

1 AN ACT relating to firearms and making an appropriation therefor.

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

3 ➔Section 1. KRS 527.010 is amended to read as follows:

4 The following definitions apply in this chapter unless the context otherwise requires:

5 (1) (a) "Assault weapon" means:

6 1. A semiautomatic rifle that has an ability to accept a detachable
7 magazine and has at least one (1) of the following characteristics:

8 a. A folding or telescoping stock;

9 b. A pistol grip that protrudes conspicuously beneath the action of
10 the weapon;

11 c. A second handgrip or a protruding grip that can be held by the
12 non-trigger hand;

13 d. A bayonet mount;

14 e. A flash suppressor, muzzle break, muzzle compensator, or
15 threaded barrel designed to accommodate a flash suppressor,
16 muzzle break, or muzzle compensator; or

17 f. A grenade launcher;

18 2. A semiautomatic shotgun that has at least one (1) of the following
19 characteristics:

20 a. A folding or telescoping stock;

21 b. A second handgrip or a protruding grip that can be held by the
22 non-trigger hand;

23 c. A fixed magazine capacity in excess of seven (7) rounds; or

24 d. An ability to accept a detachable magazine;

25 3. A semiautomatic pistol that has an ability to accept a detachable
26 magazine and has at least one (1) of the following characteristics:

27 a. A folding or telescoping stock;

- 1 **b. A second handgrip or a protruding grip that can be held by the**
 2 **non-trigger hand;**
- 3 **c. Capacity to accept an ammunition magazine that attaches to the**
 4 **pistol outside of the pistol grip;**
- 5 **d. A threaded barrel capable of accepting a barrel extender, flash**
 6 **suppressor, forward handgrip, or silencer;**
- 7 **e. A shroud that is attached to, or partially or completely encircles,**
 8 **the barrel and that permits the shooter to hold the firearm with**
 9 **the non-trigger hand without being burned; or**
- 10 **f. A manufactured weight of fifty (50) ounces or more when the**
 11 **pistol is unloaded;**
- 12 **4. A semiautomatic version of an automatic rifle, shotgun, or firearm; or**
- 13 **5. A revolving cylinder shotgun.**
- 14 **(b) "Assault weapon" does not include:**
- 15 **1. Any rifle, shotgun, or pistol that:**
- 16 **a. Is manually operated by bolt, pump, lever, or slide action;**
- 17 **b. Has been rendered permanently inoperable; or**
- 18 **c. Is an antique firearm as defined in 18 U.S.C. sec. 921;**
- 19 **2. A semiautomatic rifle that cannot accept a detachable magazine that**
 20 **holds more than five (5) rounds of ammunition; or**
- 21 **3. A semiautomatic shotgun that cannot hold more than five (5) rounds**
 22 **of ammunition in a fixed or detachable magazine.**
- 23 **(2)** "Booby trap device" shall have the same meaning as set forth in KRS 237.030.
- 24 **(3)**~~(2)~~ "Deface" means to remove, deface, cover, alter, or destroy the manufacturer's
 25 serial number or any other distinguishing number or identification mark.
- 26 **(4)**~~(3)~~ "Destructive device" shall have the same meaning as set forth in KRS
 27 237.030.

1 ~~(5)~~~~(4)~~ "Firearm" means any weapon which will expel a projectile by the action of an
2 explosive.

3 ~~(6)~~~~(5)~~ "Handgun" means any pistol or revolver originally designed to be fired by the
4 use of a single hand, or any other firearm originally designed to be fired by the use
5 of a single hand.

6 (7) "Large capacity ammunition feeding device" means a magazine, belt, drum, feed
7 strip, or similar device that has a capacity of, or that can be readily restored or
8 converted to accept, more than ten (10) rounds of ammunition, but does not
9 include an attached tubular device designed to accept, and capable of operating
10 only with, .22 caliber rimfire ammunition or a feeding device that is a curio or
11 relic. To qualify as a curio or relic feeding device under this subsection, it must
12 be a feeding device that:

13 (a) Was manufactured at least fifty (50) years prior to the current date, not
14 including replicas thereof;

15 (b) Is only capable of being used exclusively in a firearm, rifle, or shotgun that
16 was manufactured at least fifty (50) years prior to the current date, not
17 including replicas thereof; and

18 (c) Is possessed by an individual who is not prohibited by state or federal law
19 from possessing a firearm.

20 (8) "Permanently inoperable" means, unless the context requires otherwise, that an
21 assault weapon is altered in such a manner that it cannot be fired and that the
22 owner or possessor of the assault weapon does not possess or have control over
23 the parts necessary to make the assault weapon operable.

24 ➔SECTION 2. A NEW SECTION OF KRS CHAPTER 527 IS CREATED TO
25 READ AS FOLLOWS:

26 (1) Except as provided in subsection (3) of this section, a person is guilty of
27 possession or transfer of a large capacity ammunition feeding device when he or

- 1 she knowingly:
- 2 (a) Possesses a large capacity ammunition feeding device; or
- 3 (b) Transfers a large capacity ammunition feeding device to another person.
- 4 (2) Possession or transfer of a large capacity ammunition feeding device is a Class A
- 5 misdemeanor.
- 6 (3) This section shall not apply to a person who is:
- 7 (a) A member of:
 - 8 1. The Armed Forces of the United States;
 - 9 2. A reserve component of the Armed Forces of the United States; or
 - 10 3. The National Guard;
- 11 (b) A law enforcement officer as defined in KRS 15.310; or
- 12 (c) In compliance with Section 3 of this Act.

13 ➔SECTION 3. A NEW SECTION OF KRS CHAPTER 527 IS CREATED TO
 14 READ AS FOLLOWS:

- 15 (1) Within one (1) year after the effective date of this Act, a person who lawfully
- 16 owns any large capacity ammunition feeding device on the effective date of this
- 17 Act shall:
 - 18 (a) Register with the Department of Kentucky State Police as the certified
 - 19 owner of each large capacity ammunition feeding device that the person
 - 20 elects to continue to possess;
 - 21 (b) Transfer the large capacity ammunition feeding device to any person
 - 22 outside of Kentucky lawfully entitled to own or possess the device; or
 - 23 (c) Render the large capacity ammunition feeding device permanently
 - 24 inoperable.
- 25 (2) The Department of Kentucky State Police shall administer a program through
- 26 which the owners of large capacity ammunition feeding devices who elect to
- 27 continue to possess those devices more than one (1) year after the effective date of

1 this Act shall register as the owners of individual large capacity ammunition
2 feeding devices.

3 (3) The department shall promulgate administrative regulations in accordance with
4 KRS Chapter 13A to administer this program, and may establish a fee sufficient
5 to cover the costs of its administration.

6 (4) (a) A trust and agency account to be known as the large capacity ammunition
7 feeding device registration fund is hereby established in the State Treasury.
8 The fund shall consist of the moneys received from the fees imposed in
9 subsection (3) of this section, state appropriations, gifts, grants, and federal
10 funds.

11 (b) The fund shall be administered by the Department of Kentucky State Police.

12 (c) Amounts deposited in the fund shall be used for the operation of the
13 registration program established under subsection (2) of this section, and
14 for no other purpose.

15 (d) Notwithstanding KRS 45.229, fund amounts not expended at the close of a
16 fiscal year shall not lapse but shall be carried forward into the next fiscal
17 year.

18 (e) Any interest earnings of the fund shall become a part of the fund and shall
19 not lapse.

20 (f) Moneys deposited in the fund are hereby appropriated for the purposes set
21 forth in this subsection and shall not be appropriated or transferred by the
22 General Assembly for any other purposes.

23 ➔SECTION 4. A NEW SECTION OF KRS CHAPTER 527 IS CREATED TO
24 READ AS FOLLOWS:

25 (1) Except as provided in subsection (3) of this section, a person is guilty of
26 possession or transfer of an assault weapon when he or she knowingly:

27 (a) Possesses an assault weapon; or

1 (b) Transfers an assault weapon to another person through any means.

2 (2) Possession or transfer of an assault weapon is a Class A misdemeanor.

3 (3) This section shall not apply to a person who:

4 (a) Is a member of:

5 1. The Armed Forces of the United States;

6 2. A reserve component of the Armed Forces of the United States; or

7 3. The National Guard;

8 (b) Is a law enforcement officer as defined in KRS 15.310; or

9 (c) Has complied with Section 5 of this Act.

10 ➔SECTION 5. A NEW SECTION OF KRS CHAPTER 527 IS CREATED TO
11 READ AS FOLLOWS:

12 (1) Within one (1) year after the effective date of this Act, a person who lawfully
13 owns any assault weapon on the effective date of this Act shall:

14 (a) Transfer the assault weapon to any person outside of Kentucky lawfully
15 entitled to own or possess the assault weapon; or

16 (b) Render the assault weapon permanently inoperable.

17 (2) If the owner of an assault weapon elects to render the firearm permanently
18 inoperable, the owner shall file a certification on a form prescribed by the
19 Department of Kentucky State Police indicating the date on which the firearm
20 was rendered inoperable. This certification shall be filed with the Department of
21 Kentucky State Police. The department shall retain the form for a minimum of
22 fifty (50) years.

23 (3) Nothing in this section shall be construed to allow a certified owner of an assault
24 weapon to transfer an assault weapon to another person after the one (1) year
25 period following the effective date of this Act has ended.

26 ➔Section 6. KRS 237.104 is amended to read as follows:

27 (1) No person, unit of government, or governmental organization shall, during a period

1 of disaster or emergency as specified in KRS Chapter 39A or at any other time,
2 have the right to revoke, suspend, limit the use of, or otherwise impair the validity
3 of the right of any person to purchase, transfer, loan, own, possess, carry, or use a
4 firearm, firearm part, ammunition, ammunition component, or any deadly weapon
5 or dangerous instrument.

6 (2) No person, unit of government, or governmental organization shall, during a period
7 of disaster or emergency as specified in KRS Chapter 39A or at any other time,
8 take, seize, confiscate, or impound a firearm, firearm part, ammunition, ammunition
9 component, or any deadly weapon or dangerous instrument from any person.

10 (3) The provisions of this section shall not apply to the taking of an item specified in
11 subsection (1) or (2) of this section from a person who is:

- 12 (a) Forbidden to possess a firearm pursuant to KRS 527.040 or Section 2, 3, 4, or
13 5 of this Act;
- 14 (b) Forbidden to possess a firearm pursuant to federal law;
- 15 (c) Violating KRS 527.020 or Section 2, 3, 4, or 5 of this Act;
- 16 (d) In possession of a stolen firearm;
- 17 (e) Using a firearm in the commission of a separate criminal offense; or
- 18 (f) Using a firearm or other weapon in the commission of an offense under KRS
19 Chapter 150.