

Kentucky State Laws

Current through the 2018 Legislative Session

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Title IX. Counties, Cities, and Other Local Units
Chapter 65. General Provisions applicable to Counties, Cities, and Other Local Units

Section 65.870. Local firearms control ordinances prohibited — Exemption from immunity — Declaratory and injunctive relief.

(1) No existing or future city, county, urban-county government, charter county, consolidated local government, unified local government, special district, local or regional public or quasi-public agency, board, commission, department, public corporation, or any person acting under the authority of any of these organizations may occupy any part of the field of regulation of the manufacture, sale, purchase, taxation, transfer, ownership, possession, carrying, storage, or transportation of firearms, ammunition, components of firearms, components of ammunition, firearms accessories, or combination thereof.

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

Title XIX. Public Safety and Morals
Chapter 237. Firearms and Destructive Devices

Section 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.

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.

Section 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.

Section 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.

Section 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.

Section 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.

Section 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.

Section 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

Section 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.

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.

Section 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.

Section 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.

(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

Section 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 with membership open to residents of any state or territory of the United States, which was created to promote firearms education, safety, and the profession of firearms use and training, and to foster professional behavior in its members. The organization shall require members to adhere to its own code of ethics and conduct a program which certifies firearms instructors and includes the use of written tests, in person instruction, and a component of live-fire training. These national organizations shall include, but are not limited to The National Rifle Association, The United States Concealed Carry Association, and the National Shooting Sports Foundation. The training requirement may also be fulfilled through any

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 National Guard or Air 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.

(19) The General Assembly finds as a matter of public policy that it is necessary to provide statewide uniform standards for issuing licenses to carry concealed firearms and to occupy the field of regulation of the bearing of concealed firearms to ensure that no person who qualifies under the provisions of this section is denied his rights. 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.

Penalties

Section 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

Section 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.

Section 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.

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

(2)

- (a) 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.
- (b) If a felon is convicted of a criminal offense other than possession of a firearm by a convicted felon, and he or she possessed a firearm in commission of that offense, then the felon shall be penalized for violating this section one (1) class more severely if it is a second or subsequent violation of this section.

(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.

Section 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.

Section 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.

Section 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.

Section 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.

Section 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.

Section 527.100. Possession of handgun by minor.

(1) A person is guilty of possession of a handgun by a minor when, being under the age of eighteen (18) years, he possesses, manufactures, or transports a handgun as defined by KRS 527.010, except when the person is:

(a) In attendance at a hunter's safety course or a firearms safety course;

(b) Engaging in practice in the use of a firearm, or target shooting at an established firing range, or any other area where the discharge of a firearm is not prohibited;

(c) Engaging in an organized competition involving the use of a firearm, or participating in or practicing for a performance by a group organized under Section 501(c)(3) of the Internal Revenue Code or any successor thereto which uses firearms as a part of the performance;

(d) Hunting or trapping pursuant to a valid license issued to him pursuant to the statutes or administrative regulations of this Commonwealth;

(e) Traveling to or from any activity described in paragraphs (a) to (d) of this subsection with any unloaded handgun in his possession;

(f) On real property which is under the control of an adult and has the permission of that adult and his parent or legal guardian to possess a handgun; or

(g) At his residence and with the permission of his parent or legal guardian possesses a handgun and is justified under the principles of justification set forth in KRS Chapter 503 in using physical force or deadly physical force.

(2) For the purposes of subsection (1) of this section, a handgun is "loaded" if:

(a) There is a cartridge in the chamber of the handgun; or

(b) There is a cartridge in the cylinder of the handgun, if the handgun is a revolver; or

(c) There is a cartridge in the magazine of a semiautomatic handgun, if the magazine is attached to the handgun; or

(d) The handgun and the ammunition for the handgun, are carried on the person of one under the age of eighteen (18) years or are in such close proximity to him that he could readily gain access to the handgun and the ammunition and load the handgun.

(3) Possession of a handgun by a minor is a Class A misdemeanor for the first offense and a Class D felony for each subsequent offense.

Section 527.110. Unlawfully providing handgun to juvenile or permitting juvenile to possess handgun.

(1) A person is guilty of unlawfully providing a handgun to a juvenile or permitting a juvenile to possess a handgun when he:

(a) Intentionally, knowingly, or recklessly provides a handgun, with or without remuneration, in violation of KRS 527.040, 527.100, or 600.020 to any person he knows or has reason to believe is under the age of eighteen (18) years; or

(b) Is the parent or legal guardian of a juvenile and intentionally, knowingly, or recklessly provides a handgun to the juvenile or permits the juvenile to possess a handgun knowing that there is a substantial risk that the juvenile will use a handgun to commit a felony offense; or, with knowledge that the juvenile has been convicted of a crime of violence as defined in KRS 439.3401 or has been adjudicated a public offender of an offense which would constitute a crime of violence as defined in KRS 439.3401, provides a handgun to that juvenile.

(2) Unlawfully providing a hand gun to a juvenile or permitting a juvenile to possess a handgun is a Class D felony.