

1 AN ACT relating to concealed deadly weapons.

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

3 ➔Section 1. The following KRS section is repealed:

4 237.115 Construction of KRS 237.110 -- Prohibition by local government units of
5 carrying concealed deadly weapons in governmental buildings -- Restriction on
6 criminal penalties.

7 ➔Section 2. KRS 150.172 is amended to read as follows:

8 (1) Any person who is not prohibited by state or federal law from possessing a firearm
9 may carry a firearm and ammunition for that firearm for purposes of self-defense
10 and defense of others while hunting, fishing, trapping, or engaging in any other
11 activity not constituting a crime under KRS Chapter 218A or Chapters 500 to 534,
12 and may do so on any public lands under the control of the department and on any
13 private land under the control of the department, unless the owner of the private
14 land has posted notice that concealed deadly weapons are not allowed in a building
15 where they may be prohibited pursuant to KRS 237.110~~[or 237.115]~~.

16 (2) (a) A person may use a firearm, if he or she is not prohibited by state or federal
17 law from possessing a firearm, or may use any other deadly weapon, at any
18 time and during any season to:

19 1. Kill or attempt to kill an animal, whether protected or unprotected, in
20 self-defense or defense of another person; or
21 2. Kill or attempt to kill an injured animal for humane purposes; and
22 in either event, reports the kill or attempted kill to a conservation officer
23 before midnight of the same day as the kill or attempted kill.

24 (b) An investigation by the department shall be authorized to substantiate and
25 provide evidence on whether the kill or attempted kill of the animal is in
26 violation of paragraph (a) of this subsection or if the animal presents a threat
27 to public health and safety. If no violation is shown to exist, and if there is no

- 1 threat to public health and safety, then the animal or parts thereof shall:
- 2 1. Remain the property and in the possession of the person taking the
- 3 animal; or
- 4 2. If the animal or parts thereof were surrendered to the department, be
- 5 immediately returned to the person.
- 6 (c) An arrest shall not be made, except upon a warrant issued by a judge of a
- 7 court of competent jurisdiction, and a citation shall not be issued by a peace
- 8 officer if an animal is killed under circumstances described in paragraph (a) of
- 9 this subsection.
- 10 (d) A citation may be issued by a peace officer who witnesses the killing of an
- 11 animal in violation of a statute or federal regulation under circumstances
- 12 different from those described in paragraph (a) of this subsection.
- 13 (e) An arrest warrant or a summons may be issued by a judge of a court of
- 14 competent jurisdiction, upon application of the appropriate county attorney, if
- 15 the court believes that there is sufficient cause to doubt the claim that the
- 16 animal was killed under circumstances described in paragraph (a) of this
- 17 subsection.
- 18 (3) In cases where an animal is killed and there is a claim that the animal was killed
- 19 under circumstances described in paragraph (a) of subsection (2) of this section, the
- 20 department shall provide competent evidence as to how the animal was killed and
- 21 the circumstances surrounding the event.
- 22 (4) The department shall not promulgate administrative regulations restricting any right
- 23 provided by this section or the spirit thereof.
- 24 (5) This section shall not apply to the killing, wounding, or other prohibited act relating
- 25 to specific wildlife which are protected by the federal Endangered Species Act, 16
- 26 U.S.C. secs. 1531 to 1544; federal Migratory Bird Treaty Act, 16 U.S.C. secs. 703
- 27 to 712; or federal Bald and Golden Eagle Protection Act, 16 U.S.C. secs. 668 to

1 668d.

2 (6) The principles contained in KRS Chapter 503 relating to the use of force and deadly
3 force against human beings shall apply to acts where wildlife is involved.

4 ➔Section 3. KRS 237.110 is amended to read as follows:

5 (1) The Department of Kentucky State Police is authorized to issue and renew licenses
6 to carry concealed firearms or other deadly weapons, or a combination thereof, to
7 persons qualified as provided in this section.

8 (2) An original or renewal license issued pursuant to this section shall:

9 (a) Be valid throughout the Commonwealth and, except as provided in this
10 section or other specific section of the Kentucky Revised Statutes or federal
11 law, permit the holder of the license to carry firearms, ammunition, or other
12 deadly weapons, or a combination thereof, at any location in the
13 Commonwealth;

14 (b) Unless revoked or suspended as provided by law, be valid for a period of five
15 (5) years from the date of issuance;

16 (c) Authorize the holder of the license to carry a concealed firearm or other
17 deadly weapon, or a combination thereof, on or about his or her person; and

18 (d) Authorize the holder of the license to carry ammunition for a firearm on or
19 about his or her person.

20 (3) Prior to the issuance of an original or renewal license to carry a concealed deadly
21 weapon, the Department of Kentucky State Police, upon receipt of a completed
22 application, applicable fees, and any documentation required by this section or
23 administrative regulation promulgated by the Department of Kentucky State Police,
24 shall conduct a background check to ascertain whether the applicant is eligible
25 under 18 U.S.C. sec. 922(g) and (n), any other applicable federal law, and state law
26 to purchase, receive, or possess a firearm or ammunition, or both. The background
27 check shall include:

- 1 (a) A state records check covering the items specified in this subsection, together
2 with any other requirements of this section;
- 3 (b) A federal records check, which shall include a National Instant Criminal
4 Background Check System (NICS) check;
- 5 (c) A federal Immigration Alien Query if the person is an alien who has been
6 lawfully admitted to the United States by the United States government or an
7 agency thereof; and
- 8 (d) In addition to the Immigration Alien Query, if the applicant has not been
9 lawfully admitted to the United States under permanent resident status, the
10 Department of Kentucky State Police shall, if a doubt exists relating to an
11 alien's eligibility to purchase a firearm, consult with the United States
12 Department of Homeland Security, United States Department of Justice,
13 United States Department of State, or other federal agency to confirm whether
14 the alien is eligible to purchase a firearm in the United States, bring a firearm
15 into the United States, or possess a firearm in the United States under federal
16 law.
- 17 (4) The Department of Kentucky State Police shall issue an original or renewal license
18 if the applicant:
- 19 (a) Is not prohibited from the purchase, receipt, or possession of firearms,
20 ammunition, or both pursuant to 18 U.S.C. 922(g), 18 U.S.C. 922(n), or
21 applicable federal or state law;
- 22 (b) 1. Is a citizen of the United States who is a resident of this Commonwealth;
23 2. Is a citizen of the United States who is a member of the Armed Forces of
24 the United States who is on active duty, who is at the time of application
25 assigned to a military posting in Kentucky;
- 26 3. Is lawfully admitted to the United States by the United States
27 government or an agency thereof, is permitted by federal law to purchase

- 1 a firearm, and is a resident of this Commonwealth; or
- 2 4. Is lawfully admitted to the United States by the United States
- 3 government or an agency thereof, is permitted by federal law to purchase
- 4 a firearm, is, at the time of the application, assigned to a military posting
- 5 in Kentucky, and has been assigned to a posting in the Commonwealth;
- 6 (c) Is twenty-one (21) years of age or older;
- 7 (d) Has not been committed to a state or federal facility for the abuse of a
- 8 controlled substance or been convicted of a misdemeanor violation of KRS
- 9 Chapter 218A or similar laws of any other state relating to controlled
- 10 substances, within a three (3) year period immediately preceding the date on
- 11 which the application is submitted;
- 12 (e) Does not chronically and habitually use alcoholic beverages as evidenced by
- 13 the applicant having two (2) or more convictions for violating KRS 189A.010
- 14 within the three (3) years immediately preceding the date on which the
- 15 application is submitted, or having been committed as an alcoholic pursuant to
- 16 KRS Chapter 222 or similar laws of another state within the three (3) year
- 17 period immediately preceding the date on which the application is submitted;
- 18 (f) Does not owe a child support arrearage which equals or exceeds the
- 19 cumulative amount which would be owed after one (1) year of nonpayment, if
- 20 the Department of Kentucky State Police has been notified of the arrearage by
- 21 the Cabinet for Health and Family Services;
- 22 (g) Has complied with any subpoena or warrant relating to child support or
- 23 paternity proceedings. If the Department of Kentucky State Police has not
- 24 been notified by the Cabinet for Health and Family Services that the applicant
- 25 has failed to meet this requirement, the Department of Kentucky State Police
- 26 shall assume that paternity and child support proceedings are not an issue;
- 27 (h) Has not been convicted of a violation of KRS 508.030 or 508.080 within the

1 three (3) years immediately preceding the date on which the application is
2 submitted. The commissioner of the Department of Kentucky State Police
3 may waive this requirement upon good cause shown and a determination that
4 the applicant is not a danger and that a waiver would not violate federal law;

- 5 (i) Demonstrates competence with a firearm by successful completion of a
6 firearms safety or training course that is conducted by a firearms instructor
7 who is certified by a national organization with membership open to residents
8 of any state or territory of the United States, which was created to promote
9 firearms education, safety, and the profession of firearms use and training, and
10 to foster professional behavior in its members. The organization shall require
11 members to adhere to its own code of ethics and conduct a program which
12 certifies firearms instructors and includes the use of written tests, in person
13 instruction, and a component of live-fire training. These national
14 organizations shall include but are not limited to the National Rifle
15 Association, the United States Concealed Carry Association, and the National
16 Shooting Sports Foundation. The training requirement may also be fulfilled
17 through any firearms safety course offered or approved by the Department of
18 Criminal Justice Training. The firearms safety course offered or approved by
19 the Department of Criminal Justice Training shall:

- 20 1. Be not more than eight (8) hours in length;
21 2. Include instruction on handguns, the safe use of handguns, the care and
22 cleaning of handguns, and handgun marksmanship principles;
23 3. Include actual range firing of a handgun in a safe manner, and the firing
24 of not more than twenty (20) rounds at a full-size silhouette target,
25 during which firing, not less than eleven (11) rounds must hit the
26 silhouette portion of the target; and
27 4. Include information on and a copy of laws relating to possession and

1 carrying of firearms, as set forth in KRS Chapters 237 and 527, and the
2 laws relating to the use of force, as set forth in KRS Chapter 503; and

3 (j) Demonstrates knowledge of the law regarding the justifiable use of force by
4 including with the application a copy of the concealed carry deadly weapons
5 legal handout made available by the Department of Criminal Justice Training
6 and a signed statement that indicates that applicant has read and understands
7 the handout.

8 (5) (a) A legible photocopy or electronic copy of a certificate of completion issued by
9 a firearms instructor certified by a national organization or the Department of
10 Criminal Justice Training shall constitute evidence of qualification under
11 subsection (4)(i) of this section.

12 (b) Persons qualifying under subsection (6)(d) of this section may submit with
13 their application:

14 1. At least one (1) of the following paper or electronic forms or their
15 successor forms showing evidence of handgun training or handgun
16 qualifications:

17 a. Department of Defense Form DD 2586;

18 b. Department of Defense Form DD 214;

19 c. Coast Guard Form CG 3029;

20 d. Department of the Army Form DA 88-R;

21 e. Department of the Army Form DA 5704-R;

22 f. Department of the Navy Form OPNAV 3591-1; or

23 g. Department of the Air Force Form AF 522; or

24 2. a. Documentary evidence of an honorable discharge; and

25 b. A notarized affidavit on a form provided by the Department of
26 Kentucky State Police, signed under penalty of perjury, stating the
27 person has met the training requirements of subsection (6)(d) of

1 this section.

- 2 (6) (a) Peace officers who are currently certified as peace officers by the Kentucky
3 Law Enforcement Council pursuant to KRS 15.380 to 15.404 and peace
4 officers who are retired and are members of the Kentucky Employees
5 Retirement System, State Police Retirement System, or County Employees
6 Retirement System or other retirement system operated by or for a city,
7 county, or urban-county in Kentucky shall be deemed to have met the training
8 requirement.
- 9 (b) Current and retired peace officers of the following federal agencies shall be
10 deemed to have met the training requirement:
- 11 1. Any peace officer employed by a federal agency specified in KRS
12 61.365;
- 13 2. Any peace officer employed by a federal civilian law enforcement
14 agency not specified above who has successfully completed the basic
15 law enforcement training course required by that agency;
- 16 3. Any military peace officer of the United States Army, Navy, Marine
17 Corps, or Air Force, or a reserve component thereof, or of the Army
18 National Guard or Air National Guard who has successfully completed
19 the military law enforcement training course required by that branch of
20 the military;
- 21 4. Any member of the United States Coast Guard serving in a peace officer
22 role who has successfully completed the law enforcement training
23 course specified by the United States Coast Guard.
- 24 (c) Corrections officers who are currently employed by a consolidated local
25 government, an urban-county government, or the Department of Corrections
26 who have successfully completed a basic firearms training course required for
27 their employment, and corrections officers who were formerly employed by a

1 consolidated local government, an urban-county government, or the
2 Department of Corrections who are retired, and who successfully completed a
3 basic firearms training course required for their employment, and are members
4 of a state-administered retirement system or other retirement system operated
5 by or for a city, county, or urban-county government in Kentucky shall be
6 deemed to have met the training requirement.

7 (d) Active or honorably discharged service members in the United States Army,
8 Navy, Marine Corps, Air Force, or Coast Guard, or a reserve component
9 thereof, or of the Army National Guard or Air National Guard shall be
10 deemed to have met the training requirement if these persons:

- 11 1. Successfully completed handgun training which was conducted by the
12 United States Army, Navy, Marine Corps, Air Force, or Coast Guard, or
13 a reserve component thereof, or of the Army National Guard or Air
14 National Guard; or
- 15 2. Successfully completed handgun qualification within the United States
16 Army, Navy, Marine Corps, Air Force, or Coast Guard, or a reserve
17 component thereof, or of the Army Guard or Air Force National Guard.

18 (7) (a) 1. A paper application for a license, or renewal of a license, to carry a
19 concealed deadly weapon shall be obtained from and submitted to the
20 office of the sheriff in the county in which the person resides.

21 2. An applicant, in lieu of a paper application, may submit an electronic
22 application for a license, or renewal of a license, to carry a concealed
23 deadly weapon to the Department of Kentucky State Police.

24 3. Persons qualifying under subsection (6)(d) of this section shall be
25 supplied the information in subsection (4)(i)4. of this section upon
26 obtaining an application.

27 (b) 1. The completed paper application and any documentation required by this

- 1 section plus an application fee or renewal fee, as appropriate, of sixty
2 dollars (\$60) shall be presented to the office of the sheriff of the county
3 in which the applicant resides.
- 4 2. The sheriff shall transmit the paper application and accompanying
5 material to the Department of Kentucky State Police within five (5)
6 working days.
- 7 3. Twenty dollars (\$20) of the paper application fee shall be retained by the
8 office of the sheriff for official expenses of the office. Twenty dollars
9 (\$20) shall be sent to the Department of Kentucky State Police with the
10 application. Ten dollars (\$10) shall be transmitted by the sheriff to the
11 Administrative Office of the Courts to fund background checks for
12 youth leaders, and ten dollars (\$10) shall be transmitted to the
13 Administrative Office of the Courts to fund background checks for
14 applicants for concealed weapons.
- 15 (c) 1. A completed electronic application submitted in lieu of a paper
16 application, any documentation required by this section, and an
17 application fee or renewal fee, as appropriate, of seventy dollars (\$70)
18 shall be presented to the Department of Kentucky State Police.
- 19 2. If an electronic application is submitted in lieu of a paper application,
20 thirty dollars (\$30) of the electronic application fee shall be retained by
21 the Department of Kentucky State Police. Twenty dollars (\$20) shall be
22 sent to the office of the sheriff of the applicant's county of residence for
23 official expenses of the office. Ten dollars (\$10) shall be transmitted to
24 the Administrative Office of the Courts to fund background checks for
25 youth leaders, and ten dollars (\$10) shall be transmitted to the
26 Administrative Office of the Courts to fund background checks for
27 applicants for concealed weapon carry permits.

- 1 (d) A full-time or part-time peace officer who is currently certified as a peace
2 officer by the Kentucky Law Enforcement Council and who is authorized by
3 his or her employer or government authority to carry a concealed deadly
4 weapon at all times and all locations within the Commonwealth pursuant to
5 KRS 527.020, or a retired peace officer who is a member of the Kentucky
6 Employees Retirement System, State Police Retirement System, County
7 Employees Retirement System, or other retirement system operated by or for a
8 city, county, or urban-county government in Kentucky, shall be exempt from
9 paying the paper or electronic application or renewal fees.
- 10 (e) The application, whether paper or electronic, shall be completed, under oath,
11 on a form or in a manner promulgated by the Department of Kentucky State
12 Police by administrative regulation which shall include:
- 13 1. a. The name, address, place and date of birth, citizenship, gender,
14 Social Security number of the applicant; and
 - 15 b. If not a citizen of the United States, alien registration number if
16 applicable, passport number, visa number, mother's maiden name,
17 and other information necessary to determine the immigration
18 status and eligibility to purchase a firearm under federal law of a
19 person who is not a citizen of the United States;
 - 20 2. A statement that, to the best of his or her knowledge, the applicant is in
21 compliance with criteria contained within subsections (3) and (4) of this
22 section;
 - 23 3. A statement that the applicant, if qualifying under subsection (6)(c) of
24 this section, has provided:
 - 25 a. At least one (1) of the forms listed in subsection (5) of this section;
26 or
 - 27 b. i. Documentary evidence of an honorable discharge; and

- 1 ii. A notarized affidavit on a form provided by the Department
2 of Kentucky State Police stating the person has met the
3 training requirements of subsection (6)(c) of this section;
- 4 4. A statement that the applicant has been furnished a copy of this section
5 and is knowledgeable about its provisions;
- 6 5. A statement that the applicant has been furnished a copy of, has read,
7 and understands KRS Chapter 503 as it pertains to the use of deadly
8 force for self-defense in Kentucky; and
- 9 6. A conspicuous warning that the application is executed under oath and
10 that a materially false answer to any question, or the submission of any
11 materially false document by the applicant, subjects the applicant to
12 criminal prosecution under KRS 523.030.
- 13 (8) The applicant shall submit to the sheriff of the applicant's county of residence or
14 county of military posting if submitting a paper application, or to the Department of
15 Kentucky State Police if submitting an electronic application:
- 16 (a) A completed application as described in subsection (7) of this section;
- 17 (b) A recent color photograph of the applicant, as prescribed by administrative
18 regulation;
- 19 (c) A paper or electronic certificate or an affidavit or document as described in
20 subsection (5) of this section;
- 21 (d) A paper or electronic document establishing the training exemption as
22 described in subsection (6) of this section; and
- 23 (e) For an applicant who is not a citizen of the United States and has been
24 lawfully admitted to the United States by the United States government or an
25 agency thereof, an affidavit as prescribed by administrative regulation
26 concerning his or her immigration status and his or her United States
27 government issued:

- 1 1. Permanent Resident Card I-551 or its equivalent successor
2 identification;
- 3 2. Other United States government issued evidence of lawful admission to
4 the United States which includes the category of admission, if admission
5 has not been granted as a permanent resident; and
- 6 3. Evidence of compliance with the provisions of 18 U.S.C. sec. 922(g)(5),
7 18 U.S.C. sec. 922(d)(5), or 18 U.S.C. sec. 922(y)(2), and 27 C.F.R. Part
8 178, including, as appropriate, but not limited to evidence of ninety (90)
9 day residence in the Commonwealth, a valid current Kentucky hunting
10 license if claiming exemption as a hunter, or other evidence of eligibility
11 to purchase a firearm by an alien which is required by federal law or
12 regulation.

13 If an applicant presents identification specified in this paragraph, the sheriff
14 shall examine the identification, may record information from the
15 identification presented, and shall return the identification to the applicant.

16 (9) The Department of Kentucky State Police shall, within sixty (60) days after the date
17 of receipt of the items listed in subsection (8) of this section if the applicant
18 submitted a paper application, or within fifteen (15) business days after the date of
19 receipt of the items listed in subsection (8) of this section if the applicant applied
20 electronically, either:

- 21 (a) Issue the license; or
- 22 (b) Deny the application based solely on the grounds that the applicant fails to
23 qualify under the criteria listed in subsection (3) or (4) of this section. If the
24 Department of Kentucky State Police denies the application, it shall notify the
25 applicant in writing, stating the grounds for denial and informing the applicant
26 of a right to submit, within thirty (30) days, any additional documentation
27 relating to the grounds of denial. Upon receiving any additional

1 documentation, the Department of Kentucky State Police shall reconsider its
2 decision and inform the applicant within twenty (20) days of the result of the
3 reconsideration. The applicant shall further be informed of the right to seek de
4 novo review of the denial in the District Court of his or her place of residence
5 within ninety (90) days from the date of the letter advising the applicant of the
6 denial.

7 (10) The Department of Kentucky State Police shall maintain an automated listing of
8 license holders and pertinent information, and this information shall be available
9 upon request, at all times to all Kentucky, federal, and other states' law enforcement
10 agencies. A request for the entire list of licensees, or for all licensees in a
11 geographic area, shall be denied. Only requests relating to a named licensee shall be
12 honored or available to law enforcement agencies. Information on applications for
13 licenses, names and addresses, or other identifying information relating to license
14 holders shall be confidential and shall not be made available except to law
15 enforcement agencies. No request for lists of local or statewide permit holders shall
16 be made to any state or local law enforcement agency, peace officer, or other agency
17 of government other than the Department of Kentucky State Police, and no state or
18 local law enforcement agency, peace officer, or agency of government, other than
19 the Department of Kentucky State Police, shall provide any information to any
20 requester not entitled to it by law.

21 (11) Within thirty (30) days after the changing of a permanent address, or within thirty
22 (30) days after the loss, theft, or destruction of a license, the licensee shall notify the
23 Department of Kentucky State Police of the loss, theft, or destruction. Failure to
24 notify the Department of Kentucky State Police shall constitute a noncriminal
25 violation with a penalty of twenty-five dollars (\$25) payable to the clerk of the
26 District Court. No court costs shall be assessed for a violation of this subsection.
27 When a licensee makes application to change his or her residence address or other

1 information on the license, neither the sheriff nor the Department of Kentucky State
2 Police shall require a surrender of the license until a new license is in the office of
3 the applicable sheriff and available for issuance. Upon the issuance of a new
4 license, the old license shall be destroyed by the sheriff.

5 (12) If a license is lost, stolen, or destroyed, the license shall be automatically invalid,
6 and the person to whom the same was issued may, upon payment of fifteen dollars
7 (\$15) for a paper request, or twenty-five dollars (\$25) for an electronic request
8 submitted in lieu of a paper request, to the Department of Kentucky State Police,
9 obtain a duplicate, upon furnishing a notarized statement to the Department of
10 Kentucky State Police that the license has been lost, stolen, or destroyed.

11 (13) (a) The commissioner of the Department of Kentucky State Police, or his or her
12 designee in writing, shall revoke the license of any person who becomes
13 permanently ineligible to be issued a license or have a license renewed under
14 the criteria set forth in this section.

15 (b) The commissioner of the Department of Kentucky State Police, or his or her
16 designee in writing, shall suspend the license of any person who becomes
17 temporarily ineligible to be issued a license or have a license renewed under
18 the criteria set forth in this section. The license shall remain suspended until
19 the person is again eligible for the issuance or renewal of a license.

20 (c) Upon the suspension or revocation of a license, the commissioner of the
21 Department of Kentucky State Police, or his or her designee in writing, shall:

22 1. Order any peace officer to seize the license from the person whose
23 license was suspended or revoked; or

24 2. Direct the person whose license was suspended or revoked to surrender
25 the license to the sheriff of the person's county of residence within two
26 (2) business days of the receipt of the notice.

27 (d) If the person whose license was suspended or revoked desires a hearing on the

1 matter, the person shall surrender the license as provided in paragraph (c)2. of
2 this subsection and petition the commissioner of the Department of Kentucky
3 State Police to hold a hearing on the issue of suspension or revocation of the
4 license.

5 (e) Upon receipt of the petition, the commissioner of the Department of Kentucky
6 State Police shall cause a hearing to be held in accordance with KRS Chapter
7 13B on the suspension or revocation of the license. If the license has not been
8 surrendered, no hearing shall be scheduled or held.

9 (f) If the hearing officer determines that the licensee's license was wrongly
10 suspended or revoked, the hearing officer shall order the commissioner of the
11 Department of Kentucky State Police to return the license and abrogate the
12 suspension or revocation of the license.

13 (g) Any party may appeal a decision pursuant to this subsection to the District
14 Court in the licensee's county of residence in the same manner as for the
15 denial of a license.

16 (h) If the license is not surrendered as ordered, the commissioner of the
17 Department of Kentucky State Police shall order a peace officer to seize the
18 license and deliver it to the commissioner.

19 (i) Failure to surrender a suspended or revoked license as ordered is a Class A
20 misdemeanor.

21 (j) The provisions of this subsection relating to surrender of a license shall not
22 apply if a court of competent jurisdiction has enjoined its surrender.

23 (k) When a domestic violence order or emergency protective order is issued
24 pursuant to the provisions of KRS Chapter 403 against a person holding a
25 license issued under this section, the holder of the permit shall surrender the
26 license to the court or to the officer serving the order. The officer to whom the
27 license is surrendered shall forthwith transmit the license to the court issuing

1 the order. The license shall be suspended until the order is terminated, or until
2 the judge who issued the order terminates the suspension prior to the
3 termination of the underlying domestic violence order or emergency protective
4 order, in writing and by return of the license, upon proper motion by the
5 license holder. Subject to the same conditions as above, a peace officer against
6 whom an emergency protective order or domestic violence order has been
7 issued shall not be permitted to carry a concealed deadly weapon when not on
8 duty, the provisions of KRS 527.020 to the contrary notwithstanding.

9 (14) (a) Not less than one hundred twenty (120) days prior to the expiration date of the
10 license, the Department of Kentucky State Police shall mail to each licensee a
11 written notice of the expiration and a renewal form prescribed by the
12 Department of Kentucky State Police. The outside of the envelope containing
13 the license renewal notice shall bear only the name and address of the
14 applicant. No other information relating to the applicant shall appear on the
15 outside of the envelope sent to the applicant. The licensee may renew his or
16 her license on or before the expiration date by filing with the sheriff of his or
17 her county of residence the paper renewal form, or by filing with the
18 Department of Kentucky State Police an electronic renewal form in lieu of a
19 paper renewal form, stating that the licensee remains qualified pursuant to the
20 criteria specified in subsections (3) and (4) of this section, and the required
21 renewal fee set forth in subsection (7) of this section. The sheriff shall issue to
22 the applicant a receipt for the paper application for renewal of the license and
23 shall date the receipt. The Department of Kentucky State Police shall issue to
24 the applicant a receipt for an electronic application for renewal of the license
25 submitted in lieu of a paper application for renewal and shall date the receipt.

26 (b) A license which has expired shall be void and shall not be valid for any
27 purpose other than surrender to the sheriff in exchange for a renewal license.

1 (c) The license shall be renewed to a qualified applicant upon receipt of the
2 completed renewal application, records check as specified in subsection (3) of
3 this section, determination that the renewal applicant is not ineligible for a
4 license as specified in subsection (4), and appropriate payment of fees. Upon
5 the issuance of a new license, the old license shall be destroyed by the sheriff.
6 A licensee who fails to file a renewal application on or before its expiration
7 date may renew his or her license by paying, in addition to the license fees, a
8 late fee of fifteen dollars (\$15). No license shall be renewed six (6) months or
9 more after its expiration date, and the license shall be deemed to be
10 permanently expired six (6) months after its expiration date. A person whose
11 license has permanently expired may reapply for licensure pursuant to
12 subsections (7), (8), and (9) of this section.

13 (15) The licensee shall carry the license at all times the licensee is carrying a concealed
14 firearm or other deadly weapon and shall display the license upon request of a law
15 enforcement officer. Violation of the provisions of this subsection shall constitute a
16 noncriminal violation with a penalty of twenty-five dollars (\$25), payable to the
17 clerk of the District Court, but no court costs shall be assessed.

18 (16) Except as provided in KRS 527.020, no license issued pursuant to this section shall
19 authorize any person to carry a concealed firearm into:

20 (a) Any police station or sheriff's office;

21 (b) Any detention facility, prison, or jail;

22 (c) Any courthouse, solely occupied by the Court of Justice courtroom, or court
23 proceeding;

24 (d) Any meeting of the governing body of a county, municipality, or special
25 district; or any meeting of the General Assembly or a committee of the
26 General Assembly, except that nothing in this section shall preclude a member
27 of the body, holding a concealed deadly weapon license, from carrying a

- 1 concealed deadly weapon at a meeting of the body of which he or she is a
2 member;
- 3 (e) Any portion of an establishment licensed to dispense beer or alcoholic
4 beverages for consumption on the premises, which portion of the
5 establishment is primarily devoted to that purpose;
- 6 (f) Any elementary or secondary school facility without the consent of school
7 authorities as provided in KRS 527.070, any child-caring facility as defined in
8 KRS 199.011, any day-care center as defined in KRS 199.894, or any certified
9 family child-care home as defined in KRS 199.8982, except however, any
10 owner of a certified child-care home may carry a concealed firearm into the
11 owner's residence used as a certified child-care home;
- 12 (g) An area of an airport to which access is controlled by the inspection of
13 persons and property; or
- 14 (h) Any place where the carrying of firearms is prohibited by federal law.
- 15 (17) The owner, business or commercial lessee, or manager of a private business
16 enterprise, day-care center as defined in KRS 199.894 or certified or licensed family
17 child-care home as defined in KRS 199.8982, or a health-care facility licensed
18 under KRS Chapter 216B, except facilities renting or leasing housing, may prohibit
19 persons holding concealed deadly weapon licenses from carrying concealed deadly
20 weapons on the premises and may prohibit employees, not authorized by the
21 employer, holding concealed deadly weapons licenses from carrying concealed
22 deadly weapons on the property of the employer. If the building or the premises are
23 open to the public, the employer or business enterprise shall post signs on or about
24 the premises if carrying concealed weapons is prohibited. Possession of weapons, or
25 ammunition, or both in a vehicle on the premises shall not be a criminal offense so
26 long as the weapons, or ammunition, or both are not removed from the vehicle or
27 brandished while the vehicle is on the premises. A private but not a public employer

1 may prohibit employees or other persons holding a concealed deadly weapons
2 license from carrying concealed deadly weapons, or ammunition, or both in vehicles
3 owned by the employer, but may not prohibit employees or other persons holding a
4 concealed deadly weapons license from carrying concealed deadly weapons, or
5 ammunition, or both in vehicles owned by the employee, except that the Justice and
6 Public Safety Cabinet may prohibit an employee from carrying any weapons, or
7 ammunition, or both other than the weapons, or ammunition, or both issued or
8 authorized to be used by the employee of the cabinet, in a vehicle while transporting
9 persons under the employee's supervision or jurisdiction. Carrying of a concealed
10 weapon, or ammunition, or both in a location specified in this subsection by a
11 license holder shall not be a criminal act but may subject the person to denial from
12 the premises or removal from the premises, and, if an employee of an employer,
13 disciplinary measures by the employer.

14 (18) All moneys collected by the Department of Kentucky State Police pursuant to this
15 section shall be used to administer the provisions of this section and KRS 237.138
16 to 237.142. By March 1 of each year, the Department of Kentucky State Police and
17 the Administrative Office of the Courts shall submit reports to the Governor, the
18 President of the Senate, and the Speaker of the House of Representatives, indicating
19 the amounts of money collected and the expenditures related to this section, KRS
20 237.138 to 237.142, ~~and KRS 237.115,~~ 244.125, 527.020, and 527.070, and the
21 administration of the provisions of this section, KRS 237.138 to 237.142, ~~and KRS~~
22 ~~237.115,~~ 244.125, 527.020, and 527.070.

23 (19) The General Assembly finds as a matter of public policy that it is necessary to
24 provide statewide uniform standards for issuing licenses to carry concealed firearms
25 and to occupy the field of regulation of the bearing of concealed firearms to ensure
26 that no person who qualifies under the provisions of this section is denied his rights.
27 The General Assembly does not delegate to the Department of Kentucky State

1 Police the authority to regulate or restrict the issuing of licenses provided for in this
2 section beyond those provisions contained in this section. This section shall be
3 liberally construed to carry out the constitutional right to bear arms for self-defense.

4 (20) (a) A person who is not a resident of Kentucky and who has a valid license issued
5 by another state of the United States to carry a concealed deadly weapon in
6 that state may, subject to provisions of Kentucky law, carry a concealed
7 deadly weapon in Kentucky, and his or her license shall be considered as valid
8 in Kentucky.

9 (b) If a person with a valid license to carry a concealed deadly weapon issued
10 from another state that has entered into a reciprocity agreement with the
11 Department of Kentucky State Police becomes a resident of Kentucky, the
12 license issued by the other state shall be considered as valid for the first one
13 hundred twenty (120) days of the person's residence in Kentucky, if within
14 sixty (60) days of moving to Kentucky, the person completes a form
15 promulgated by the Department of Kentucky State Police which shall include:

16 1. A signed and notarized statement averring that to the best of his or her
17 knowledge the person's license to carry a concealed deadly weapon is
18 valid and in compliance with applicable out-of-state law, and has not
19 been revoked or suspended for any reason except for valid forfeiture due
20 to departure from the issuing state;

21 2. The person's name, date of birth, citizenship, gender, Social Security
22 number if applicable, proof that he or she is a citizen of the United
23 States, a permanent resident of the United States, or otherwise lawfully
24 present in the United States, former out-of-state address, current address
25 within the state of Kentucky, date on which Kentucky residence began,
26 state which issued the concealed carry license, the issuing state's
27 concealed carry license number, and the state of issuance of license; and

- 1 3. A photocopy of the person's out-of-state license to carry a concealed
2 deadly weapon.
- 3 (c) Within sixty (60) days of moving to Kentucky, the person shall deliver the
4 form and accompanying documents by registered or certified mail, return
5 receipt requested, to the address indicated on the form provided by the
6 Department of Kentucky State Police pursuant to this subsection.
- 7 (d) The out-of-state concealed carry license shall become invalid in Kentucky
8 upon the earlier of:
- 9 1. The out-of-state person having resided in Kentucky for more than one
10 hundred twenty (120) days; or
- 11 2. The person being issued a Kentucky concealed deadly weapon license
12 pursuant to this section.
- 13 (e) The Department of Kentucky State Police shall, not later than thirty (30) days
14 after July 15, 1998, and not less than once every twelve (12) months
15 thereafter, make written inquiry of the concealed deadly weapon carrying
16 licensing authorities in each other state as to whether a Kentucky resident may
17 carry a concealed deadly weapon in their state based upon having a valid
18 Kentucky concealed deadly weapon license, or whether a Kentucky resident
19 may apply for a concealed deadly weapon carrying license in that state based
20 upon having a valid Kentucky concealed deadly weapon license. The
21 Department of Kentucky State Police shall attempt to secure from each other
22 state permission for Kentucky residents who hold a valid Kentucky concealed
23 deadly weapon license to carry concealed deadly weapons in that state, either
24 on the basis of the Kentucky license or on the basis that the Kentucky license
25 is sufficient to permit the issuance of a similar license by the other state. The
26 Department of Kentucky State Police shall enter into a written reciprocity
27 agreement with the appropriate agency in each state that agrees to permit

1 Kentucky residents to carry concealed deadly weapons in the other state on the
2 basis of a Kentucky-issued concealed deadly weapon license or that will issue
3 a license to carry concealed deadly weapons in the other state based upon a
4 Kentucky concealed deadly weapon license. If a reciprocity agreement is
5 reached, the requirement to recontact the other state each twelve (12) months
6 shall be eliminated as long as the reciprocity agreement is in force. The
7 information shall be a public record and shall be available to individual
8 requesters free of charge for the first copy and at the normal rate for open
9 records requests for additional copies.

10 (21) By March 1 of each year, the Department of Kentucky State Police shall submit a
11 statistical report to the Governor, the President of the Senate, and the Speaker of the
12 House of Representatives, indicating the number of licenses issued, revoked,
13 suspended, and denied since the previous report and in total and also the number of
14 licenses currently valid. The report shall also include the number of arrests,
15 convictions, and types of crimes committed since the previous report by individuals
16 licensed to carry concealed weapons.

17 (22) The following provisions shall apply to concealed deadly weapon training classes
18 conducted by the Department of Criminal Justice Training or any other agency
19 pursuant to this section:

20 (a) No concealed deadly weapon instructor trainer shall have his or her
21 certification as a concealed deadly weapon instructor trainer reduced to that of
22 instructor or revoked except after a hearing conducted pursuant to KRS
23 Chapter 13B in which the instructor is found to have committed an act in
24 violation of the applicable statutes or administrative regulations;

25 (b) No concealed deadly weapon instructor shall have his or her certification as a
26 concealed deadly weapon instructor license suspended or revoked except after
27 a hearing conducted pursuant to KRS Chapter 13B in which the instructor is

- 1 found to have committed an act in violation of the applicable statutes or
2 administrative regulations;
- 3 (c) The department shall not require prior notification that an applicant class or
4 instructor class will be conducted by a certified instructor or instructor trainer;
- 5 (d) Each concealed deadly weapon instructor or instructor trainer who teaches a
6 concealed deadly weapon applicant or concealed deadly weapon instructor
7 class shall supply the Department of Criminal Justice Training with a class
8 roster indicating which students enrolled and successfully completed the class,
9 and which contains the name and address of each student, within five (5)
10 working days of the completion of the class. The information may be sent by
11 mail, facsimile, e-mail, or other method which will result in the receipt of or
12 production of a hard copy of the information. The postmark, facsimile date, or
13 e-mail date shall be considered as the date on which the notice was sent.
14 Concealed deadly weapon class applicant, instructor, and instructor trainer
15 information and records shall be confidential. The department may release to
16 any person or organization the name, address, and telephone number of a
17 concealed deadly weapon instructor or instructor trainer if that instructor or
18 instructor trainer authorizes the release of the information in writing. The
19 department shall include on any application for an instructor or instructor
20 trainer certification a statement that the applicant either does or does not
21 desire the applicant's name, address, and telephone number to be made public;
- 22 (e) An instructor trainer who assists in the conduct of a concealed deadly weapon
23 instructor class or concealed deadly weapon applicant class for more than two
24 (2) hours shall be considered as to have taught a class for the purpose of
25 maintaining his or her certification. All class record forms shall include spaces
26 for assistant instructors to sign and certify that they have assisted in the
27 conduct of a concealed deadly weapon instructor or concealed deadly weapon

1 class;

2 (f) An instructor who assists in the conduct of a concealed deadly weapon
3 applicant class for more than two (2) hours shall be considered as to have
4 taught a class for the purpose of maintaining his or her license. All class
5 record forms shall include spaces for assistant instructors to sign and certify
6 that they have assisted in the conduct of a concealed deadly weapon class;

7 (g) If the Department of Criminal Justice Training believes that a firearms
8 instructor trainer or certified firearms instructor has not in fact complied with
9 the requirements for teaching a certified firearms instructor or applicant class
10 by not teaching the class as specified in KRS 237.126, or who has taught an
11 insufficient class as specified in KRS 237.128, the department shall send to
12 each person who has been listed as successfully completing the concealed
13 deadly weapon applicant class or concealed deadly weapon instructor class a
14 verification form on which the time, date, date of range firing if different from
15 the date on which the class was conducted, location, and instructor of the class
16 is listed by the department and which requires the person to answer "yes" or
17 "no" to specific questions regarding the conduct of the training class. The
18 form shall be completed under oath and shall be returned to the Department of
19 Criminal Justice Training not later than forty-five (45) days after its receipt. A
20 person who fails to complete the form, to sign the form, or to return the form
21 to the Department of Criminal Justice Training within the time frame
22 specified in this section or who, as a result of information on the returned
23 form, is determined by the Department of Criminal Justice Training, following
24 a hearing pursuant to KRS Chapter 13B, to not have received the training
25 required by law shall have his or her concealed deadly weapon license
26 revoked by the Department of Kentucky State Police, following a hearing
27 conducted by the Department of Criminal Justice Training pursuant to KRS

1 Chapter 13B, at which hearing the person is found to have violated the
2 provisions of this section or who has been found not to have received the
3 training required by law;

4 (h) The department shall annually, not later than December 31 of each year, report
5 to the Legislative Research Commission:

6 1. The number of firearms instructor trainers and certified firearms
7 instructors whose certifications were suspended, revoked, denied, or
8 who were otherwise disciplined;

9 2. The reasons for the imposition of suspensions, revocations, denials, or
10 other discipline; and

11 3. Suggestions for improvement of the concealed deadly weapon applicant
12 training program and instructor process;

13 (i) If a concealed deadly weapon license holder is convicted of, pleads guilty to,
14 or enters an Alford plea to a felony offense, then his or her concealed deadly
15 weapon license shall be forthwith revoked by the Department of Kentucky
16 State Police as a matter of law;

17 (j) If a concealed deadly weapon instructor or instructor trainer is convicted of,
18 pleads guilty to, or enters an Alford plea to a felony offense, then his or her
19 concealed deadly weapon instructor certification or concealed deadly weapon
20 instructor trainer certification shall be revoked by the Department of Criminal
21 Justice Training as a matter of law; and

22 (k) The following shall be in effect:

23 1. Action to eliminate the firearms instructor trainer program is prohibited.
24 The program shall remain in effect, and no firearms instructor trainer
25 shall have his or her certification reduced to that of certified firearms
26 instructor;

27 2. The Department of Kentucky State Police shall revoke the concealed

1 deadly weapon license of any person who received no firearms training
2 as required by KRS 237.126 and administrative regulations, or who
3 received insufficient training as required by KRS 237.128 and
4 administrative regulations, if the person voluntarily admits nonreceipt of
5 training or admits receipt of insufficient training, or if either nonreceipt
6 of training or receipt of insufficient training is proven following a
7 hearing conducted by the Department of Criminal Justice Training
8 pursuant to KRS Chapter 13B.

9 ➔Section 4. KRS 527.020 is amended to read as follows:

- 10 (1) A person is guilty of carrying a concealed weapon when he or she carries concealed
11 a firearm or other deadly weapon on or about his or her person in violation of this
12 section.
- 13 (2) Peace officers and certified court security officers, when necessary for their
14 protection in the discharge of their official duties; United States mail carriers when
15 actually engaged in their duties; and agents and messengers of express companies,
16 when necessary for their protection in the discharge of their official duties, may
17 carry concealed weapons on or about their person.
- 18 (3) The director of the Division of Law Enforcement in the Department of Fish and
19 Wildlife Resources, conservation officers of the Department of Fish and Wildlife
20 Resources, and policemen directly employed by state, county, city, or urban-county
21 governments may carry concealed deadly weapons on or about their person at all
22 times within the Commonwealth of Kentucky, when expressly authorized to do so
23 by law or by the government employing the officer.
- 24 (4) Persons carrying concealed weapons in accordance with KRS 237.109 or licensed to
25 carry a concealed deadly weapon pursuant to KRS 237.110 may carry a concealed
26 firearm or other concealed deadly weapon on or about their persons at all times
27 within the Commonwealth of Kentucky, if the firearm or concealed deadly weapon

1 is carried in conformity with the requirements of KRS 237.109 or 237.110. Unless
2 otherwise specifically provided by the Kentucky Revised Statutes or applicable
3 federal law, no criminal penalty shall attach to carrying a concealed firearm or other
4 deadly weapon at any location at which an unconcealed firearm or other deadly
5 weapon may be constitutionally carried. No person or organization, public or
6 private, shall prohibit a person from possessing a firearm, ammunition, or both, or
7 other deadly weapon in his or her vehicle in compliance with the provisions of KRS
8 237.109 ~~and~~ 237.110~~, and 237.115~~. Any attempt by a person or organization,
9 public or private, to violate the provisions of this subsection may be the subject of
10 an action for appropriate relief or for damages in a Circuit Court or District Court of
11 competent jurisdiction.

12 (5) (a) The following persons, if they hold a license to carry a concealed deadly
13 weapon pursuant to KRS 237.110 or 237.138 to 237.142, may carry a firearm
14 or other concealed deadly weapon on or about their persons at all times and at
15 all locations within the Commonwealth of Kentucky, without any limitation
16 other than as provided in this subsection:

- 17 1. A Commonwealth's attorney or assistant Commonwealth's attorney;
- 18 2. A retired Commonwealth's attorney or retired assistant Commonwealth's
19 attorney;
- 20 3. A county attorney or assistant county attorney;
- 21 4. A retired county attorney or retired assistant county attorney;
- 22 5. A justice or judge of the Court of Justice;
- 23 6. A retired or senior status justice or judge of the Court of Justice; and
- 24 7. A retired peace officer who holds a concealed deadly weapon license
25 issued pursuant to the federal Law Enforcement Officers Safety Act, 18
26 U.S.C. sec. 926C, and KRS 237.138 to 237.142.

27 (b) The provisions of this subsection shall not authorize a person specified in this

1 subsection to carry a concealed deadly weapon in a detention facility as
2 defined in KRS 520.010 or on the premises of a detention facility without the
3 permission of the warden, jailer, or other person in charge of the facility, or
4 the permission of a person authorized by the warden, jailer, or other person in
5 charge of the detention facility to give such permission. As used in this
6 section, "detention facility" does not include courtrooms, facilities, or other
7 premises used by the Court of Justice or administered by the Administrative
8 Office of the Courts.

9 (c) A person specified in this section who is issued a concealed deadly weapon
10 license shall be issued a license which bears on its face the statement that it is
11 valid at all locations within the Commonwealth of Kentucky and may have
12 such other identifying characteristics as determined by the Department of
13 Kentucky State Police.

14 (6) (a) Except as provided in this subsection, the following persons may carry
15 concealed deadly weapons on or about their person at all times and at all
16 locations within the Commonwealth of Kentucky:

- 17 1. An elected sheriff and full-time and part-time deputy sheriffs certified
18 pursuant to KRS 15.380 to 15.404 when expressly authorized to do so
19 by the unit of government employing the officer;
- 20 2. An elected jailer and a deputy jailer who has successfully completed
21 Department of Corrections basic training and maintains his or her
22 current in-service training when expressly authorized to do so by the
23 jailer; and
- 24 3. The department head or any employee of a corrections department in any
25 jurisdiction where the office of elected jailer has been merged with the
26 office of sheriff who has successfully completed Department of
27 Corrections basic training and maintains his or her current in-service

1 training when expressly authorized to do so by the unit of government
2 by which he or she is employed.

3 (b) The provisions of this subsection shall not authorize a person specified in this
4 subsection to carry a concealed deadly weapon in a detention facility as
5 defined in KRS 520.010 or on the premises of a detention facility without the
6 permission of the warden, jailer, or other person in charge of the facility, or
7 the permission of a person authorized by the warden, jailer, or other person in
8 charge of the detention facility to give such permission. As used in this
9 section, "detention facility" does not include courtrooms, facilities, or other
10 premises used by the Court of Justice or administered by the Administrative
11 Office of the Courts.

12 (7) (a) A full-time paid peace officer of a government agency from another state or
13 territory of the United States or an elected sheriff from another territory of the
14 United States may carry a concealed deadly weapon in Kentucky, on or off
15 duty, if the other state or territory accords a Kentucky full-time paid peace
16 officer and a Kentucky elected sheriff the same rights by law. If the other state
17 or territory limits a Kentucky full-time paid peace officer or elected sheriff to
18 carrying a concealed deadly weapon while on duty, then that same restriction
19 shall apply to a full-time paid peace officer or elected sheriff from that state or
20 territory.

21 (b) The provisions of this subsection shall not authorize a person specified in this
22 subsection to carry a concealed deadly weapon in a detention facility as
23 defined in KRS 520.010 or on the premises of a detention facility without the
24 permission of the warden, jailer, or other person in charge of the facility, or
25 the permission of a person authorized by the warden, jailer, or other person in
26 charge of the detention facility to give such permission. As used in this
27 section, "detention facility" does not include courtrooms, facilities, or other

1 premises used by the Court of Justice or administered by the Administrative
2 Office of the Courts.

3 (8) A loaded or unloaded firearm or other deadly weapon shall not be deemed
4 concealed on or about the person if it is located in any enclosed container,
5 compartment, or storage space installed as original equipment in a motor vehicle by
6 its manufacturer, including but not limited to a glove compartment, center console,
7 or seat pocket, regardless of whether said enclosed container, storage space, or
8 compartment is locked, unlocked, or does not have a locking mechanism. No person
9 or organization, public or private, shall prohibit a person from keeping a loaded or
10 unloaded firearm or ammunition, or both, or other deadly weapon in a vehicle in
11 accordance with the provisions of this subsection. Any attempt by a person or
12 organization, public or private, to violate the provisions of this subsection may be
13 the subject of an action for appropriate relief or for damages in a Circuit Court or
14 District Court of competent jurisdiction. This subsection shall not apply to any
15 person prohibited from possessing a firearm pursuant to KRS 527.040.

16 (9) The provisions of this section shall not apply to a person who carries a concealed
17 deadly weapon on or about his or her person:

18 (a) If he or she is the owner of the property or has the permission of the owner of
19 the property, on real property which he or she or his or her spouse, parent,
20 grandparent, or child owns;

21 (b) If he or she is the lessee of the property or has the permission of the lessee of
22 the property, on real property which he or she or his or her spouse, parent,
23 grandparent, or child occupies pursuant to a lease; or

24 (c) If he or she is the sole proprietor of the business, on real property owned or
25 leased by the business.

26 (10) Carrying a concealed weapon is a Class A misdemeanor, unless the defendant has
27 been previously convicted of a felony in which a deadly weapon was possessed,

1 used, or displayed, in which case it is a Class D felony.