

1 AN ACT relating to firearms and declaring an emergency.

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

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 527 IS CREATED TO
4 READ AS FOLLOWS:

5 *(1) As used in this section:*

6 *(a) "Ammunition" means fixed cartridge ammunition, shotgun shells,*
7 *individual components of fixed cartridge ammunition or shotgun shells,*
8 *projectiles for muzzle-loading firearms, or any propellant used in firearms*
9 *or ammunition;*

10 *(b) "Firearm" has the same meaning as KRS 527.010;*

11 *(c) "Firearm accessory" means an item that is used in conjunction with or*
12 *mounted on a firearm but is not essential to the basic function of the*
13 *firearm, and includes a detachable firearm magazine; and*

14 *(d) "State funds" means money appropriated by the legislature or money under*
15 *the control or direction of a state agency.*

16 *(2) Notwithstanding any other law, an agency of this state, a political subdivision of*
17 *this state, or a person employed by an agency of this state or a political*
18 *subdivision of this state may not contract with or in any other manner provide*
19 *assistance to a federal agency or official with respect to the enforcement of a*
20 *federal statute, order, rule, or regulation that:*

21 *(a) Imposes a prohibition, restriction, or other regulation that does not exist*
22 *under the laws of this state; and*

23 *(b) Relates to a:*

24 *1. Registry requirement for a firearm, a firearm accessory, or*
25 *ammunition;*

26 *2. Requirement that an owner of a firearm, a firearm accessory, or*
27 *ammunition possess a license as a condition of owning, possessing, or*

- 1 carrying the firearm, firearm accessory, or ammunition;
2 3. Requirement that a background check be conducted for the private
3 sale or transfer of a firearm, a firearm accessory, or ammunition;
4 4. Program for confiscating a firearm, a firearm accessory, or
5 ammunition from a person who is not otherwise prohibited by the laws
6 of this state from possessing the firearm, firearm accessory, or
7 ammunition; or
8 5. Program that requires an owner of a firearm, a firearm accessory or
9 ammunition to sell the firearm, firearm accessory, or ammunition.

10 (3) A person commits an offense if, in the person's official capacity as an officer of
11 an agency of this state or a political subdivision of this state, or as a person
12 employed by or otherwise under the direction or control of an agency of this state
13 or a political subdivision of this state, or under color of law, the person knowingly
14 enforces or attempts to enforce any federal statute, order, rule, or regulation
15 described by subsection (2) of this section. An offense under this subsection is a
16 Class B misdemeanor for the first offense and a Class A misdemeanor for each
17 subsequent offense.

18 (4) Any person who violates subsection (2) of this section while acting in his or her
19 official capacity is subject to termination from employment to the extent
20 allowable under state law and, if the person is a public servant at the time of
21 conviction, shall forfeit the person's position or provide grounds for removal
22 from office.

23 (5) A political subdivision of this state may not receive state funds if the political
24 subdivision enters into a contract or adopts a rule, order, ordinance, or policy
25 under which the political subdivision requires or assists with the enforcement of
26 any federal statute, order, rule, or regulation described in subsection (2) of this
27 section or, by consistent actions, requires or assists with the enforcement of any

1 federal statute, rule, order, rule, or regulation described by subsection (2) of this
2 section.

3 (6) A person residing in the jurisdiction of a political subdivision of this state may
4 file a complaint with the Attorney General if the person offers evidence to support
5 an allegation that the political subdivision has entered into a contract or adopted
6 a rule, order, ordinance, or policy under which the political subdivision requires
7 or assists with the enforcement of any federal statute, order, rule, or regulation
8 described in subsection (2) of this section or evidence to support an allegation
9 that the political subdivision, by consistent actions, requires or assists with the
10 enforcement of any federal statute, order, rule, or regulation described in
11 subsection (2) of this section. The person shall include supporting evidence with
12 the complaint.

13 (7) If the Attorney General determines that a complaint filed under subsection (6) of
14 this section against a political subdivision of this state is valid, the Attorney
15 General may file a petition for a writ of mandamus or apply for other appropriate
16 equitable relief in Franklin Circuit Court or in the Circuit Court of the county in
17 which the principal office of the political subdivision is located to compel the
18 political subdivision to comply with subsection (2) of this section. The attorney
19 general may recover reasonable expenses incurred in obtaining relief under this
20 subsection, including court costs, reasonable attorney's fees, investigative costs,
21 witness fees, and deposition costs.

22 (8) An appeal of a suit brought under subsection (7) of this section shall be
23 expedited. The appellate court shall render its final order or judgment with the
24 least possible delay.

25 (9) The Attorney General shall defend any agency of this state in a suit brought
26 against the agency by the federal government for an action or omission consistent
27 with the requirements of this section.

1 **(10) The Attorney General and the county attorney shall have concurrent jurisdiction**
2 **to enforce the provisions of this section.**

3 **(11) A federal officer or agent, or a person otherwise under the direction or control of**
4 **a federal agency, who arrests, or attempts to arrest, any state or local government**
5 **official for compliance with this section, or who attempts to enforce any federal**
6 **statute, order, rule, or regulation described by subsection (2) of this section, shall**
7 **be subject to arrest by state or local law enforcement.**

8 ➔Section 2. Section 1 of this Act applies only to conduct that occurs on or after
9 the effective date of this Act. Conduct that occurs before the effective date of this Act is
10 governed by the law in effect immediately before the effective date of this Act, and that
11 law is continued in effect for that purpose.

12 ➔Section 3. Section 1 of this Act applies only to an offense committed on or after
13 the effective date of this Act. An offense committed before the effective date of this Act
14 is governed by the law in effect when the offense was committed, and the former law is
15 continued in effect for that purpose. For the purposes of this section, an offense is
16 committed before the effective date of this Act if any element of the offense occurs
17 before the effective date.

18 ➔Section 4. This Act may be cited as the Kentucky 2nd Amendment Preservation
19 Act.

20 ➔Section 5. Whereas the right to keep and bear arms is a fundamental individual
21 right that shall not be infringed upon, an emergency is declared to exist, and this Act
22 takes effect upon its passage and approval by the Governor or upon its otherwise
23 becoming law.