

16.220 Public auction of confiscated firearms -- Disposition of proceeds -- Department of Kentucky State Police treatment of transferred firearms.

- (1) Subject to the duty to return confiscated firearms to innocent owners pursuant to KRS 500.090, all firearms confiscated by the Department of Kentucky State Police and not retained for official use pursuant to KRS 500.090 shall be sold at public auction to federally licensed firearms dealers holding a license appropriate for the type of firearm sold. Any provision of KRS Chapter 45 or 45A relating to disposition of property to the contrary notwithstanding, the Department of Kentucky State Police shall:
 - (a) Conduct any auction specified by this section;
 - (b) Retain for departmental use twenty percent (20%) of the gross proceeds from any auction specified by this section; and
 - (c) Transfer remaining proceeds of the sale to the account of the Kentucky Office of Homeland Security for use as provided in subsection (4) of this section.
- (2) Prior to the sale of any firearm, the Department of Kentucky State Police shall make an attempt to determine if the firearm to be sold has been stolen or otherwise unlawfully obtained from an innocent owner and return the firearm to its lawful innocent owner, unless that person is ineligible to purchase a firearm under federal law.
- (3) The Department of Kentucky State Police shall receive firearms and ammunition confiscated by or abandoned to every law enforcement agency in Kentucky. The department shall dispose of the firearms received in the manner specified in subsection (1) of this section. However, firearms which are not retained for official use, returned to an innocent lawful owner, or transferred to another government agency or public museum shall be sold as provided in subsections (1) and (3) of this section.
- (4) The proceeds of firearms sales shall be utilized by the Kentucky Office of Homeland Security to provide grants to city, county, charter county, unified local government, urban-county government, and consolidated local government police departments; university safety and security departments organized pursuant to KRS 164.950; and sheriff's departments for the purchase of:
 - (a) Body armor for sworn peace officers of those departments and service animals, as defined in KRS 525.010, of those departments;
 - (b) Firearms or ammunition; and
 - (c) Electronic control devices, electronic control weapons, or electro-muscular disruption technology.

In awarding grants under this section, the Kentucky Office of Homeland Security shall give first priority to providing and replacing body armor and second priority to providing firearms and ammunition, with residual funds available for the purchase of electronic control devices, electronic control weapons, or electro-muscular disruption technology. Body armor purchased by the department receiving grant funds shall meet or exceed the standards issued by the National Institute of Justice for body armor. No police or sheriff's department shall apply for a grant to replace existing body armor unless that

body armor has been in actual use for a period of five (5) years or longer.

- (5) The Department of Kentucky State Police may transfer a machine gun, short-barreled shotgun, short-barreled rifle, silencer, pistol with a shoulder stock, any other weapon, or destructive device as defined by the National Firearms Act which is subject to registration under the National Firearms Act and is not properly registered in the national firearms transfer records for those types of weapons, to the Bureau of Alcohol, Tobacco, and Firearms of the United States Department of Justice, after a reasonable attempt has been made to transfer the firearm to an eligible state or local law enforcement agency or to an eligible museum and no eligible recipient will take the firearm or weapon. National Firearms Act firearms and weapons which are properly registered and not returned to an innocent lawful owner or retained for official use as provided in this section shall be sold to properly licensed dealers under subsection (3) of this section.

Effective: July 15, 2008

History: Amended 2008 Ky. Acts ch. 96, sec. 1, effective July 15, 2008. -- Amended 2007 Ky. Acts ch. 47, sec. 10, effective June 26, 2007; and ch. 85, sec. 71, effective June 26, 2007. -- Amended 2005 Ky. Acts ch. 85, sec. 41, effective June 20, 2005. -- Amended 2004 Ky. Acts ch. 86, sec. 2, effective July 13, 2004. -- Amended 2002 Ky. Acts ch. 281, sec. 1, effective July 15, 2002. -- Amended 2000 Ky. Acts ch. 405, sec. 3, effective July 14, 2000. -- Created 1998 Ky. Acts ch. 606, sec. 124, effective July 15, 1998.

Legislative Research Commission Note (6/20/2005). In subsection (1) of this statute, a reference to the "Department of Finance" has been changed to read the "Department for Facilities and Support Services" to reflect the correct structure of the Finance and Administration Cabinet, as set forth in Executive Order 2004-723 and confirmed by the General Assembly in 2005 Ky. Acts ch. 85. The Reviser of Statutes has changed the reference in this section pursuant to 2005 Ky. Acts ch. 85, sec. 701