

AN ACT relating to preserving the right of Kentuckians to own and use firearms.

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

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

(1) The General Assembly of the Commonwealth of Kentucky finds that:

(a) Section 1 of the Constitution of Kentucky provides, in part, that all men have an inalienable right to bear arms in defense of themselves and the state;

(b) The Second Amendment to the Constitution of the United States provides, "A well-regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed";

(c) The Supreme Court of the United States in the cases of District of Columbia et al. v. Heller, 554 U.S. 570 (2008), and McDonald et al. v. City of Chicago, Illinois et al., 561 U.S. 3025 (2010), affirmed the right of the people to keep and bear arms as specified in the Second Amendment to the Constitution of the United States;

(d) Article I, Section 8 of the Constitution of the United States specifies the powers of the Congress of the United States. Those powers do not include impairing the Second Amendment to the Constitution of the United States or any other amendment to the Constitution of the United States that guarantees rights to the people or to a state;

(e) Article II, Section 2 of the Constitution of the United States specifies the powers of the President of the United States. That section does not authorize the President of the United States to violate the Constitution of the United States or the amendments to the Constitution of the United States;

(f) The Tenth Amendment to the Constitution of the United States provides, "The powers not delegated to the United States by the Constitution, nor

prohibited to the states, are reserved to the states respectively, or to the people"; and

(g) The Fourteenth Amendment to the Constitution of the United States provides, in part, "No state shall make or enforce any law which shall abridge the privileges or immunities of the citizens of the United States, nor shall any state deprive any person of life, liberty, or property without due process of law."

(2) Federal legislation proposed in the 114th Congress, including Senate Bill 407, threatens the rights of Kentuckians to keep and bear arms as guaranteed by the Constitution of the United States and amendments thereto.

(3) Current and proposed executive actions by the President of the United States relating to the acquisition, possession, and use of firearms and accessories violate the President's powers under the Constitution of the United States and the rights of the citizens under the Constitution of the United States and amendments thereto.

➔SECTION 2. A NEW SECTION OF KRS CHAPTER 237 IS CREATED TO READ AS FOLLOWS:

(1) The General Assembly of the Commonwealth of Kentucky finds and declares that it is the duty of the General Assembly and its members to protect and defend the Constitution of the United States and the Constitution of Kentucky.

(2) The General Assembly of the Commonwealth of Kentucky finds and declares that all federal acts, laws, orders, rules, and regulations regarding firearms, present or future, are a violation of the sections and amendments to the Constitution of the United States specified in Section 1 of this Act and are:

(a) Invalid in this Commonwealth;

(b) Not recognized by this Commonwealth;

(c) Considered null and void by this Commonwealth; and

(d) Of no effect in this Commonwealth.

➔SECTION 3. A NEW SECTION OF KRS CHAPTER 237 IS CREATED TO READ AS FOLLOWS:

It shall be the duty of the Kentucky General Assembly to adopt and enact any and all measures as may be necessary to prevent the enforcement of any federal act, law, order, rule, or regulation in violation of the sections of and amendments to the Constitution of the United States specified in Section 1 of this Act.

➔Section 4. KRS 527.040 is amended to read as follows:

- (1) A person is guilty of **unlawful** possession of a firearm~~[by a convicted felon]~~ when he **or she** possesses, manufactures, or transports a firearm when he **or she**:
 - (a) Has been convicted of a felony, as defined by the laws of the jurisdiction in which he **or she** was convicted, in any state or federal court and has not~~[-~~
 - (a)—] been granted a full pardon by the Governor or by the President of the United States;
 - (b) **Has been discharged from the Armed Forces of the United States under dishonorable conditions; or**
 - (c) **Is illegally or unlawfully in the United States**~~[Been granted relief by the United States Secretary of the Treasury pursuant to the Federal Gun Control Act of 1968, as amended].~~
- (2) **Unlawful** possession of a firearm~~[by a convicted felon]~~ is a Class D felony unless the firearm possessed is a handgun in which case it is a Class C felony.
- (3) The provisions of this section shall apply to any youthful offender convicted of a felony offense under the laws of this Commonwealth. The exceptions contained in KRS 527.100 prohibiting possession of a handgun by a minor shall not apply to this section.
- (4) The provisions of this section with respect to handguns, shall apply only to persons convicted after January 1, 1975, and with respect to other firearms, to persons

convicted after July 15, 1994.