

1 AN ACT relating to the regulation of firearms and ammunition by local  
2 governments.

3 WHEREAS, public safety is among the most vital roles of government, from the  
4 federal level to the municipal level; and

5 WHEREAS, many law-abiding Kentuckians are responsible gun owners, yet issues  
6 of gun violence plague Kentucky's urban-county and consolidated local governments;  
7 and

8 WHEREAS, the Kentucky Constitution enshrines a broad right to bear arms in the  
9 Bill of Rights; and

10 WHEREAS, for more than thirty years, local governments have been preempted  
11 from issuing ordinances regulating firearms and ammunition by KRS 65.870; and

12 WHEREAS, some public safety policies are best shaped by the knowledge,  
13 experience, and vision of local community leaders;

14 NOW, THEREFORE,

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

16 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 65 IS CREATED TO  
17 READ AS FOLLOWS:

18 **(1) This section is intended by the General Assembly of the Commonwealth of**  
19 **Kentucky to grant urban-county governments and consolidated local**  
20 **governments the power to regulate firearms by ordinance in order to reduce gun**  
21 **violence.**

22 **(2) Urban-county governments and consolidated local governments may regulate the**  
23 **manufacture, sale, purchase, taxation, transfer, ownership, possession, carrying,**  
24 **storage, and transportation of firearms, ammunition, components of firearms,**  
25 **components of ammunition, and any combination thereof, to the extent those**  
26 **actions are not in conflict with the Constitution or laws of this Commonwealth or**  
27 **of the United States.**

1 **(3) The power granted by this section shall be in addition to all other powers granted**  
 2 **to urban-county governments and to consolidated local governments by other**  
 3 **provisions of law.**

4 **(4) An ordinance regulating firearms or ammunition that is issued by the council of**  
 5 **a consolidated local government shall apply within the jurisdictional boundaries**  
 6 **of all cities within that consolidated local government, and the legislative body of**  
 7 **a city within the consolidated local government's area shall not preempt the**  
 8 **ordinance.**

9 ➔Section 2. KRS 65.870 is amended to read as follows:

10 (1) **Except for urban-county governments and consolidated local governments,** no  
 11 existing or future city, county,~~[urban-county government,]~~ charter county,~~[~~  
 12 ~~consolidated local government,]~~ unified local government, special district, local or  
 13 regional public or quasi-public agency, board, commission, department, public  
 14 corporation, or any person acting under the authority of any of these organizations  
 15 may occupy any part of the field of regulation of the manufacture, sale, purchase,  
 16 taxation, transfer, ownership, possession, carrying, storage, or transportation of  
 17 firearms, ammunition, components of firearms, components of ammunition,  
 18 firearms accessories, or combination thereof.

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

22 (3) Any person or organization specified in subsection (1) of this section shall repeal,  
 23 rescind, or amend to conform, any ordinance, administrative regulation, executive  
 24 order, policy, procedure, rule, or other form of executive or legislative action in  
 25 violation of this section or the spirit thereof within six (6) months after July 12,  
 26 2012.

27 (4) Pursuant to Section 231 of the Constitution of Kentucky, insofar as any person or

1 organization specified in subsection (1) of this section *other than an urban-county*  
2 *government or a consolidated local government* is considered an agent of the  
3 Commonwealth, it is the intent of the General Assembly to exempt them from any  
4 immunity provided in Section 231 of the Constitution of Kentucky to the extent  
5 provided in this section. A person or an organization whose membership is  
6 adversely affected by any ordinance, administrative regulation, executive order,  
7 policy, procedure, rule, or any other form of executive or legislative action  
8 promulgated or caused to be enforced in violation of this section or the spirit thereof  
9 may file suit against any person or organization specified in subsection (1) of this  
10 section in any court of this state having jurisdiction over any defendant to the suit  
11 for declaratory and injunctive relief. A court shall award the prevailing party in any  
12 such suit:

13 (a) Reasonable attorney's fees and costs in accordance with the laws of this state;  
14 and

15 (b) Expert witness fees and expenses.

16 (5) If any person or organization *preempted by*~~specified in~~ subsection (1) of this  
17 section violates this section or the spirit thereof, the court shall declare the improper  
18 ordinance, administrative regulation, executive order, policy, procedure, rule, or  
19 other form of executive or legislative action specified in subsection (1) of this  
20 section null, void, and unenforceable, and issue a permanent injunction against the  
21 person or organization specified in subsection (1) of this section prohibiting the  
22 enforcement of such ordinance, administrative regulation, executive order, policy,  
23 procedure, rule, or any other form of executive or legislative action specified in  
24 subsection (1) of this section.

25 (6) A violation of this section by a public servant shall be a violation of either KRS  
26 522.020 or 522.030, depending on the circumstances of the violation.

27 (7) The provisions of this section shall not apply where a statute specifically authorizes

1 or directs an agency or person specified in subsection (1) of this section to regulate  
2 a subject specified in subsection (1) of this section.