

1 AN ACT relating to the restoration of Second Amendment rights.

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

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

5 *As used in Sections 1 to 6 of this Act:*

6 *(1) "Firearm" has the same meaning as in KRS 237.060;*

7 *(2) "Firearm suppressor" means any device designed, made, or adapted to muffle the*
8 *report of a firearm;*

9 *(3) "Generic and insignificant part" means an item that has manufacturing or*
10 *consumer product applications other than inclusion in a firearm, and includes a*
11 *spring, screw, nut, and pin; and*

12 *(4) "Manufacture" includes forging, casting, machining, or other process for*
13 *working a material.*

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

16 *(1) For purposes of Sections 1 to 6 of this Act, a firearm suppressor shall be*
17 *considered manufactured in this Commonwealth:*

18 *(a) If it is manufactured in this Commonwealth from basic materials and*
19 *without the inclusion of any part imported from another state, other than a*
20 *generic and insignificant part; and*

21 *(b) Without regard to whether a firearm imported into this Commonwealth*
22 *from another state is attached to or used in conjunction with the firearm*
23 *suppressor.*

24 *(2) A firearm suppressor that is manufactured in this Commonwealth and remains in*
25 *this Commonwealth shall not be subject to federal law or federal regulation,*
26 *including registration, under the authority of the United States Congress to*
27 *regulate interstate commerce.*

1 (3) A basic material from which a firearm suppressor is manufactured in this
2 Commonwealth, including unmachined steel, is not a firearm suppressor and
3 shall not be subject to federal regulation under the authority of the United States
4 Congress to regulate interstate commerce as if it actually were a firearm
5 suppressor.

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

8 A firearm suppressor manufactured and sold in this Commonwealth shall be clearly
9 stamped with the words "Made in Kentucky."

10 ➔SECTION 4. A NEW SECTION OF KRS CHAPTER 237 IS CREATED TO
11 READ AS FOLLOWS:

12 (1) A United States citizen who resides in this Commonwealth and intends to
13 manufacture a firearm suppressor to which Section 2 of this Act applies may
14 provide written notification to the Office of the Attorney General of his or her
15 intent to do so.

16 (2) The written notification under subsection (1) of this section shall set forth the
17 following:

18 (a) The person's intent to manufacture a firearm suppressor to which Section 2
19 of this Act applies;

20 (b) A brief explanation of how and when the person will manufacture the
21 firearm suppressor;

22 (c) The person's intent to not follow the procedures and requirements under the
23 National Firearms Act, 26 U.S.C. sec. 5801 et seq.; and

24 (d) A declaration that but for the penalty provided in 26 U.S.C. sec. 5871, the
25 person would manufacture the firearm suppressor without following the
26 procedures and requirements under the National Firearms Act.

27 (3) Upon receipt of a written notification under this section, the Attorney General

1 shall seek a declaratory judgment from a United States District Court in this
2 Commonwealth that Section 2 of this Act is consistent with the United States
3 Constitution.

4 ➔SECTION 5. A NEW SECTION OF KRS CHAPTER 237 IS CREATED TO
5 READ AS FOLLOWS:

6 (1) This section shall apply to:

7 (a) The Commonwealth and its political subdivisions, including a special
8 district, local or regional public or quasi-public agency, board, commission,
9 department, public corporation, and state institution of higher education;

10 (b) Any person acting under the authority of any of the entities in paragraph
11 (a) of this subsection; and

12 (c) Commonwealth's and county attorneys.

13 (2) An entity described in subsection (1) of this section shall not adopt a rule, order,
14 ordinance, administrative regulation, or policy under which the entity enforces,
15 or by consistent action allows the enforcement of, a federal statute, order, rule, or
16 regulation that purports to regulate a firearm suppressor if the statute, order,
17 rule, or regulation imposes a prohibition, restriction, or other regulation that
18 does not exist under the laws of this Commonwealth.

19 (3) An entity that violates this section shall not receive state grant funds. State grant
20 funds for the entity shall be denied for the fiscal year in which a final judicial
21 determination in an action brought under Section 6 of this Act is made that the
22 entity has violated this section.

23 ➔SECTION 6. A NEW SECTION OF KRS CHAPTER 237 IS CREATED TO
24 READ AS FOLLOWS:

25 (1) If a citizen under the jurisdiction of an entity described in Section 5 of this Act
26 has reason to believe that a violation of Section 5 of this Act may have occurred,
27 he or she may refer evidence of noncompliance to the Office of the Attorney

1 General which shall investigate the evidence for violations of Section 5 of this
2 Act.

3 (2) The Office of the Attorney General may file a petition for a writ of mandamus or
4 apply for other appropriate equitable relief in the Circuit Court of the county in
5 which the principal office of the entity is located, or the Circuit Court of the
6 county in which the citizen resides, to compel the entity's compliance with Section
7 5 of this Act.

8 (3) The Attorney General may recover reasonable expenses incurred obtaining relief
9 under this section, including court costs, reasonable attorney's fees, investigative
10 costs, witness fees, and deposition costs.

11 (4) Any party to a suit brought under this section shall have the right of expedited
12 appeal to the Court of Appeals, and that court shall give precedence to the appeal
13 over other pending matters.

14 ➔Section 7. This Act applies to firearm suppressors that are manufactured on or
15 after the effective date of this Act.

16 ➔Section 8. This Act may be cited as the Second Amendment Restoration Act.