

1 AN ACT relating to firearms and declaring an emergency.

2 WHEREAS, the General Assembly of the Commonwealth of Kentucky finds that  
3 the Tenth Amendment to the United States Constitution reserves to the states and the  
4 people all powers not granted to the federal government elsewhere in the Constitution.  
5 The guaranty of those powers is a matter of contract between the State, the people of  
6 Kentucky, and the United States dating from the time Kentucky became a state.

7 WHEREAS, the General Assembly of the Commonwealth of Kentucky finds that  
8 the Ninth Amendment to the United States Constitution guarantees to the people rights  
9 not enumerated in the Constitution. The guarantee of those rights is a matter of contract  
10 between the State, the people of Kentucky, and the United States dating from the time  
11 Kentucky became a state.

12 WHEREAS, the General Assembly of the Commonwealth of Kentucky finds that  
13 the Second Amendment to the United States Constitution guarantees the right of the  
14 people to keep and bear arms. The guarantee of that right is a matter of contract between  
15 the State, the people of Kentucky, and the United States dating from the time Kentucky  
16 became a state.

17 WHEREAS, the General Assembly of the Commonwealth of Kentucky finds that  
18 Section 1 of the Constitution of Kentucky secures to Kentucky citizens the right to bear  
19 arms. That constitutional protection is unchanged since 1891.

20 NOW, THEREFORE,

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

22 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 237 IS CREATED TO  
23 READ AS FOLLOWS:

24 **(1) For the purposes of this section:**

25 **(a) "Ammunition" has the meaning as KRS 237.060;**

26 **(b) "Covered entity" means:**

27 **1. The State of Kentucky, including an agency, department, commission,**

1           bureau, board, office, council, court, or other entity that is in any  
2           branch of state government and that is created by the Constitution or a  
3           statute of this state, including a university system or a system of higher  
4           education;

5           2. The governing body of a municipality, county, or special district or  
6           authority;

7           3. An officer, employee, or other body that is part of a municipality,  
8           county, or special district or authority, including a sheriff, municipal  
9           police department, municipal attorney, or county attorney; or

10          4. A Commonwealth's attorney.

11          (b) "Firearm" has the same meaning as KRS 237.060; and

12          (c) "Firearm accessory" means an item that is used in conjunction with or  
13          mounted on a firearm but is not essential to the basic function of the  
14          firearm, including but not limited to a detachable magazine.

15          (2) (a) A covered entity shall not adopt a rule, order, ordinance, or policy under  
16          which the entity enforces, or provides assistance or support in the  
17          enforcement of, a federal statute, order, rule, or regulation enacted on or  
18          after January 1, 2021 that purports to regulate a firearm, firearm accessory,  
19          or ammunition, if the statute, order, rule, or regulation imposes a  
20          prohibition, restriction, or other regulation, such as a capacity or size  
21          limitation, a registration requirement, or a background check, that does not  
22          exist under the laws of this state.

23          (b) A covered entity and a person employed by or otherwise under the direction  
24          or control of the entity shall not enforce or attempt to enforce any federal  
25          statute, order, rule, or regulation described in subsection (2)(a) of this  
26          section.

27          (3) (a) A person is guilty of unlawful enforcement when he or she, acting in his or

1 her official capacity as a person employed by or otherwise under the direction or  
2 control of a covered entity, or under color of law, enforces or attempts to enforce  
3 any federal statute, order, rule, or regulation in violation of subsection (2) of this  
4 section.

5 (b) Unlawful enforcement is a Class A misdemeanor.

6 (4) (a) If the Attorney General determines that a violation of subsection (2) of this  
7 section has occurred, the Attorney General may file a petition for a writ of  
8 mandamus or apply for other equitable relief in Circuit Court.

9 (b) A judge may award reasonable expenses to the Attorney General incurred  
10 in obtaining relief under this subsection, including court costs, reasonable  
11 attorney's fees, investigative costs, witness fees, and deposition costs.

12 (c) A judge shall assess a five thousand dollar (\$5,000) fine per violation, per  
13 day that a violation is ongoing, against a defendant found guilty of violating  
14 subsection (2) of this section.

15 (5) Any citizen residing within the jurisdiction of a covered entity may file a  
16 complaint with the Attorney General reporting a violation of subsection (2) of this  
17 section. The complaint must include any evidence the citizen has in support of the  
18 allegation. If the Attorney General determines that the complaint is valid, the  
19 Attorney General may take action pursuant to subsection (4) of this section.

20 ➔Section 2. This Act shall be known as the Kentucky Firearms Protection Act.

21 ➔Section 3. Whereas the citizens of Kentucky deserve the protections afforded by  
22 this bill at the earliest possible opportunity and no just cause exists for delay, an  
23 emergency is declared to exist, and this Act takes effect upon its passage and approval by  
24 the Governor or upon its otherwise becoming a law.