupils enrolled in a course of instruction or members of a school club or team, to the extent they are required to carry arms or weapons in the discharge of their official class or team duties;

**(c)** Any peace officer or police officer authorized to carry a concealed weapon pursuant to KRS 527.020;

**(d)** Persons employed by the Armed Forces of the United States or members of the National Guard or militia when required in the discharge of their official duties to carry arms or weapons;

**(e)** Civil officers of the United States in the discharge of their official duties. Nothing in this section shall be construed as to allow any person to carry a concealed weapon into a public or private elementary or secondary school building;

**(f)** Any other persons, including, but not limited to, exhibitors of historical displays, who have been authorized to carry a firearm by the board of education or board of trustees of the public or private institution;

**(g)** A person hunting during the lawful hunting season on lands owned by any public or private educational institution and designated as open to hunting by the board of education or board of trustees of the educational institution;

**(h)** A person possessing unloaded hunting weapons while traversing the grounds of any public or private educational institution for the purpose of gaining access to public or private lands open to hunting with the intent to hunt on the public or private lands, unless the lands of the educational institution are posted prohibiting the entry; or

**(i)** A person possessing guns or knives when conducting or attending a "gun and knife show" when the program has been approved by the board of education or board of trustees of the educational institution.

**(4)** Unlawful possession of a weapon on school property is a Class D felony.

**527.080. Using restricted ammunition during the commission of a crime – Exception.**

**(1)** A person is guilty of using restricted ammunition during the commission of a crime when he commits any felony offense under this code and is armed at the time of the commission of the offense or in the immediate flight therefrom with a firearm loaded, as defined in KRS 237.060, with armor-piercing ammunition as defined in KRS 237.060 or flanged ammunition as defined in KRS 237.060.

**(2)** Using restricted ammunition during the commission of a crime is:

**(a)** A Class D felony if no shot is fired;

**(b)** A Class C felony if a shot is fired and no person is killed or wounded thereby;

**(c)** A Class B felony if a shot is fired and a person other than the defendant or an accomplice of the defendant is wounded by the shot; and

**(d)** A Class A felony if a shot is fired and a person other than the defendant or an accomplice of the defendant is killed by the shot.

**(3)** The provisions of this section are intended to be a separate offense from the underlying crime, which shall be punished separately. If a person is convicted of this offense, his sentence shall be served consecutively to the sentence for the underlying offense.

**(4)** The provisions of this section shall not apply to any person who is justified in acting pursuant to the provisions of KRS Chapter 503.

**527.090. Fraudulent firearm transaction.**

**(1)** As used in this section:

**(a)** "Licensed dealer" means a person who is licensed pursuant to 18 U.S.C. sec. 923 and pursuant to any laws of this Commonwealth and engages in the business of dealing in firearms;

**(b)** "Materially false information" means information that portrays an illegal transaction as legal or a legal transaction as illegal; and

**(c)** "Private seller" means a person who sells or offers for sale any firearm.

**(2)** A person is guilty of fraudulent firearm transaction when he or she knowingly:

**(a)** Solicits, persuades, encourages, or entices a licensed dealer or private seller of firearms to transfer a firearm under circumstances which the person knows would violate the laws of this Commonwealth or the United States;

**(b)** Provides to a licensed dealer or private seller of firearms what the person knows to be materially false information with intent to deceive the dealer or seller about the legality of a transfer of a firearm; or

**(c)** Procures another to engage in conduct prohibited by this section.

**(3)** Fraudulent firearm transaction is a Class D felony.