

1 AN ACT relating to concealed deadly weapons.

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

3 ➔Section 1. KRS 527.020 is amended to read as follows:

- 4 (1) A person is guilty of carrying a concealed weapon when he or she carries concealed
5 a firearm or other deadly weapon on or about his or her person.
- 6 (2) Peace officers and certified court security officers, when necessary for their
7 protection in the discharge of their official duties; United States mail carriers when
8 actually engaged in their duties; and agents and messengers of express companies,
9 when necessary for their protection in the discharge of their official duties, may
10 carry concealed weapons on or about their person.
- 11 (3) The director of the Division of Law Enforcement in the Department of Fish and
12 Wildlife Resources, conservation officers of the Department of Fish and Wildlife
13 Resources, and policemen directly employed by state, county, city, or urban-county
14 governments may carry concealed deadly weapons on or about their person at all
15 times within the Commonwealth of Kentucky, when expressly authorized to do so
16 by law or by the government employing the officer.
- 17 (4) Persons~~[, except those specified in subsection (5) of this section,]~~ licensed to carry a
18 concealed deadly weapon pursuant to KRS 237.110 may carry a firearm or other
19 concealed deadly weapon on or about their persons at all times within the
20 Commonwealth of Kentucky, if the firearm or concealed deadly weapon is carried
21 in conformity with the requirements of that section. Unless otherwise specifically
22 provided by the Kentucky Revised Statutes or applicable federal law, no criminal
23 penalty shall attach to carrying a concealed firearm or other deadly weapon with a
24 permit at any location at which an unconcealed firearm or other deadly weapon may
25 be constitutionally carried. No person or organization, public or private, shall
26 prohibit a person licensed to carry a concealed deadly weapon from possessing a
27 firearm, ammunition, or both, or other deadly weapon in his or her vehicle in

1 compliance with the provisions of KRS 237.110 and 237.115. Any attempt by a
 2 person or organization, public or private, to violate the provisions of this subsection
 3 may be the subject of an action for appropriate relief or for damages in a Circuit
 4 Court or District Court of competent jurisdiction.

5 (5) (a) **A person who holds**~~[The following persons, if they hold]~~ a license to carry a
 6 concealed deadly weapon pursuant to KRS 237.110 or 237.138 to 237.142,
 7 may carry a firearm or other concealed deadly weapon on or about their
 8 persons at all times and at all locations within the Commonwealth of
 9 Kentucky, without any limitation other than as provided in this subsection.]:

10 1.—~~A Commonwealth's attorney or assistant Commonwealth's attorney;~~

11 2.—~~A retired Commonwealth's attorney or retired assistant Commonwealth's~~
 12 ~~attorney;~~

13 3.—~~A county attorney or assistant county attorney;~~

14 4.—~~A retired county attorney or retired assistant county attorney;~~

15 5.—~~A justice or judge of the Court of Justice;~~

16 6.—~~A retired or senior status justice or judge of the Court of Justice; and~~

17 7.—~~A retired peace officer who holds a concealed deadly weapon license~~
 18 ~~issued pursuant to the federal Law Enforcement Officers Safety Act, 18~~
 19 ~~U.S.C. sec. 926C, and KRS 237.138 to 237.142.]~~

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

1 Office of the Courts.

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

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

10 1. An elected sheriff and full-time and part-time deputy sheriffs certified
11 pursuant to KRS 15.380 to 15.404 when expressly authorized to do so
12 by the unit of government employing the officer;

13 2. An elected jailer and a deputy jailer who has successfully completed
14 Department of Corrections basic training and maintains his or her
15 current in-service training when expressly authorized to do so by the
16 jailer; and

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

23 (b) The provisions of this subsection shall not authorize a person specified in this
24 subsection to carry a concealed deadly weapon in a detention facility as
25 defined in KRS 520.010 or on the premises of a detention facility without the
26 permission of the warden, jailer, or other person in charge of the facility, or
27 the permission of a person authorized by the warden, jailer, or other person in

1 charge of the detention facility to give such permission. As used in this
2 section, "detention facility" does not include courtrooms, facilities, or other
3 premises used by the Court of Justice or administered by the Administrative
4 Office of the Courts.

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

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

23 (8) A loaded or unloaded firearm or other deadly weapon shall not be deemed
24 concealed on or about the person if it is located in any enclosed container,
25 compartment, or storage space installed as original equipment in a motor vehicle by
26 its manufacturer, including but not limited to a glove compartment, center console,
27 or seat pocket, regardless of whether said enclosed container, storage space, or

1 compartment is locked, unlocked, or does not have a locking mechanism. No person
2 or organization, public or private, shall prohibit a person from keeping a loaded or
3 unloaded firearm or ammunition, or both, or other deadly weapon in a vehicle in
4 accordance with the provisions of this subsection. Any attempt by a person or
5 organization, public or private, to violate the provisions of this subsection may be
6 the subject of an action for appropriate relief or for damages in a Circuit Court or
7 District Court of competent jurisdiction. This subsection shall not apply to any
8 person prohibited from possessing a firearm pursuant to KRS 527.040.

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

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

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

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

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

23 ➔Section 2. KRS 237.110 is amended to read as follows:

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

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

- 1 (a) Be valid throughout the Commonwealth and, except as provided in this
2 section or other specific section of the Kentucky Revised Statutes or federal
3 law, permit the holder of the license to carry firearms, ammunition, or other
4 deadly weapons, or a combination thereof, at any location in the
5 Commonwealth;
- 6 (b) Unless revoked or suspended as provided by law, be valid for a period of five
7 (5) years from the date of issuance;
- 8 (c) Authorize the holder of the license to carry a concealed firearm or other
9 deadly weapon, or a combination thereof, on or about his or her person; and
- 10 (d) Authorize the holder of the license to carry ammunition for a firearm on or
11 about his or her person.
- 12 (3) Prior to the issuance of an original or renewal license to carry a concealed deadly
13 weapon, the Department of Kentucky State Police, upon receipt of a completed
14 application, applicable fees, and any documentation required by this section or
15 administrative regulation promulgated by the Department of Kentucky State Police,
16 shall conduct a background check to ascertain whether the applicant is eligible
17 under 18 U.S.C. sec. 922(g) and (n), any other applicable federal law, and state law
18 to purchase, receive, or possess a firearm or ammunition, or both. The background
19 check shall include:
- 20 (a) A state records check covering the items specified in this subsection, together
21 with any other requirements of this section;
- 22 (b) A federal records check, which shall include a National Instant Criminal
23 Background Check System (NICS) check;
- 24 (c) A federal Immigration Alien Query if the person is an alien who has been
25 lawfully admitted to the United States by the United States government or an
26 agency thereof; and
- 27 (d) In addition to the Immigration Alien Query, if the applicant has not been

1 lawfully admitted to the United States under permanent resident status, the
2 Department of Kentucky State Police shall, if a doubt exists relating to an
3 alien's eligibility to purchase a firearm, consult with the United States
4 Department of Homeland Security, United States Department of Justice,
5 United States Department of State, or other federal agency to confirm whether
6 the alien is eligible to purchase a firearm in the United States, bring a firearm
7 into the United States, or possess a firearm in the United States under federal
8 law.

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

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

14 (b) 1. Is a citizen of the United States who is a resident of this Commonwealth;
15 2. Is a citizen of the United States who is a member of the Armed Forces of
16 the United States who is on active duty, who is at the time of application
17 assigned to a military posting in Kentucky;

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

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

25 (c) Is twenty-one (21) years of age or older;

26 (d) Has not been committed to a state or federal facility for the abuse of a
27 controlled substance or been convicted of a misdemeanor violation of KRS

- 1 Chapter 218A or similar laws of any other state relating to controlled
2 substances, within a three (3) year period immediately preceding the date on
3 which the application is submitted;
- 4 (e) Does not chronically and habitually use alcoholic beverages as evidenced by
5 the applicant having two (2) or more convictions for violating KRS 189A.010
6 within the three (3) years immediately preceding the date on which the
7 application is submitted, or having been committed as an alcoholic pursuant to
8 KRS Chapter 222 or similar laws of another state within the three (3) year
9 period immediately preceding the date on which the application is submitted;
- 10 (f) Does not owe a child support arrearage which equals or exceeds the
11 cumulative amount which would be owed after one (1) year of nonpayment, if
12 the Department of Kentucky State Police has been notified of the arrearage by
13 the Cabinet for Health and Family Services;
- 14 (g) Has complied with any subpoena or warrant relating to child support or
15 paternity proceedings. If the Department of Kentucky State Police has not
16 been notified by the Cabinet for Health and Family Services that the applicant
17 has failed to meet this requirement, the Department of Kentucky State Police
18 shall assume that paternity and child support proceedings are not an issue;
- 19 (h) Has not been convicted of a violation of KRS 508.030 or 508.080 within the
20 three (3) years immediately preceding the date on which the application is
21 submitted. The commissioner of the Department of Kentucky State Police
22 may waive this requirement upon good cause shown and a determination that
23 the applicant is not a danger and that a waiver would not violate federal law;
- 24 (i) Demonstrates competence with a firearm by successful completion of a
25 firearms safety or training course that is conducted by a firearms instructor
26 who is certified by a national organization with membership open to residents
27 of any state or territory of the United States, which was created to promote

1 firearms education, safety, and the profession of firearms use and training, and
2 to foster professional behavior in its members. The organization shall require
3 members to adhere to its own code of ethics and conduct a program which
4 certifies firearms instructors and includes the use of written tests, in person
5 instruction, and a component of live-fire training. These national
6 organizations shall include but are not limited to the National Rifle
7 Association, the United States Concealed Carry Association, and the National
8 Shooting Sports Foundation. The training requirement may also be fulfilled
9 through any firearms safety course offered or approved by the Department of
10 Criminal Justice Training. The firearms safety course offered or approved by
11 the Department of Criminal Justice Training shall:

- 12 1. Be not more than eight (8) hours in length;
- 13 2. Include instruction on handguns, the safe use of handguns, the care and
14 cleaning of handguns, and handgun marksmanship principles;
- 15 3. Include actual range firing of a handgun in a safe manner, and the firing
16 of not more than twenty (20) rounds at a full-size silhouette target,
17 during which firing, not less than eleven (11) rounds must hit the
18 silhouette portion of the target; and
- 19 4. Include information on and a copy of laws relating to possession and
20 carrying of firearms, as set forth in KRS Chapters 237 and 527, and the
21 laws relating to the use of force, as set forth in KRS Chapter 503; and

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

27 (5) (a) A legible photocopy or electronic copy of a certificate of completion issued by

1 a firearms instructor certified by a national organization or the Department of
2 Criminal Justice Training shall constitute evidence of qualification under
3 subsection (4)(i) of this section.

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

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

- 9 a. Department of Defense Form DD 2586;
- 10 b. Department of Defense Form DD 214;
- 11 c. Coast Guard Form CG 3029;
- 12 d. Department of the Army Form DA 88-R;
- 13 e. Department of the Army Form DA 5704-R;
- 14 f. Department of the Navy Form OPNAV 3591-1; or
- 15 g. Department of the Air Force Form AF 522; or

16 2. a. Documentary evidence of an honorable discharge; and
17 b. A notarized affidavit on a form provided by the Department of
18 Kentucky State Police, signed under penalty of perjury, stating the
19 person has met the training requirements of subsection (6)(d) of
20 this section.

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

- 1 (b) Current and retired peace officers of the following federal agencies shall be
2 deemed to have met the training requirement:
- 3 1. Any peace officer employed by a federal agency specified in KRS
4 61.365;
 - 5 2. Any peace officer employed by a federal civilian law enforcement
6 agency not specified above who has successfully completed the basic
7 law enforcement training course required by that agency;
 - 8 3. Any military peace officer of the United States Army, Navy, Marine
9 Corps, or Air Force, or a reserve component thereof, or of the Army
10 National Guard or Air National Guard who has successfully completed
11 the military law enforcement training course required by that branch of
12 the military;
 - 13 4. Any member of the United States Coast Guard serving in a peace officer
14 role who has successfully completed the law enforcement training
15 course specified by the United States Coast Guard.
- 16 (c) Corrections officers who are currently employed by a consolidated local
17 government, an urban-county government, or the Department of Corrections
18 who have successfully completed a basic firearms training course required for
19 their employment, and corrections officers who were formerly employed by a
20 consolidated local government, an urban-county government, or the
21 Department of Corrections who are retired, and who successfully completed a
22 basic firearms training course required for their employment, and are members
23 of a state-administered retirement system or other retirement system operated
24 by or for a city, county, or urban-county government in Kentucky shall be
25 deemed to have met the training requirement.
- 26 (d) Active or honorably discharged service members in the United States Army,
27 Navy, Marine Corps, Air Force, or Coast Guard, or a reserve component

1 thereof, or of the Army National Guard or Air National Guard shall be
2 deemed to have met the training requirement if these persons:

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

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

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

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

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

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

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

26 3. Twenty dollars (\$20) of the paper application fee shall be retained by the
27 office of the sheriff for official expenses of the office. Twenty dollars

1 (\$20) shall be sent to the Department of Kentucky State Police with the
2 application. Ten dollars (\$10) shall be transmitted by the sheriff to the
3 Administrative Office of the Courts to fund background checks for
4 youth leaders, and ten dollars (\$10) shall be transmitted to the
5 Administrative Office of the Courts to fund background checks for
6 applicants for concealed weapons.

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

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

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

1 paying the paper or electronic application or renewal fees.

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

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

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

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

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

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

19 b. i. Documentary evidence of an honorable discharge; and
20 ii. A notarized affidavit on a form provided by the Department
21 of Kentucky State Police stating the person has met the
22 training requirements of subsection (6)(c) of this section;

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

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

- 1 6. A conspicuous warning that the application is executed under oath and
2 that a materially false answer to any question, or the submission of any
3 materially false document by the applicant, subjects the applicant to
4 criminal prosecution under KRS 523.030.
- 5 (8) The applicant shall submit to the sheriff of the applicant's county of residence or
6 county of military posting if submitting a paper application, or to the Department of
7 Kentucky State Police if submitting an electronic application:
- 8 (a) A completed application as described in subsection (7) of this section;
9 (b) A recent color photograph of the applicant, as prescribed by administrative
10 regulation;
11 (c) A paper or electronic certificate or an affidavit or document as described in
12 subsection (5) of this section;
13 (d) A paper or electronic document establishing the training exemption as
14 described in subsection (6) of this section; and
15 (e) For an applicant who is not a citizen of the United States and has been
16 lawfully admitted to the United States by the United States government or an
17 agency thereof, an affidavit as prescribed by administrative regulation
18 concerning his or her immigration status and his or her United States
19 government issued:
- 20 1. Permanent Resident Card I-551 or its equivalent successor
21 identification;
22 2. Other United States government issued evidence of lawful admission to
23 the United States which includes the category of admission, if admission
24 has not been granted as a permanent resident; and
25 3. Evidence of compliance with the provisions of 18 U.S.C. sec. 922(g)(5),
26 18 U.S.C. sec. 922(d)(5), or 18 U.S.C. sec. 922(y)(2), and 27 C.F.R. Part
27 178, including, as appropriate, but not limited to evidence of ninety (90)

1 day residence in the Commonwealth, a valid current Kentucky hunting
2 license if claiming exemption as a hunter, or other evidence of eligibility
3 to purchase a firearm by an alien which is required by federal law or
4 regulation.

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

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

13 (a) Issue the license; or

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

26 (10) The Department of Kentucky State Police shall maintain an automated listing of
27 license holders and pertinent information, and this information shall be available

1 upon request, at all times to all Kentucky, federal, and other states' law enforcement
2 agencies. A request for the entire list of licensees, or for all licensees in a
3 geographic area, shall be denied. Only requests relating to a named licensee shall be
4 honored or available to law enforcement agencies. Information on applications for
5 licenses, names and addresses, or other identifying information relating to license
6 holders shall be confidential and shall not be made available except to law
7 enforcement agencies. No request for lists of local or statewide permit holders shall
8 be made to any state or local law enforcement agency, peace officer, or other agency
9 of government other than the Department of Kentucky State Police, and no state or
10 local law enforcement agency, peace officer, or agency of government, other than
11 the Department of Kentucky State Police, shall provide any information to any
12 requester not entitled to it by law.

13 (11) Within thirty (30) days after the changing of a permanent address, or within thirty
14 (30) days after the loss, theft, or destruction of a license, the licensee shall notify the
15 Department of Kentucky State Police of the loss, theft, or destruction. Failure to
16 notify the Department of Kentucky State Police shall constitute a noncriminal
17 violation with a penalty of twenty-five dollars (\$25) payable to the clerk of the
18 District Court. No court costs shall be assessed for a violation of this subsection.
19 When a licensee makes application to change his or her residence address or other
20 information on the license, neither the sheriff nor the Department of Kentucky State
21 Police shall require a surrender of the license until a new license is in the office of
22 the applicable sheriff and available for issuance. Upon the issuance of a new
23 license, the old license shall be destroyed by the sheriff.

24 (12) If a license is lost, stolen, or destroyed, the license shall be automatically invalid,
25 and the person to whom the same was issued may, upon payment of fifteen dollars
26 (\$15) for a paper request, or twenty-five dollars (\$25) for an electronic request
27 submitted in lieu of a paper request, to the Department of Kentucky State Police,

1 obtain a duplicate, upon furnishing a notarized statement to the Department of
2 Kentucky State Police that the license has been lost, stolen, or destroyed.

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

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

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

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

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

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

24 (e) Upon receipt of the petition, the commissioner of the Department of Kentucky
25 State Police shall cause a hearing to be held in accordance with KRS Chapter
26 13B on the suspension or revocation of the license. If the license has not been
27 surrendered, no hearing shall be scheduled or held.

- 1 (f) If the hearing officer determines that the licensee's license was wrongly
2 suspended or revoked, the hearing officer shall order the commissioner of the
3 Department of Kentucky State Police to return the license and abrogate the
4 suspension or revocation of the license.
- 5 (g) Any party may appeal a decision pursuant to this subsection to the District
6 Court in the licensee's county of residence in the same manner as for the
7 denial of a license.
- 8 (h) If the license is not surrendered as ordered, the commissioner of the
9 Department of Kentucky State Police shall order a peace officer to seize the
10 license and deliver it to the commissioner.
- 11 (i) Failure to surrender a suspended or revoked license as ordered is a Class A
12 misdemeanor.
- 13 (j) The provisions of this subsection relating to surrender of a license shall not
14 apply if a court of competent jurisdiction has enjoined its surrender.
- 15 (k) When a domestic violence order or emergency protective order is issued
16 pursuant to the provisions of KRS Chapter 403 against a person holding a
17 license issued under this section, the holder of the permit shall surrender the
18 license to the court or to the officer serving the order. The officer to whom the
19 license is surrendered shall forthwith transmit the license to the court issuing
20 the order. The license shall be suspended until the order is terminated, or until
21 the judge who issued the order terminates the suspension prior to the
22 termination of the underlying domestic violence order or emergency protective
23 order, in writing and by return of the license, upon proper motion by the
24 license holder. Subject to the same conditions as above, a peace officer against
25 whom an emergency protective order or domestic violence order has been
26 issued shall not be permitted to carry a concealed deadly weapon when not on
27 duty, the provisions of KRS 527.020 to the contrary notwithstanding.

- 1 (14) (a) Not less than one hundred twenty (120) days prior to the expiration date of the
2 license, the Department of Kentucky State Police shall mail to each licensee a
3 written notice of the expiration and a renewal form prescribed by the
4 Department of Kentucky State Police. The outside of the envelope containing
5 the license renewal notice shall bear only the name and address of the
6 applicant. No other information relating to the applicant shall appear on the
7 outside of the envelope sent to the applicant. The licensee may renew his or
8 her license on or before the expiration date by filing with the sheriff of his or
9 her county of residence the paper renewal form, or by filing with the
10 Department of Kentucky State Police an electronic renewal form in lieu of a
11 paper renewal form, stating that the licensee remains qualified pursuant to the
12 criteria specified in subsections (3) and (4) of this section, and the required
13 renewal fee set forth in subsection (7) of this section. The sheriff shall issue to
14 the applicant a receipt for the paper application for renewal of the license and
15 shall date the receipt. The Department of Kentucky State Police shall issue to
16 the applicant a receipt for an electronic application for renewal of the license
17 submitted in lieu of a paper application for renewal and shall date the receipt.
- 18 (b) A license which has expired shall be void and shall not be valid for any
19 purpose other than surrender to the sheriff in exchange for a renewal license.
- 20 (c) The license shall be renewed to a qualified applicant upon receipt of the
21 completed renewal application, records check as specified in subsection (3) of
22 this section, determination that the renewal applicant is not ineligible for a
23 license as specified in subsection (4) *of this section*, and appropriate payment
24 of fees. Upon the issuance of a new license, the old license shall be destroyed
25 by the sheriff. A licensee who fails to file a renewal application on or before
26 its expiration date may renew his or her license by paying, in addition to the
27 license fees, a late fee of fifteen dollars (\$15). No license shall be renewed six

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

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

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

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

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

14 (c) Any ~~courthouse, solely occupied by the~~ Court of Justice courtroom~~,]~~ or
15 court proceeding;

16 (d) ~~Any meeting of the governing body of a county, municipality, or special
17 district; or any meeting of the General Assembly or a committee of the
18 General Assembly, except that nothing in this section shall preclude a member
19 of the body, holding a concealed deadly weapon license, from carrying a
20 concealed deadly weapon at a meeting of the body of which he or she is a
21 member;~~

22 (e) ~~Any portion of an establishment licensed to dispense beer or alcoholic
23 beverages for consumption on the premises, which portion of the
24 establishment is primarily devoted to that purpose;~~

25 (f) ~~Any elementary or secondary school facility without the consent of school
26 authorities as provided in KRS 527.070, any child-caring facility as defined in
27 KRS 199.011, any day-care center as defined in KRS 199.894, or any certified~~

1 ~~family child care home as defined in KRS 199.8982, except however, any~~
2 ~~owner of a certified child care home may carry a concealed firearm into the~~
3 ~~owner's residence used as a certified child care home;~~

4 ~~(g)~~—]An area of an airport to which access is controlled by the inspection of
5 persons and property; or

6 ~~(e)~~~~(h)~~] Any place where the carrying of firearms is prohibited by federal law.

7 (17) ~~[The owner, business or commercial lessee, or manager of a private business~~
8 ~~enterprise, day care center as defined in KRS 199.894 or certified or licensed family~~
9 ~~child care home as defined in KRS 199.8982, or a health care facility licensed~~
10 ~~under KRS Chapter 216B, except facilities renting or leasing housing, may prohibit~~
11 ~~persons holding concealed deadly weapon licenses from carrying concealed deadly~~
12 ~~weapons on the premises and may prohibit employees, not authorized by the~~
13 ~~employer, holding concealed deadly weapons licenses from carrying concealed~~
14 ~~deadly weapons on the property of the employer. If the building or the premises are~~
15 ~~open to the public, the employer or business enterprise shall post signs on or about~~
16 ~~the premises if carrying concealed weapons is prohibited. Possession of weapons, or~~
17 ~~ammunition, or both in a vehicle on the premises shall not be a criminal offense so~~
18 ~~long as the weapons, or ammunition, or both are not removed from the vehicle or~~
19 ~~brandished while the vehicle is on the premises. A private but not a public employer~~
20 ~~may prohibit employees or other persons holding a concealed deadly weapons~~
21 ~~license from carrying concealed deadly weapons, or ammunition, or both in vehicles~~
22 ~~owned by the employer, but may not prohibit employees or other persons holding a~~
23 ~~concealed deadly weapons license from carrying concealed deadly weapons, or~~
24 ~~ammunition, or both in vehicles owned by the employee, except that the Justice and~~
25 ~~Public Safety Cabinet may prohibit an employee from carrying any weapons, or~~
26 ~~ammunition, or both other than the weapons, or ammunition, or both issued or~~
27 ~~authorized to be used by the employee of the cabinet, in a vehicle while transporting~~

1 ~~persons under the employee's supervision or jurisdiction. Carrying of a concealed~~
2 ~~weapon, or ammunition, or both in a location specified in this subsection by a~~
3 ~~license holder shall not be a criminal act but may subject the person to denial from~~
4 ~~the premises or removal from the premises, and, if an employee of an employer,~~
5 ~~disciplinary measures by the employer.~~

6 ~~(18)~~ All moneys collected by the Department of Kentucky State Police pursuant to this
7 section shall be used to administer the provisions of this section and KRS 237.138
8 to 237.142. By March 1 of each year, the Department of Kentucky State Police and
9 the Administrative Office of the Courts shall submit reports to the Governor, the
10 President of the Senate, and the Speaker of the House of Representatives, indicating
11 the amounts of money collected and the expenditures related to this section, KRS
12 237.138 to 237.142, and KRS 237.115, 244.125, 527.020, and 527.070, and the
13 administration of the provisions of this section, KRS 237.138 to 237.142, and KRS
14 237.115, 244.125, 527.020, and 527.070.

15 ~~(18)~~(18) The General Assembly finds as a matter of public policy that it is necessary to
16 provide statewide uniform standards for issuing licenses to carry concealed firearms
17 and to occupy the field of regulation of the bearing of concealed firearms to ensure
18 that no person who qualifies under the provisions of this section is denied his rights.
19 The General Assembly does not delegate to the Department of Kentucky State
20 Police the authority to regulate or restrict the issuing of licenses provided for in this
21 section beyond those provisions contained in this section. This section shall be
22 liberally construed to carry out the constitutional right to bear arms for self-defense.

23 ~~(19)~~(19) (a) A person who is not a resident of Kentucky and who has a valid license
24 issued by another state of the United States to carry a concealed deadly
25 weapon in that state may, subject to provisions of Kentucky law, carry a
26 concealed deadly weapon in Kentucky, and his or her license shall be
27 considered as valid in Kentucky.

- 1 (b) If a person with a valid license to carry a concealed deadly weapon issued
2 from another state that has entered into a reciprocity agreement with the
3 Department of Kentucky State Police becomes a resident of Kentucky, the
4 license issued by the other state shall be considered as valid for the first one
5 hundred twenty (120) days of the person's residence in Kentucky, if within
6 sixty (60) days of moving to Kentucky, the person completes a form
7 promulgated by the Department of Kentucky State Police which shall include:
- 8 1. A signed and notarized statement averring that to the best of his or her
9 knowledge the person's license to carry a concealed deadly weapon is
10 valid and in compliance with applicable out-of-state law, and has not
11 been revoked or suspended for any reason except for valid forfeiture due
12 to departure from the issuing state;
 - 13 2. The person's name, date of birth, citizenship, gender, Social Security
14 number if applicable, proof that he or she is a citizen of the United
15 States, a permanent resident of the United States, or otherwise lawfully
16 present in the United States, former out-of-state address, current address
17 within the state of Kentucky, date on which Kentucky residence began,
18 state which issued the concealed carry license, the issuing state's
19 concealed carry license number, and the state of issuance of license; and
 - 20 3. A photocopy of the person's out-of-state license to carry a concealed
21 deadly weapon.
- 22 (c) Within sixty (60) days of moving to Kentucky, the person shall deliver the
23 form and accompanying documents by registered or certified mail, return
24 receipt requested, to the address indicated on the form provided by the
25 Department of Kentucky State Police pursuant to this subsection.
- 26 (d) The out-of-state concealed carry license shall become invalid in Kentucky
27 upon the earlier of:

- 1 1. The out-of-state person having resided in Kentucky for more than one
 - 2 hundred twenty (120) days; or
 - 3 2. The person being issued a Kentucky concealed deadly weapon license
 - 4 pursuant to this section.
- 5 (e) The Department of Kentucky State Police shall, not later than thirty (30) days
- 6 after July 15, 1998, and not less than once every twelve (12) months
- 7 thereafter, make written inquiry of the concealed deadly weapon carrying
- 8 licensing authorities in each other state as to whether a Kentucky resident may
- 9 carry a concealed deadly weapon in their state based upon having a valid
- 10 Kentucky concealed deadly weapon license, or whether a Kentucky resident
- 11 may apply for a concealed deadly weapon carrying license in that state based
- 12 upon having a valid Kentucky concealed deadly weapon license. The
- 13 Department of Kentucky State Police shall attempt to secure from each other
- 14 state permission for Kentucky residents who hold a valid Kentucky concealed
- 15 deadly weapon license to carry concealed deadly weapons in that state, either
- 16 on the basis of the Kentucky license or on the basis that the Kentucky license
- 17 is sufficient to permit the issuance of a similar license by the other state. The
- 18 Department of Kentucky State Police shall enter into a written reciprocity
- 19 agreement with the appropriate agency in each state that agrees to permit
- 20 Kentucky residents to carry concealed deadly weapons in the other state on the
- 21 basis of a Kentucky-issued concealed deadly weapon license or that will issue
- 22 a license to carry concealed deadly weapons in the other state based upon a
- 23 Kentucky concealed deadly weapon license. If a reciprocity agreement is
- 24 reached, the requirement to recontact the other state each twelve (12) months
- 25 shall be eliminated as long as the reciprocity agreement is in force. The
- 26 information shall be a public record and shall be available to individual
- 27 requesters free of charge for the first copy and at the normal rate for open

1 records requests for additional copies.

2 ~~(20)~~~~(21)~~ By March 1 of each year, the Department of Kentucky State Police shall
3 submit a statistical report to the Governor, the President of the Senate, and the
4 Speaker of the House of Representatives, indicating the number of licenses issued,
5 revoked, suspended, and denied since the previous report and in total and also the
6 number of licenses currently valid. The report shall also include the number of
7 arrests, convictions, and types of crimes committed since the previous report by
8 individuals licensed to carry concealed weapons.

9 ~~(21)~~~~(22)~~ The following provisions shall apply to concealed deadly weapon training
10 classes conducted by the Department of Criminal Justice Training or any other
11 agency pursuant to this section:

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

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

22 (c) The department shall not require prior notification that an applicant class or
23 instructor class will be conducted by a certified instructor or instructor trainer;

24 (d) Each concealed deadly weapon instructor or instructor trainer who teaches a
25 concealed deadly weapon applicant or concealed deadly weapon instructor
26 class shall supply the Department of Criminal Justice Training with a class
27 roster indicating which students enrolled and successfully completed the class,

- 1 and which contains the name and address of each student, within five (5)
2 working days of the completion of the class. The information may be sent by
3 mail, facsimile, e-mail, or other method which will result in the receipt of or
4 production of a hard copy of the information. The postmark, facsimile date, or
5 e-mail date shall be considered as the date on which the notice was sent.
6 Concealed deadly weapon class applicant, instructor, and instructor trainer
7 information and records shall be confidential. The department may release to
8 any person or organization the name, address, and telephone number of a
9 concealed deadly weapon instructor or instructor trainer if that instructor or
10 instructor trainer authorizes the release of the information in writing. The
11 department shall include on any application for an instructor or instructor
12 trainer certification a statement that the applicant either does or does not
13 desire the applicant's name, address, and telephone number to be made public;
- 14 (e) An instructor trainer who assists in the conduct of a concealed deadly weapon
15 instructor class or concealed deadly weapon applicant class for more than two
16 (2) hours shall be considered as to have taught a class for the purpose of
17 maintaining his or her certification. All class record forms shall include spaces
18 for assistant instructors to sign and certify that they have assisted in the
19 conduct of a concealed deadly weapon instructor or concealed deadly weapon
20 class;
- 21 (f) An instructor who assists in the conduct of a concealed deadly weapon
22 applicant class for more than two (2) hours shall be considered as to have
23 taught a class for the purpose of maintaining his or her license. All class
24 record forms shall include spaces for assistant instructors to sign and certify
25 that they have assisted in the conduct of a concealed deadly weapon class;
- 26 (g) If the Department of Criminal Justice Training believes that a firearms
27 instructor trainer or certified firearms instructor has not in fact complied with

1 the requirements for teaching a certified firearms instructor or applicant class
2 by not teaching the class as specified in KRS 237.126, or who has taught an
3 insufficient class as specified in KRS 237.128, the department shall send to
4 each person who has been listed as successfully completing the concealed
5 deadly weapon applicant class or concealed deadly weapon instructor class a
6 verification form on which the time, date, date of range firing if different from
7 the date on which the class was conducted, location, and instructor of the class
8 is listed by the department and which requires the person to answer "yes" or
9 "no" to specific questions regarding the conduct of the training class. The
10 form shall be completed under oath and shall be returned to the Department of
11 Criminal Justice Training not later than forty-five (45) days after its receipt. A
12 person who fails to complete the form, to sign the form, or to return the form
13 to the Department of Criminal Justice Training within the time frame
14 specified in this section or who, as a result of information on the returned
15 form, is determined by the Department of Criminal Justice Training, following
16 a hearing pursuant to KRS Chapter 13B, to not have received the training
17 required by law shall have his or her concealed deadly weapon license
18 revoked by the Department of Kentucky State Police, following a hearing
19 conducted by the Department of Criminal Justice Training pursuant to KRS
20 Chapter 13B, at which hearing the person is found to have violated the
21 provisions of this section or who has been found not to have received the
22 training required by law;

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

- 25 1. The number of firearms instructor trainers and certified firearms
26 instructors whose certifications were suspended, revoked, denied, or
27 who were otherwise disciplined;

- 1 2. The reasons for the imposition of suspensions, revocations, denials, or
2 other discipline; and
- 3 3. Suggestions for improvement of the concealed deadly weapon applicant
4 training program and instructor process;
- 5 (i) If a concealed deadly weapon license holder is convicted of, pleads guilty to,
6 or enters an Alford plea to a felony offense, then his or her concealed deadly
7 weapon license shall be forthwith revoked by the Department of Kentucky
8 State Police as a matter of law;
- 9 (j) If a concealed deadly weapon instructor or instructor trainer is convicted of,
10 pleads guilty to, or enters an Alford plea to a felony offense, then his or her
11 concealed deadly weapon instructor certification or concealed deadly weapon
12 instructor trainer certification shall be revoked by the Department of Criminal
13 Justice Training as a matter of law; and
- 14 (k) The following shall be in effect:
- 15 1. Action to eliminate the firearms instructor trainer program is prohibited.
16 The program shall remain in effect, and no firearms instructor trainer
17 shall have his or her certification reduced to that of certified firearms
18 instructor;
- 19 2. The Department of Kentucky State Police shall revoke the concealed
20 deadly weapon license of any person who received no firearms training
21 as required by KRS 237.126 and administrative regulations, or who
22 received insufficient training as required by KRS 237.128 and
23 administrative regulations, if the person voluntarily admits nonreceipt of
24 training or admits receipt of insufficient training, or if either nonreceipt
25 of training or receipt of insufficient training is proven following a
26 hearing conducted by the Department of Criminal Justice Training
27 pursuant to KRS Chapter 13B.

1 ➔Section 3. KRS 237.115 is amended to read as follows:

- 2 (1) ~~{Except as provided in KRS 527.020, nothing contained in KRS 237.110 shall be~~
3 ~~construed to limit, restrict, or prohibit in any manner the right of a college,~~
4 ~~university, or any postsecondary education facility, including technical schools and~~
5 ~~community colleges, to control the possession of deadly weapons on any property~~
6 ~~owned or controlled by them or the right of a unit of state, city, county, urban-~~
7 ~~county, or charter county government to prohibit the carrying of concealed deadly~~
8 ~~weapons by licensees in that portion of a building actually owned, leased, or~~
9 ~~occupied by that unit of government.~~
- 10 (2) ~~{~~Except as provided in KRS 527.020, the legislative body of a state, city, county, or
11 urban-county government ***shall not***~~{may}~~, by statute, administrative regulation, or
12 ordinance, prohibit or limit the carrying of concealed deadly weapons by licensees
13 in that portion of a building owned, leased, or controlled by that unit of government.
14 ~~{That portion of a building in which the carrying of concealed deadly weapons is~~
15 ~~prohibited or limited shall be clearly identified by signs posted at the entrance to the~~
16 ~~restricted area. The statute or ordinance shall exempt any building used for public~~
17 ~~housing by private persons, highway rest areas, firing ranges, and private dwellings~~
18 ~~owned, leased, or controlled by that unit of government from any restriction on the~~
19 ~~carrying or possession of deadly weapons. The statute, administrative regulation, or~~
20 ~~ordinance shall not specify any criminal penalty for its violation but may specify~~
21 ~~that persons violating the statute or ordinance may be denied entrance to the~~
22 ~~building, ordered to leave the building, and if employees of the unit of government,~~
23 ~~be subject to employee disciplinary measures for violation of the provisions of the~~
24 ~~statute or ordinance. The provisions of this section shall not be deemed to be a~~
25 ~~violation of KRS 65.870 if the requirements of this section are followed. }~~The
26 provisions of this section shall not apply to any ***Court of Justice courtroom or***
27 ***court proceeding, or to a detention facility as defined in KRS 520.010***~~{other unit~~

1 ~~of government].~~

2 ~~(2)~~~~(3)~~ Unless otherwise specifically provided by the Kentucky Revised Statutes or
3 applicable federal law, no criminal penalty shall attach to carrying a concealed
4 firearm or other deadly weapon with a permit at any location at which an
5 unconcealed firearm or other deadly weapon may be constitutionally carried.

6 ➔Section 4. KRS 244.125 is amended to read as follows:

7 (1) Except as provided in subsection (3) of this section, no person, **without a valid**
8 **concealed deadly weapon license**, shall be in possession of a loaded, as defined in
9 KRS 237.060, firearm while actually within the room where alcoholic beverages are
10 being sold by the drink of a building on premises licensed to sell distilled spirits and
11 wine at retail by the drink for consumption on the licensed premises pursuant to
12 KRS Chapter 243.

13 (2) This section shall not apply to the owner manager, or employee of licensed
14 premises, law enforcement officers, or special local peace officers commissioned
15 pursuant to KRS 61.360.

16 (3) This section shall not apply to a bona fide restaurant open to the general public
17 having dining facilities for not less than fifty (50) persons and which receives less
18 than fifty percent (50%) of its annual food and beverage receipts from the dining
19 facilities by the sale of alcohol.

20 (4) Nothing in this section shall be construed as permitting the carrying of a concealed
21 deadly weapon in violation of KRS 527.020.

22 (5) Any firearm possessed in violation of this section shall be subject to forfeiture and
23 shall be disposed of pursuant to KRS 237.090.

24 ➔Section 5. KRS 527.070 is amended to read as follows:

25 (1) A person is guilty of unlawful possession of a weapon on school property when he
26 knowingly deposits, possesses, or carries, whether openly or concealed **without a**
27 **license**, for purposes other than instructional or school-sanctioned ceremonial

1 purposes, or the purposes permitted in subsection (3) of this section, any firearm or
 2 other deadly weapon, destructive device, or booby trap device in any public or
 3 private school building or bus, on any public or private school campus, grounds,
 4 recreation area, athletic field, or any other property owned, used, or operated by any
 5 board of education, school, board of trustees, regents, or directors for the
 6 administration of any public or private educational institution. The provisions of
 7 this section shall not apply to institutions of postsecondary or higher education.

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

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

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

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

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

24 (b) **An adult on property owned or controlled by a school who holds a license to**
 25 **carry a concealed deadly weapon pursuant to Section 2 of this Act or KRS**
 26 **237.138 to 237.142 or 403.754;**

27 (c) Any pupils who are members of the reserve officers training corps or pupils

1 enrolled in a course of instruction or members of a school club or team, to the
2 extent they are required to carry arms or weapons in the discharge of their
3 official class or team duties;

4 ~~(d)~~~~(e)~~ Any peace officer or police officer authorized to carry a concealed
5 weapon pursuant to KRS 527.020;

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

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

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

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

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

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

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