

AN ACT relating to the regulation of firearms and ammunition by local governments.

WHEREAS, public safety is among the most vital roles of government, from the federal level to the municipal level; and

WHEREAS, many law-abiding Kentuckians are responsible gun owners, yet issues of gun violence plague Kentucky's urban-county and consolidated local governments; and

WHEREAS, the Kentucky Constitution enshrines a broad right to bear arms in the Bill of Rights; and

WHEREAS, for more than thirty years, local governments have been preempted from issuing ordinances regulating firearms and ammunition by KRS 65.870; and

WHEREAS, some public safety policies are best shaped by the knowledge, experience, and vision of local community leaders;

NOW, THEREFORE,

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

□SECTION 1. A NEW SECTION OF KRS CHAPTER 65 IS CREATED TO READ AS FOLLOWS:

(1) This section is intended by the General Assembly of the Commonwealth of Kentucky to grant to urban-county governments and to consolidated local governments the power to regulate firearms by ordinance in order to reduce gun violence.

(2) Urban-county governments and consolidated local governments may regulate the manufacture, sale, purchase, taxation, transfer, ownership, possession, carrying, storage, and transportation of firearms, firearms components, ammunition, and ammunition components, to an extent not in conflict with the Constitution or laws of this Commonwealth or of the United States.

(3) The power granted by this section shall be in addition to all other powers granted to urban-county governments and to consolidated local governments by other

provisions of law.

(4) An ordinance regulating firearms or ammunition that is issued by the council of a consolidated local government shall apply within the jurisdictional boundaries of all cities within that consolidated local government, and no city within the consolidated local government's boundaries shall preempt the controls.

□ Section 2. KRS 65.870 is amended to read as follows:

- (1) **Except for urban-county governments and consolidated local governments,** no existing or future city, county,~~[urban-county government,]~~ charter county,~~[consolidated local government,]~~ unified local government, special district, local or regional public or quasi-public agency, board, commission, department, public corporation, or any person acting under the authority of any of these organizations may occupy any part of the field of regulation of the manufacture, sale, purchase, taxation, transfer, ownership, possession, carrying, storage, or transportation of firearms, ammunition, components of firearms, components of ammunition, firearms accessories, or combination thereof.
- (2) Any existing or future ordinance, executive order, administrative regulation, policy, procedure, rule, or any other form of executive or legislative action in violation of this section or the spirit thereof is hereby declared null, void, and unenforceable.
- (3) Any person or organization specified in subsection (1) of this section shall repeal, rescind, or amend to conform, any ordinance, administrative regulation, executive order, policy, procedure, rule, or other form of executive or legislative action in violation of this section or the spirit thereof within six (6) months after July 12, 2012.
- (4) Pursuant to Section 231 of the Constitution of Kentucky, insofar as any person or organization specified in subsection (1) of this section **other than an urban-county government or a consolidated local government** is considered an agent of the Commonwealth, it is the intent of the General Assembly to exempt them from any

immunity provided in Section 231 of the Constitution of Kentucky to the extent provided in this section. A person or an organization whose membership is adversely affected by any ordinance, administrative regulation, executive order, policy, procedure, rule, or any other form of executive or legislative action promulgated or caused to be enforced in violation of this section or the spirit thereof may file suit against any person or organization specified in subsection (1) of this section in any court of this state having jurisdiction over any defendant to the suit for declaratory and injunctive relief. A court shall award the prevailing party in any such suit:

- (a) Reasonable attorney's fees and costs in accordance with the laws of this state; and
 - (b) Expert witness fees and expenses.
- (5) If any person or organization ***preempted by***~~specified in~~ subsection (1) of this section violates this section or the spirit thereof, the court shall declare the improper ordinance, administrative regulation, executive order, policy, procedure, rule, or other form of executive or legislative action specified in subsection (1) of this section null, void, and unenforceable, and issue a permanent injunction against the person or organization specified in subsection (1) of this section prohibiting the enforcement of such ordinance, administrative regulation, executive order, policy, procedure, rule, or any other form of executive or legislative action specified in subsection (1) of this section.
- (6) A violation of this section by a public servant shall be a violation of either KRS 522.020 or 522.030, depending on the circumstances of the violation.
- (7) The provisions of this section shall not apply where a statute specifically authorizes or directs an agency or person specified in subsection (1) of this section to regulate a subject specified in subsection (1) of this section.