

1 AN ACT relating to prohibiting the possession and transfer of assault weapons and  
2 large capacity ammunition feeding devices.

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

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

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

6 (1) **(a) "Assault weapon" means a:**

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

9 **a. A folding or telescoping stock;**

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

12 **c. A second handgrip or a protruding grip that can be held by the**  
13 **nontrigger hand;**

14 **d. A bayonet mount;**

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

18 **f. A grenade launcher;**

19 **2. Semiautomatic shotgun that has at least one (1) of the following**  
20 **characteristics:**

21 **a. A folding or telescoping stock;**

22 **b. A second handgrip or a protruding grip that can be held by the**  
23 **nontrigger hand;**

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

25 **d. An ability to accept a detachable magazine;**

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

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

1 ~~(4)~~~~(3)~~ "Destructive device" has ~~[shall have]~~ the same meaning as ~~[set forth]~~ in KRS  
2 237.030;~~[-]~~

3 ~~(5)~~~~(4)~~ "Firearm" means any weapon which will expel a projectile by the action of an  
4 explosive;~~[-]~~

5 ~~(6)~~~~(5)~~ "Handgun" means any pistol or revolver originally designed to be fired by the  
6 use of a single hand, or any other firearm originally designed to be fired by the use  
7 of a single hand; and~~[-]~~

8 (7) (a) "Large capacity ammunition feeding device" means a magazine, belt, drum,  
9 feed strip, or similar device that has a capacity of or that can be readily  
10 restored or converted to accept more than ten (10) rounds of ammunition.

11 (b) "Large capacity ammunition feeding device" does not include:

12 1. An attached tubular device designed to accept and capable of  
13 operating with only .22 caliber rimfire ammunition; or

14 2. A curio or relic feeding device. As used in this subparagraph, "curio  
15 or relic feeding device" means a feeding device that:

16 a. Was manufactured at least fifty (50) years prior to the current  
17 date, not including replicas;

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

21 c. Is possessed by an individual who is not prohibited by state or  
22 federal law from possessing a firearm.

23 ➔SECTION 2. 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 a large capacity ammunition feeding device when he or  
27 she knowingly:

- 1        (a) Possesses a large capacity ammunition feeding device; or
- 2        (b) Transfers a large capacity ammunition feeding device to another person
- 3                through any means.

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:

- 7                (a) A person who is a:
  - 8                        1. Member of the Armed Forces of the United States, a reserve
  - 9                                component of the Armed Forces of the United States, or the National
  - 10                                        Guard; or
  - 11                                        2. Law enforcement officer as defined in KRS 15.310; or
- 12                (b) Any large capacity ammunition feeding device lawfully possessed prior to
- 13                        the effective date of this Act.

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

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

- 18                (a) Possesses an assault weapon; or
- 19                (b) Transfers an assault weapon to another person through any means.

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

21        (3) This section shall not apply to:

- 22                (a) A person who is a:
  - 23                        1. Member of the Armed Forces of the United States, a reserve
  - 24                                component of the Armed Forces of the United States, or the National
  - 25                                        Guard; or
  - 26                                        2. Law enforcement officer as defined in KRS 15.310; or
- 27                (b) Any assault weapon lawfully possessed prior to the effective date of this Act.

1           ➔Section 4. KRS 237.104 is amended to read as follows:

- 2       (1) No person, unit of government, or governmental organization shall, during a period  
3       of disaster or emergency as specified in KRS Chapter 39A or at any other time,  
4       have the right to revoke, suspend, limit the use of, or otherwise impair the validity  
5       of the right of any person to purchase, transfer, loan, own, possess, carry, or use a  
6       firearm, firearm part, ammunition, ammunition component, or any deadly weapon  
7       or dangerous instrument.
- 8       (2) No person, unit of government, or governmental organization shall, during a period  
9       of disaster or emergency as specified in KRS Chapter 39A or at any other time,  
10      take, seize, confiscate, or impound a firearm, firearm part, ammunition, ammunition  
11      component, or any deadly weapon or dangerous instrument from any person.
- 12      (3) The provisions of this section shall not apply to the taking of an item specified in  
13      subsection (1) or (2) of this section from a person who is:
- 14      (a) Forbidden to possess a firearm pursuant to KRS 527.040 *or Section 2 or 3 of*  
15      *this Act*;
- 16      (b) Forbidden to possess a firearm pursuant to federal law;
- 17      (c) Violating KRS 527.020 *or Section 2 or 3 of this Act*;
- 18      (d) In possession of a stolen firearm;
- 19      (e) Using a firearm in the commission of a separate criminal offense; or
- 20      (f) Using a firearm or other weapon in the commission of an offense under KRS  
21      Chapter 150.