

Commonwealth of Kentucky

*Department of Criminal
Justice Training*



*Carrying Concealed
Deadly Weapons License Training*

Applicant Manual

6th Edition

May, 2022

CCDW Section
Department of Criminal Justice Training
4449 Kit Carson Drive
Richmond, KY 40475-3102

Phone: (859) 622-2299

<https://www.docjt.ky.gov/ccdw>

Instructor Name:

Class Date(s):

Location:

- **Certificate Questions:** email DOCJT at ccdwwprogram@ky.gov
- **Permit Questions:** call KSP at: **502-782-9964**
- **Register Online:** <http://kentuckystatepolice.org/ccdw/ccdw-home/>

Other states' and territories' responses to reciprocity with Kentucky can be viewed on the Kentucky State Police website at:

<http://kentuckystatepolice.org/ccdw/ccdw-home/ccdw-reciprocity/>

APPLICANT MANUAL

Table of Contents

	PAGE
Orientation – Introduction	1
Kentucky Statues on Firearms & Carry Concealed Deadly Weapons – Video	
Compliance	5
Legal Section – Unit 1	7
Legal Section – Unit 2 (Use & Misuse of Force)	19
Legal Section – Unit 3 (Legal Liability – Criminal Issues)	38
Legal Section – Unit 4 (Legal Liability – Civil Issues)	42
Safety: In the Classroom – At Home – On the Range – While Carrying	44
Principles of Marksmanship	58
Pistol & Revolver Nomenclature & Function	69
Cleaning Your Weapon	85
Live Fire Exercise	88
Kentucky Revised Statutes	KY - 1
Kentucky Administrative Regulations	KY - 46

INTRODUCTION

Americans with disabilities (ADA)

Your instructor will make every reasonable accommodation possible to enable you to complete this class. If you have special needs, please make your instructor aware of them as soon as possible.

General Range Safety

Firing range activities are inherently dangerous. Anytime a person is shooting a firearm, there is some risk of an accident which can cause death or serious physical injury. The range officer(s) will do everything possible to make your range experience safe and enjoyable, but there is no way to eliminate all risk of an accident. You can help the range staff by strictly following the range rules and listening to the instructions and commands given by them. Range safety is the responsibility of everyone, and if we all work together, you can have an enjoyable range experience.

Later in this class we will go over the specific range rules. For right now, remember these four (4) rules:

1. Always keep the gun pointed in a safe direction.
2. Keep your finger off the trigger until ready to shoot.
3. Always keep the gun unloaded until ready to shoot.
4. Students should not ingest alcohol for one full day before range activity.
5. Know your target and what is around you and beyond.

During the first break you should inform the instructor of:

- Any medical problems which you may have;
- Any medications you are taking or may need to take in an emergency;
- Any special needs you may have which will affect your performance at the range.

Performance Objectives:

The student will:

- *be able to explain the requirements for obtaining a concealed deadly weapon license in Kentucky.*
- *be able to explain the laws relating to firearms included in KRS Chapters 237 and 527.*
- *be able to explain when the use of force is justifiable under KRS Chapter 503.*
- *be able to explain possible legal liability for the misuse of force.*
- *identify the basic principles of marksmanship.*
- *identify the concepts essential to the safe use of handguns.*
- *identify the basic nomenclature of a pistol and revolver.*
- *understand the requirement and procedures necessary to clean and inspect a handgun and ammunition.*
- *demonstrate the ability to clean and inspect a handgun and inspect ammunition.*
- *achieve a minimum score of 70% in order to pass the written examination*

APPLICANT TRAINING SCHEDULE

8:00	Orientation: Paperwork & Class Schedule
8:30	
9:00	Kentucky Statutes for Firearms & CCDW (video)
9:30	
10:00	Use & Misuse of Force (<i>video</i>)
10:30	Legal Liability (<i>video</i>)
11:00	Safety: In the Classroom, at Home, on the Range
11:30	
12:00	Lunch
1:00	Principles of Marksmanship
1:30	
2:00	
2:30	Pistol and Revolver Nomenclature & Function
3:00	
3:30	Live Fire Exercises & Weapons Cleaning Demonstration
4:00	
4:30	Written Exam

**KENTUCKY STATUTES
ON FIREARMS AND
CARRYING
CONCEALED DEADLY
WEAPONS VIDEO**

COMPLIANCE

You as a student will be required to sign an Applicant Request for Training for License to Carry Concealed Deadly Weapons (Form 126-A) today certifying that you have attended classroom training of at least six hours and participated in live fire exercises with a handgun. If the training you receive does not meet these minimum standards, you should not sign this form.

The six hours of classroom training you receive shall cover the following topics:

1. *Handgun safety in the classroom, at home, on the firing range or while carrying a firearm.*
2. *The basic principles of marksmanship.*
3. *The care and cleaning of handguns. As part of this block of training you will be required to observe the instructor's demonstration regarding weapons cleaning and demonstrate to the instructor the ability to inspect a firearm and inspect ammo.*
4. *The video you are now watching will cover the requirements for obtaining a concealed deadly weapons license in Kentucky, sections of Kentucky Revised Statutes relating to firearms and the justifiable use of force.*

At the conclusion of the classroom portion of the training, you will be taking a written examination. The exam is open book. You must answer at least seventy (70) percent of the written examination questions correctly.

In addition to the classroom training, you will be required to participate in live fire exercises. You will be required to fire 20 rounds with a handgun without receiving any assistance in holding, aiming or firing from the instructor or any other person. The requirement to qualify without assistance does not prohibit the instructor from assisting you in the clearing of a firearm jam or malfunction.

To successfully pass the range portion of the training, you must fire a total of twenty (20) rounds from a handgun. A handgun cannot be any type of pellet gun or a bb gun (or finger) per KRS 537.010 (4) & (5). You must use a safe, functional handgun and factory loaded ammunition. Your instructor should not furnish a handgun for you to qualify with unless special circumstances dictate the need to do so, and you specifically request that the instructor provide you with a weapon. Circumstances where this might occur would be if you do not own a weapon to bring to the training, or the instructor inspects your handgun and determines that it is not in sound mechanical condition or may pose a safety hazard. The instructor cannot charge for the use of the handgun but can charge for the ammunition that you fire.

Your instructor may allow you to practice shooting prior to actually qualifying. During qualification, your instructor is required to observe you as a student as you fire each of those twenty (20) rounds at a B-21 silhouette target from a distance of seven (7) yards. You will not be given a passing grade if you fail to follow the orders of your instructor on the range, handle a firearm in a manner that poses a danger to yourself or others, or if you fail to hit the silhouette portion of the target with at least eleven (11) of the twenty (20) rounds. Remember that during qualification, the instructor is not allowed to assist you in holding, aiming, or firing the firearm.

Within five (5) working days after you take this class, your instructor is required to submit scored examinations, Application Request for Training License to Carry Concealed Deadly Weapons (Form 126), and pass/fail range score to Department of Criminal Justice Training.

Within fifteen (15) working days after DOCJT receives your application, you will be issued a certificate of completion which will be mailed to the address you listed on your application.

An instructor who has reported providing training and has not in fact provided any such training or has provided insufficient training to applicants could be charged with a Class D felony under KRS 237.126 or KRS 237.128.

You as a student are required by law to report non-receipt of training under KRS 237.130 or receipt of insufficient training under KRS 237.132. These laws require that the applicant report the matter in writing to the sheriff, Commonwealth's attorney, or county attorney serving the county in which the training was conducted or make a written report to the Kentucky State Police within thirty (30) working days after receiving your certificate of training. Failure to notify the authorities is a Class A misdemeanor.

Permit holders who are found to have attended insufficient training will have their training certificates revoked through an administrative process called a Chapter 13 B hearing. Permit holders who have their training certificates revoked must retake the applicant training course.

Under KRS 237.110(22)(k) CCDW applicants having their training certificates revoked for not receiving training or having received insufficient training shall have their CCDW license revoked.

The Compliance Section regularly investigates reports of non-receipt or insufficient training. There have been over 200 investigations of suspected non-training or insufficient training resulting in both felony and misdemeanor convictions of carrying concealed weapons instructors.

LEGAL SECTION: Unit 1

Kentucky has been an open carry state since its inception. The Kentucky Constitution of 1891 authorizes the General Assembly to enact laws preventing the carrying of concealed deadly weapons. Those statutes are found in Kentucky Revised Statutes (KRS) Chapters 237 and 527.

Pursuant to the authority vested by the Kentucky Constitution, the General Assembly made Kentucky a constitutional carry state with respect to concealed deadly weapons by the enactment of **KRS 237.109** on June 27, 2019. **KRS 237.109** permits all person's age twenty-one (21) or older who are otherwise able to lawfully possess a firearm to carry concealed firearms or other concealed deadly weapons without a license in the same locations as persons with valid concealed carry licenses issued under **KRS 237.110**, subject to the limitations of **KRS 237.110** and federal law.

KRS 237.109 does not eliminate concealed carry permits. In fact, obtaining a concealed carry permit under Kentucky Revised Statutes Chapter 237 provides citizens with important training on firearm laws and safety, as well as ensures reciprocity with other states that confer reciprocity with the possession of a valid license issued in Kentucky to carry concealed deadly weapons.

To obtain a concealed carry license, Kentucky Revised Statutes Chapter 237 requires that you receive information on, and a copy of, laws relating to possession and carrying of firearms, as set forth in KRS Chapters 237 and 527, and the laws relating to the use of force, as set forth in KRS Chapter 503. This video is designed to meet that statutory requirement.

We will discuss several statutes during this video. The statutes discussed will be limited to those that pertain directly to you, as an applicant. Procedural requirements, such as the duties of the Kentucky State Police, are included in your materials, but will not be covered in this video. Your instructor should be able to answer questions regarding these procedural steps; or you can inquire through your local Sheriff.

If you would like a more comprehensive review of the statutes regarding carrying concealed laws in Kentucky, you can visit your local law library or research them online at: <https://legislature.ky.gov/Law/Statutes/Pages/default.aspx>.

The public policy statement for this law is contained in **KRS 237.110** which provides:

(19) The General Assembly finds as a matter of public policy that it is necessary to provide statewide uniform standards for issuing licenses to carry concealed firearms and to occupy the field of regulation of the bearing of concealed firearms to ensure that no person who qualifies under the provisions of this section is denied his rights. The General Assembly does not delegate to the Department of Kentucky State Police the authority to regulate or restrict the issuing of licenses provided for in this section beyond those provisions contained in this section. This section shall be liberally construed to carry out the constitutional right to bear arms for self-defense.

To understand Kentucky's laws, you must first understand what is considered to be a "deadly weapon". Although many items can be used to hurt another person; Kentucky has a list of items that are considered deadly weapons and are generally prohibited from being carried concealed.

KRS 500.080(4) provides that the following are defined as "deadly weapons":

- (a) A weapon of mass destruction.
- (b) Any weapon from which a shot, readily capable of producing death or other serious physical injury, may be discharged.
- (c) Any knife other than an ordinary pocketknife or hunting knife.
- (d) Billy, nightstick, or club.
- (e) Blackjack or slapjack.
- (f) Nunchaku karate sticks.
- (g) Shuriken or death star; or
- (h) Artificial knuckles made from metal, plastic, or other similar hard material.

Any item not specified on this list, which could be used to inflict injury on another, would be considered a "dangerous instrument" under **KRS 500.080(3)**.

Under our criminal code, causing someone injury by means of either a deadly weapon or with a dangerous instrument carry similar penalties. The focus of the statutes governs whether you can lawfully carry an item "concealed".

We will now look at the general prohibitions governing carrying deadly weapons on or about your person. These prohibitions are found in KRS Chapter 527: "Offenses Related to Firearms and Weapons".

KRS 527.010 contains definitions which are specific to that chapter, two of which are pertinent to your application for a CDWL:

(4) "Firearm" means any weapon which will expel a projectile by the action of an explosive.

(5) "Handgun" means any pistol or revolver originally designed to be fired by the use of a single hand, or any other firearm originally designed to be fired by the use of a single hand.

KRS 527.020 provides some limitations for carrying a concealed weapon:

Under **527.020(1)**, a person is guilty of carrying a concealed weapon when he or she carries concealed a firearm or other deadly weapon on or about his or her person in violation of this section.

This statute also clarifies circumstances where a deadly weapon is NOT considered to be concealed under our laws:

527.020(8) "A loaded, or unloaded firearm or other deadly weapon shall not be deemed concealed on or about the person if it is located in any enclosed container, compartment, or storage space installed as original equipment in a motor vehicle by its manufacturer, including but not limited to a glove compartment, center console, or seat pocket, regardless of whether said enclosed container, storage space, or compartment is locked, unlocked, or does not have a locking mechanism." . . .

Included in your materials are other exceptions that pertain to specified persons who, because of their jobs and/or roles in the Criminal Justice System, are given more authority to possess weapons in our state.

KRS 527.020(9) The provisions of this section shall not apply to a person who carries a concealed deadly weapon on or about his or her person:

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

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

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

KRS Chapter 527 also provides for the criminal penalty for carrying concealed deadly weapon:

Under **KRS 527.020(10)**, if a person is not permitted by law to carry a concealed deadly weapon, carrying a concealed weapon is a Class A misdemeanor, unless the defendant has been previously convicted of a felony in which a deadly weapon was possessed, used, or displayed, in which case it is a Class D felony.

Concealed Deadly Weapon License Eligibility Factors

The authority to receive a license to carry concealed in Kentucky is found in KRS Chapter 237, Sections 110 through 142.

Who is eligible for a CDWL?

The statute requires that the Kentucky State Police conduct a background check on all applicants. Applicants are NOT eligible under the following conditions found in:

KRS 237.110(4):

- Prohibited from owning or possessing firearms and/or ammunition under Federal Law;
- Is not a resident of Kentucky, or member of armed forces or legal alien residing in Kentucky;
- Is under the age of twenty-one (21);
- Was committed to a state or federal facility for controlled substances violations; or been convicted of a controlled substance offense within the last three (3) years;
- Was convicted of two (2) or more offenses of Motor Vehicle DUI's within the last three (3) years; or committed to a facility for alcohol abuse treatment within the last three (3) years;
- Owes back child support which cumulative total equals one (1) year in arrears;
- Is subject to a warrant or other proceedings regarding paternity suits;
- Has been convicted of Assault in the 4th Degree or Terroristic Threatening in the 3rd Degree within past three (3) years;

- Does not complete the mandatory eight (8) hour firearms safety course (i.e., this course).
- Cannot demonstrate knowledge of the law regarding the justifiable use of force by including with the application a copy of the concealed carry deadly weapons legal handout made available by the Department of Criminal Justice Training and a signed statement that indicates that applicant has read and understands the handout. (Use of force issues will be covered in this course.)

Application Process

The process to apply for a carry concealed license is found in **KRS 237.110(7), KRS 237.110(8) and KRS 237.110(9)**, which are included in your materials.

There are two ways to apply for a concealed carry license: in person through your local Sheriff's office, or electronically through the Kentucky State Police. A person may obtain the paper application from the Sheriff's Office in the county of residence, or the person may apply electronically. If a person desires to submit an electronic application, please consult the Kentucky State Police's official webpage.

Paper and electronic applications must be completed under oath (have it notarized). Paper applications must be returned to the Sheriff's Office along with the following items:

1. The CCDW application;
2. A recent color photo of the applicant (similar to a passport photo);
3. Your training certificate;
4. KSP form 131 (if you are a non-citizen);
5. If submitting a paper application to your Sheriff's offices, two checks and/or money orders with one check/money order in the amount of \$20 (plus a fee for a photo) made payable to the Sheriff's Office and one check/money order in the amount of \$40 made payable to the Kentucky State Treasurer.
6. If submitting an electronic application to the Kentucky State Police CCDW Program, you will need to pay a fee of \$50.

*After KSP completes the background check, you will receive a notice directing you to go to the Sheriff's Office on or after a certain date to pick up permit. **When going to the Sheriff's Office to pick up permit, take notice from KSP and a \$20 Sheriff's fee to receive your permit.*

Once the Sheriff's office receives a completed paper application package, the application will be sent to the Kentucky State Police within five (5) working days.

Once the State Police receives the application package, a background check will be conducted as required by law. Within 60 days from the date the Kentucky State Police receive the paper application, or within 15 days from the date the Kentucky State Police receive an electronic application, the State Police will either issue your license or deny your application because you failed to meet the criteria previously discussed.

Where can you carry concealed weapons once you have been issued a CDWL?

Once you have completed all the requirements and have obtained your Concealed Deadly Weapons License, KRS 237.110(2) provides that you may carry a concealed weapon "... throughout the Commonwealth and, except as provided in this section or other specific section of the Kentucky Revised Statutes or federal law, permit the holder of the license to carry firearms, ammunition, or other deadly weapons, or a combination thereof, at any location in the Commonwealth..."

Note that the "except as provided" clause in the statute. There are, within this specific statute as well as in other state and federal statutes, places where you cannot carry a concealed weapon, either constitutionally or with a valid permit. If you enter these areas with a concealed weapon, you can be charged and convicted of the crime of "Carrying Concealed Deadly Weapon."

KRS 237.110(16) provides that, except as provided in KRS 527.020, no license issued pursuant to this section shall authorize any person to carry a concealed firearm into:

- (a) Any police station or sheriff's office;
- (b) Any detention facility, prison, or jail;
- (c) Any courthouse, solely occupied by the Court of Justice courtroom, or court proceeding;
- (d) Any meeting of the governing body of a county, municipality, or special district; or any meeting of the General Assembly or a committee of the General Assembly, except that nothing in this section shall preclude a member of the body, holding a concealed deadly weapon license, from carrying a concealed deadly weapon at a meeting of the body of which he or she is a member;
- (e) Any portion of an establishment licensed to dispense beer or alcoholic beverages for consumption on the premises, which portion of the establishment is primarily devoted to that purpose;

(f) Any elementary or secondary school facility without the consent of school authorities as provided in KRS 527.070, any childcaring facility as defined in KRS 199.011, any daycare center as defined in KRS 199.894, or any certified family childcare home as defined in KRS 199.8982, except however, any owner of a certified childcare home may carry a concealed firearm into the owner's residence used as a certified childcare home;

(g) An area of an airport to which access is controlled by the inspection of persons and property; or

(h) Any place where the carrying of firearms is prohibited by federal law.

You should also note that subsection 17 allows for private property owners to restrict the carrying of weapons in private businesses, licensed daycare centers, licensed family childcare homes; and/or healthcare facilities. These properties are to have signs conspicuously posted indicating that concealed weapons are not allowed on the property.

The statute states that persons violating this section will not be charged with a carrying concealed offense but may be removed from the premises. If you refuse to leave the premises, you can still be charged with a criminal trespass offense.

Also note, that you can still visit the business if you leave your weapon and ammunition locked in your vehicle.

There are additional provisions of **KRS 237.110** that affect persons with a carrying concealed license. There is a legal requirement that a license holder shall carry the license at all times when they are carrying a concealed firearm or other deadly weapon; and further, that they display the license when requested to do so by a law enforcement officer.

KRS 237.115 authorizes two other groups to regulate deadly weapons on their property. Nothing contained in [KRS 237.109](#) or [237.110](#) shall be construed to limit, restrict, or prohibit in any manner the right of a college, university, or any postsecondary education facility, including technical schools and community colleges, to control the possession of deadly weapons on any property owned or controlled by them or the right of a unit of state, city, county, urban-county, or charter county government to prohibit the carrying of concealed deadly weapons in that portion of a building actually owned, leased, or occupied by that unit of government.

KRS 237.115(2) further declares that:

Except as provided in [KRS 527.020](#), the legislative body of a state, city, county, or urban-county government may, by statute, administrative regulation, or ordinance, prohibit or limit the carrying of concealed deadly weapons in that portion of a

building owned, leased, or controlled by that unit of government. That portion of a building in which the carrying of concealed deadly weapons is prohibited or limited shall be clearly identified by signs posted at the entrance to the restricted area. The statute or ordinance shall exempt any building used for public housing by private persons, highway rest areas, firing ranges, and private dwellings owned, leased, or controlled by that unit of government from any restriction on the carrying or possession of deadly weapons. The statute, administrative regulation, or ordinance shall not specify any criminal penalty for its violation but may specify that persons violating the statute or ordinance may be denied entrance to the building, ordered to leave the building, and if employees of the unit of government, be subject to employee disciplinary measures for violation of the provisions of the statute or ordinance. The provisions of this section shall not be deemed to be a violation of [KRS 65.870](#) if the requirements of this section are followed. The provisions of this section shall not apply to any other unit of government.

Relevant provisions of KRS Chapter 527

While several sections of KRS Chapter 527 were discussed earlier in the video, there are additional sections that will be reviewed.

Under KRS 527.010(2), “deface” means to remove, deface, cover, alter, or destroy the manufacturer’s serial number or other distinguishing number or identification mark.

KRS 527.030 pertains to defacing a firearm.

A person is guilty of defacing a firearm when he intentionally defaces a firearm.

KRS 527.050 pertains to possession of a defaced firearm:

A person is guilty of possession of a defaced firearm when he knowingly possesses a defaced firearm unless he makes a report to the police or other appropriate government agency of such possession prior to arrest or authorization of a warrant by a court.

Both defacing a firearm and possession of a defaced firearm are misdemeanor offenses.

KRS 527.070 contains information about the unlawful possession of a weapon on school property:

(1) A person is guilty of unlawful possession of a weapon on school property when he knowingly deposits, possesses, or carries, whether openly or concealed, for purposes other than instructional or school-sanctioned ceremonial purposes, or the purposes permitted in subsection (3) of this section, any firearm or other deadly weapon, destructive device, or booby trap device in any public or private school

building or bus, on any public or private school campus, grounds, recreation area, athletic field, or any other property owned, used, or operated by any board of education, school, board of trustees, regents, or directors for the administration of any public or private educational institution. The provisions of this section shall not apply to institutions of postsecondary or higher education.

Under **KRS 527.070(2)**, principals of public or private schools have responsibilities concerning the notification to students and the general public concerning unlawful possession of a weapon on school property:

- (2) Each chief administrator of a public or private school shall display about the school in prominent locations, including, but not limited to, sports arenas, gymnasiums, stadiums, and cafeterias, a sign at least six (6) inches high and fourteen (14) inches wide stating:

UNLAWFUL POSSESSION OF A WEAPON ON SCHOOL PROPERTY IN KENTUCKY IS A FELONY PUNISHABLE BY A MAXIMUM OF FIVE (5) YEARS IN PRISON AND A TEN THOUSAND DOLLAR (\$10,000) FINE.

Failure to post the sign shall not relieve any person of liability under this section.

KRS 527.070 provides several exceptions as to who is prohibited, as well as the authorized purposes that will permit the possession of weapons on school property.

- (3) The provisions of this section prohibiting the unlawful possession of a weapon on school property shall not apply to:

- (a) An adult who is not a pupil of any secondary school and who possesses a firearm, if the firearm is contained within a vehicle operated by the adult and is not removed from the vehicle, except for a purpose permitted herein, or brandished by the adult, or by any other person acting with expressed or implied consent of the adult, while the vehicle is on school property;
- (b) Any pupils who are members of the reserve officers training corps or pupils enrolled in a course of instruction or members of a school club or team, to the extent they are required to carry arms or weapons in the discharge of their official class or team duties;
- (c) Any peace officer or police officer authorized to carry a concealed weapon pursuant to KRS 527.020;
- (d) Persons employed by the Armed Forces of the United States or members of the National Guard or militia when required in the discharge of their official duties to carry arms or weapons;

- (e) Civil officers of the United States in the discharge of their official duties. Nothing in this section shall be construed as to allow any person to carry a concealed weapon into a public or private elementary or secondary school building;
- (f) Any other persons, including, but not limited to, exhibitors of historical displays, who have been authorized to carry a firearm by the board of education or board of trustees of the public or private institution;
- (g) A person hunting during the lawful hunting season on lands owned by any public or private educational institution and designated as open to hunting by the board of education or board of trustees of the educational institution;
- (h) A person possessing unloaded hunting weapons while traversing the grounds of any public or private educational institution for the purpose of gaining access to public or private lands open to hunting with the intent to hunt on the public or private lands, unless the lands of the educational institution are posted prohibiting the entry; or
- (i) A person possessing guns or knives when conducting or attending a “gun and knife show” when the program has been approved by the board of education or board of trustees of the educational institution.

The penalty for a violation of **KRS 527.070** is a felony offense.

KRS 527.100 deals with the issue of possession of a handgun by a minor:

- (1) A person is guilty of possession of a handgun by a minor when, being under the age of eighteen (18) years, he possesses, manufactures, or transports a handgun as defined by KRS 527.010, except when the person is:
 - (a) In attendance at a hunter's safety course or a firearms safety course;
 - (b) Engaging in practice in the use of a firearm, or target shooting at an established firing range, or any other area where the discharge of a firearm is not prohibited;
 - (c) Engaging in an organized competition involving the use of a firearm, or participating in or practicing for a performance by a group organized under Section 501(c)(3) of the Internal Revenue Code or any successor thereto which uses firearms as a part of the performance;
 - (d) Hunting or trapping pursuant to a valid license issued to him pursuant to the statutes or administrative regulations of this Commonwealth;
 - (e) Traveling to or from any activity described in paragraphs (a) to (d) of

this subsection with any unloaded handgun in his possession;

(f) On real property which is under the control of an adult and has the permission of that adult and his parent or legal guardian to possess a handgun; or

(g) At his residence and with the permission of his parent or legal guardian possesses a handgun and is justified under the principles of justification set forth in KRS Chapter 503 in using physical force or deadly physical force.

To assist in making a determination of one of the above situations, KRS 527.100(2) provides information to determine whether a handgun is loaded:

(2) For the purposes of subsection (1) of this section, a handgun is “loaded” if:

(a) There is a cartridge in the chamber of the handgun; or

(b) There is a cartridge in the cylinder of the handgun, if the handgun is a revolver; or

(c) There is a cartridge in the magazine of a semiautomatic handgun, if the magazine is attached to the handgun; or

(d) The handgun and the ammunition for the handgun, are carried on the person of one under the age of eighteen (18) years or are in such close proximity to him that he could readily gain access to the handgun and the ammunition and load the handgun.

KRS 527.100(3) makes possession of a handgun by a minor a Class A misdemeanor for the first offense and a Class D felony for each subsequent offense.

KRS 527.110 addresses the law pertaining to unlawfully providing a handgun to a juvenile or permitting a juvenile to possess a handgun – and this law is applicable to parents or legal guardians of a juvenile:

(1) A person is guilty of unlawfully providing a handgun to a juvenile or permitting a juvenile to possess a handgun when he:

(a) Intentionally, knowingly, or recklessly provides a handgun, with or without remuneration, in violation of **KRS 527.040, 527.100, or 600.020** to any person he knows or has reason to believe is under the age of eighteen (18) years; or

(b) Is the parent or legal guardian of a juvenile and intentionally, knowingly, or recklessly provides a handgun to the juvenile or permits the juvenile to possess a handgun knowing that there is a substantial risk that the juvenile will use a handgun to commit a felony offense; or, with

knowledge that the juvenile has been convicted of a crime of violence as defined in KRS 439.3401 or has been adjudicated a public offender of an offense which would constitute a crime of violence as defined in KRS 439.3401, provides a handgun to that juvenile.

Unlawfully providing a handgun to a juvenile or permitting a juvenile to possess a handgun is a Class D felony.

Finally, let's review **KRS 527.060**. This statute should be particularly important to you. This is a firearms forfeiture statute:

Upon the conviction of any person for the violation of any law of this Commonwealth in which a deadly weapon was used, displayed or unlawfully possessed by such person the court shall order the weapon forfeited to the state and sold, destroyed or otherwise disposed of in accordance with KRS 500.090.

***Protect your firearms – know where you can carry them and what you can do with them.

Legal Section: Unit 2

Use Misuse of Force

The next unit we are going to cover is called "**Use and Misuse of Force**". We have discussed how to apply for a license and where you can carry a deadly weapon with a license. Another very important consideration is when you can legally use that weapon on another person.

The law starts from the general proposition that the intentional use of any type of force against another person is wrong. If you intentionally use force against another person and cause injury, you will escape criminal punishment only under certain circumstances. You may even be criminally punished even if you did not intend to injure anyone, but you were very careless, and someone was injured anyway.

If your actions result in a death, you may be guilty of some type of criminal homicide - murder, manslaughter, or reckless homicide. If you injure someone, you may be guilty of some degree of assault. The situations in which you can legally use force on a person are provided in KRS Chapter 503 and are called "justifications". The ones which will most likely apply to you are self-protection (commonly called self-defense), protection of another, and protection of property. The emphasis will be on the use of firearms for these three purposes.

- **Question 2.1.1**

True or False

The law starts from the general proposition that the intentional use of any type of force against another person is wrong.

Answer: You should have marked number 1 "True" because the law does start from the general proposition that the intentional use of any type of force against another person is wrong.

- **Question 2.1.2**

True or False

If you intentionally use force against another person and cause injury, you will escape criminal punishment only under certain circumstances.

Answer: True. If you intentionally use force against another person and cause injury, you will escape criminal punishment only under certain circumstances. You will probably be charged with some offense.

Legal Section: Unit 2.2

Use Misuse of Force

KRS 503.020 "In any prosecution for an offense, justification, as defined in this chapter, is a defense."

First of all, note that "justification" is a defense. A defense does not mean you cannot be prosecuted. It means that at your trial, if the evidence shows you have a defense, you will be found not guilty.

That you are "justified" in using force does not mean that you have to use it; it means that if you do use it, the law is on your side.

Next, we need to consider the two levels of force mentioned in the justification situations: "physical force" and "deadly physical force". Each of the justifications contained in KRS Chapter 503 considers both levels, when you can use "physical force" and when you can use "deadly physical force." You should have some understanding of these terms in order to understand when you are justified in using a deadly weapon to injure someone.

KRS 503.010.(4) "Physical force means force used upon or directed toward the body of another person and includes confinement."

If you hit someone, or try to hit someone but miss, or hold onto another person, you have used physical force, whether or not any injury results. As you can imagine, physical force situations do not typically involve firearms. When a person fires a gun at someone, this typically is a deadly physical force situation. So, we will be emphasizing deadly physical force. Subsection (1) defines deadly physical force:

Deadly physical force' means force which is used with the purpose of causing death or serious physical injury or which the defendant knows to create a substantial risk of causing death or serious physical injury.

The term "defendant," in KRS Chapter 503, means a person who has used force and is now facing criminal charges for harm caused by the force.

Whether or not you have deadly physical force does not depend on the seriousness of the injury caused or even whether there was any injury caused. The question is: Did you use the force (for example, fire a gun at someone) for the purpose of killing or seriously injuring the person? Or did you know that the force you used created a substantial risk that the person could be killed or seriously injured, even though you didn't intend to kill or seriously injure?

For example, you just meant to fire a warning shot close to the person, or you just meant

for the bullet to cause a minor injury. The main point here is the use of force is legal only if it is justified by KRS Chapter 503. So, do not use physical force or deadly physical force (for example, firing a gun at someone) unless you know it is permitted by law for self-protection, or protection of another, or protection of property, or some other justification situation Again - do not use physical force or deadly physical force unless you know it is permitted by law!

- **Question 2.2.1**

True or False

“Justification” is a defense, but you can still be prosecuted.

Answer: If you said “justification” is a defense that is true. If you understand that it is also true that you can still be prosecuted, you may avoid some unpleasant side effects if you improperly use a weapon you are carrying concealed.

Just because you are legally justified in using force, that does not mean you have to use it. It means that if you do use it, the law is on your side, but you may still have to go to court to “justify” your use of a deadly weapon.

- **Question 2.2.2**

True or False

If you use “physical force” upon or directed toward another person, you can be charged with a criminal offense even if nobody is injured as a result.

Answer: True. If you use “physical force” upon or direct it toward another person you could be charged with some crime whether or not any injury occurs.

- **Question 2.2.3**

True or False

If you used force with the purpose of causing death or serious physical injury, you have used deadly physical force.

Answer: True. “Deadly physical force” is defined in terms of the actor’s intentions, not specifically on what he was doing. If you use “deadly physical force” with the purpose of causing death or serious physical injury, what you are charged with when using “deadly physical force” depends upon the result of your actions.

- If there is no injury, but you endanger someone, you could be charged with “wanton endangerment.”
- If there is an injury, you could be charged with some degree of assault.
- If someone dies, you can be charged with some degree of criminal homicide.

So basically, if you use your weapon improperly, you may be committing a criminal offense.

- **Question 2.2.4**

A person who has used force and is now facing criminal charges for harm caused by the force is called:

- A. Victim
- B. Criminal
- C. Defendant
- D. None of the above

Answer: A person who has used force and is now facing criminal charges for harm caused by the force is called "C", a Defendant. When you are issued a license, you may carry a concealed deadly weapon. If you use that weapon you will have to justify your actions.

- **Question 2.2.5**

True or False

Whether or not you have used deadly physical force does not depend on the seriousness of the injury caused, or even whether there was any injury caused.

Answer: True. You could use deadly physical force against another person, but not injure them. For example, firing a shot at somebody, but missing. You have still used deadly physical force.

- **Question 2.2.6**

Yes or No

If you fire a warning shot close to a person, or you just mean for the bullet to cause a minor injury, are you at risk of becoming a "defendant"?

Answer: Yes. Even though you may not intend to cause death or serious physical injury, you are using deadly physical force. If you are creating a substantial risk of death or serious physical injury by your actions, and you know it, that also meets the definition of deadly physical force.

The question is always - Is the use of force legally justified by KRS Chapter 503? Again, you should use physical force or deadly physical force only when you know it is permitted by law.

Now let's look at some of the justifications - that is, some of the situations where the law says you are justified in using force. The first one that may come quickly to your mind is "self-defense" or "self-protection" as it is called in the statute.

Legal Section: Unit 2.3

Use Misuse of Force

KRS 503.050 Notice here that subsection (1) deals with "physical force" - subsection (2) will tell you when "deadly physical force" can be used.

The use of physical force by a defendant upon another person is justifiable when the defendant believes that such force is necessary.

The law leaves room for bad judgment. You can be wrong about the need, but your belief may not be wanton or reckless. You must actually believe that it was necessary (1) to use force, and (2) to use that much force. For example, you, believing a person is about to attack you, hit the other person. Even if you are mistaken in your belief, and, in reality, the person is not about to attack you, you are still justified in using the force so long as you were not wanton or reckless in believing you were about to be attacked.

The use of physical force by a defendant upon another person is justifiable when the defendant believes that such force is necessary to protect himself against the use or imminent use of unlawful physical force by the other person.

"Imminent" means it is just about to happen. You don't have to wait until you've been hit to start protecting yourself.

Also, the physical force being used, or about to be used, on you must be unlawful. The law allows certain people to use force in certain situations. For example, a law enforcement officer, when arresting someone, is allowed to use whatever force is reasonably necessary to get the job done. Also, a merchant is allowed to use force to detain a shoplifter. If you are being arrested by a law enforcement officer, you cannot legally use force to resist, even if the arrest is unlawful - for example, there has been a mistake in identification, and they are arresting the wrong person. You can do something about the matter later in court.

- **Question 2.3.1**

Yes or No

Is the use of physical force by a defendant upon another person justifiable when the defendant believes that such force is necessary?

Answer: YES. The use of physical force on another person is justifiable when the defendant believes that such force is necessary.

- **Question 2.3.2**

Yes or No

If you believe a person is about to attack you, you may use physical force on the other person?

Answer: This question was just another way of asking the first question. The answer is Yes. The law provides that:

“The use of physical force by a defendant upon another person is justifiable when the defendant believes that such force is necessary to protect himself against the use or imminent use of unlawful physical force by the other person.”

- **Question 2.3.3**

What does “imminent” mean?

- A. Someone did something
- B. Something is about to happen
- C. Something just happened
- D. Something will happen in the future

Answer: B, “Something is about to happen”. Imminent means something is about to happen any moment now. You can take steps to protect yourself against unlawful physical force that is about to be used against you. You do not have to wait until you have actually been assaulted to act.

- **Question 2.3.4**

True or False

To resist with physical force, the physical force being used or about to be used against you must be unlawful.

Answer: True. For example, a law enforcement officer when arresting someone is allowed to use whatever force is reasonably necessary to make the arrest. Also, a merchant is allowed to use reasonable force to detain a shoplifter.

- **Question 2.3.5**

Select all that are correct.

Who can lawfully use force against you that you are forbidden to resist?

- A. A family member
- B. Law enforcement officer
- C. Merchant
- D. Neighbor
- E. None of the above

Answer: “B” a law enforcement officer and “C” a Merchant.

Legal Section: Unit 2.4

Use Misuse of Force

Use and Misuse of Force A law enforcement officer is allowed to use whatever force is reasonably necessary in arresting someone. If you are being arrested, even if you know it is an unlawful arrest, you do not have a legal right to resist. For example, an officer makes a mistaken identification and arrests the wrong person. The remedy is to get it resolved in court. A merchant can legally use reasonable force to detain shoplifters.

When can you use "deadly physical force" (for example, shoot someone) to protect yourself?

KRS 503.050 (2) The use of deadly physical force by a defendant upon another person is justifiable under subsection (1). In other words, what follows is in addition to what was required in subsection (1) concerning the use of "physical force."

The use of deadly physical force by a defendant upon another person is justifiable under subsection (1) only when the defendant believes that such force is necessary to protect himself against death, serious physical injury, kidnapping, sexual intercourse compelled by force or threat, felony involving the use of force, or under those circumstances permitted pursuant to **KRS 503.055**.

You may shoot someone, or otherwise use deadly physical force, to protect yourself only if you believe that you are about to be, or are being:

- killed
- seriously injured
- kidnapped
- forcibly raped or sodomized; or
- when someone has unlawfully and forcibly entered your dwelling, residence, or occupied vehicle

The Kentucky Court of Appeals has held that the words "sexual intercourse" include sodomy; that is, oral sex or anal intercourse. So forcible sodomy is a fifth situation. Also included are felonies involving the use of force, such as robbery, or an apparent home invasion or carjacking where you have a reasonable fear of imminent peril of death or great bodily harm. These are the only situations considered serious enough to justify the use of deadly physical force in self-protection. Remember, the words "defendant believes such force is necessary" leave room for bad judgment. For example, say some jokester points an unloaded gun at you and acts like he is going to shoot you; and you, believing you are about to be seriously injured or even killed, react by shooting the

person. Even though you were wrong in your belief, you weren't actually about to be shot, you still used deadly physical force justifiably - (unless it was wanton or reckless of you to think you were about to be shot).

KRS 503.060 also pertains to self-protection and makes a point that we need to consider. Look at subsection (3). See the term "initial aggressor"? The initial aggressor is the first one to use, or threaten to use, force illegally. For example, the first one to throw a punch, or fire a gun at someone. The law, as a general rule, works against the initial aggressor.

Mere name calling, however offensive, is not initial aggression. If someone calls you names, no matter how insulting the language, you are not legally justified in using force on the name caller; if you do, you are the initial aggressor, and you are the one in trouble under the law.

Threats are a different matter. If a person threatens you in such a way that it is not wanton or reckless for you to believe the person is about to use force on you (hit you, shoot you) illegally, you may act preemptively by using a reasonable amount of force to protect yourself.

KRS 503.070 is another situation where you can legally use force, "Protection of Another". Here also, as it did for self-protection, the law says when you can use "physical force" and when you can use "deadly physical force". Since we are primarily interested in firearms, we will go to deadly physical force, subsection

(2): The use of deadly physical force by a defendant upon another person is justifiable when

(a) The defendant believes that such force is necessary to protect a third person against imminent death, serious physical injury, kidnapping, sexual intercourse compelled by force or threat, or other felony involving the use of force, or under circumstances permitted pursuant to **KRS 503.055**.

You can use deadly physical force to protect someone else against almost the same harms as to protect yourself:

- imminent death
- serious physical injury
- kidnapping
- forcible rape or forcible sodomy
- felonies involving the use of force
- home invasions or carjacking that you have reasonable fear of imminent death or great bodily harm

Essentially, you may defend a third party with deadly physical force against all of the same dangers you may defend yourself against.

But the language in paragraph (b) limits the application of this law:

(b) Under the circumstances as they actually exist, the person whom he seeks to protect would himself have been justified under KRS 503.050 and 503.060 in using such protection.

In self-protection, there was room for bad judgment on your part - "under the circumstances as you believe them to be." In protection of another, note carefully that the language of the statute is different - "under the circumstances as they actually exist." If the person you are seeking to protect could use deadly physical force to protect himself, then you can also use deadly physical force to protect him. This would be true even if the person you seek to protect has an opportunity to protect himself but does not use it. But the result is different if the facts are not what they appear to be. Let's say you come across a man who has a gun pointed at an apparently unarmed man. You think the unarmed man is about to be shot by the armed man, so you pull out your own pistol and shoot and kill the armed man. After you shoot you find out that the armed man is an undercover police officer who is arresting a dangerous fugitive from justice. The facts as they appeared to you would seem to justify the unarmed man in using deadly physical force in self-protection, the facts as they actually existed would not. Put more simply, you have to be right about it, not just believe it. So, you would not have a justification defense; you could be found guilty of murder. Many other situations may not be what they appear to be on the surface and could lead to similar results. You must be very careful before you use deadly physical force to protect another.

- **Question 2.4.1**

Select all that are correct.

Which of following would make the use of deadly physical force justifiable in response to the actions of another?

- A. You believe you may be killed
- B. You believe you may suffer serious physical injury
- C. You believe you may be forcibly raped
- D. You believe you may be struck in the face
- E. None of the above

Answer: The correct answers are A, B, and C. You may use deadly physical force to protect yourself only if you believe you are about to be, or are being:

- Killed
- Seriously injured
- Kidnapped, or
- Forcibly raped

KRS 503.050 provides that the use of deadly physical force is justifiable only when the defendant believes that such force is necessary to protect himself against death, serious physical injury, kidnapping, or sexual intercourse compelled by force or threat.

Remember, the Court of Appeals has held that you are also privileged to use deadly physical force to protect yourself from oral or anal sodomy compelled for by force or threat of force.

- **Question 2.4.2**

True or False

The term “initial aggressor” means the person who first threatens to use force or uses force.

Answer: True. The initial aggressor is the first one to use, or threaten to use, force illegally. For example, the first one to unlawfully throw a punch or fire a gun at somebody. Remember: The law generally works against the initial aggressor, so if you start an incident you will have great difficulty justifying your actions as self-defense.

- **Question 2.4.3**

Yes or No

If someone insists on calling you names and becomes very insulting and uses really bad language, are you legally justified in using force against the name caller?

Answer: The answer is No. Mere name-calling is not initial aggression, regardless of how offensive it may be. If you use force on the name caller, you are the initial aggressor, and you are the one in trouble under the law.

- **Question 2.4.4**

True or False

You may use your weapon if you believe that deadly force is necessary to protect another person from imminent death, serious physical injury, kidnapping or sexual intercourse compelled by force or threat of force.

Answer: True. You may use your weapon if you believe that deadly force is necessary to protect another person from imminent death, serious physical, injury, kidnapping, or sexual intercourse compelled by force or threat of force. These are the same circumstances you are privileged to use deadly force in protection of yourself.

BUT, note carefully the answer to the next question.

- **Question 2.4.5**

You encounter a situation in which you genuinely believe deadly physical force is necessary to protect another person, and you use it. Later you find out the real situation was not what you thought, and in fact deadly force was not necessary. Do you lose your “justification” under the law?

Answer: Yes. If the facts as they appeared to you would seem to justify using deadly physical force to protect another person, but under the facts as they actually existed you would not, you have no justification defense and could be found guilty of a crime. Many situations may not be what they appear to be on the surface. You must be very careful in such matters, as a mistaken act could lead to your being charged with and possibly convicted of a serious criminal offense.

Legal Section: Unit 2.5

Use Misuse of Force

KRS 503.080 is a third set of circumstances where you are justified in using force, "protection of property." Subsection (1) tells you when you can use non-deadly physical force to protect property.

Subsection (2) tells you when you can use deadly physical force to protect property. The use of deadly physical force by a defendant upon another person is justifiable under subsection

- (1) only when the defendant believes that the person against whom such force is used is:
- a. Attempting to dispossess him of his dwelling otherwise than under a claim of right to its possession.

KRS 503.010(2) 'dwelling' means a building or conveyance of any kind, including any attached porch, whether the building or conveyance is temporary or permanent, mobile or immobile, which has a roof over it, including a tent, and is designed to be occupied by people lodging therein at night.

For example, you could use deadly physical force to stop someone, who has no claim of ownership or right of possession, from trying to throw you out of your house and take it over. But you could not use deadly physical force to resist eviction under a mortgage foreclosure. Notice also that the dwelling you are protecting must be your own. You do not have to own it, but you must be living there at the time. **-OR-**

(b) Committing or attempting to commit a burglary, robbery, or other felony involving the use of force, or under the circumstances permitted pursuant to KRS 503.055, of such dwelling.

"Such dwelling" refers back to paragraph (a); so, it means the dwelling must be your own.

For the person to be a burglar, he must be in a building without permission and with the intent to commit some crime. It does not matter what crime the burglar intends to commit to qualify as a burglary.

As long as the person is in your dwelling as a burglar, you are justified in using deadly physical force. There is room for bad judgment on your part - you are justified if you believe it's a burglary, even if it turns out not to be, so long as your belief is not wanton or reckless.

You cannot justifiably use deadly physical force once the burglar is out of your dwelling and is trying to leave the scene - he is no longer a threat.

The words "attempting to commit" include situations where a burglar is trying to get in your dwelling but has not yet gotten in - for example, he is trying to pry open the window. His actions must leave no reasonable doubt about his intention to commit a burglary.

A robbery is when a person accomplishes a theft by using or threatening to use unlawful force against the victim.

Notice - this law does not allow you to use deadly physical force on someone who is merely a trespasser. **-OR-**

(c) Committing or attempting to commit arson of a dwelling or other building in his possession.

This allows you to use deadly physical force to prevent someone from burning, or trying to burn, your dwelling or other building in your possession, such as a barn.

If you use force against one person, there is danger that an innocent third person will be injured, particularly when you use deadly physical force. You may be justified in shooting at someone to protect yourself, for example, but if you miss, someone else may be injured or killed. Subsection (2) of KRS 503.120 deals with injuring innocent persons:

When the defendant is justified under KRS 503.050 to 503.110 in using force upon or toward the person of another, but he wantonly or recklessly injures or creates a risk of injury to innocent persons, the justification afforded by those sections is unavailable in a prosecution for an offense involving wantonness or recklessness toward innocent persons.

For instance, you shoot two shots at a person who is about to illegally shoot you. One of the shots hits the attacker, but one shot goes wide and strikes an innocent bystander. This occurs in a crowded place where you know there is a good chance that someone might be hit if you miss your attacker. You would certainly have a self-protection defense to a criminal charge brought against you for shooting your attacker. But if you were wanton or reckless in firing the shot that missed, you may be criminally liable for harm caused to the bystander.

- **Question 2.5.1**

True or False

You are never justified in using deadly physical force solely to protect personal property, such as your car or a TV set.

Answer: True. You are never justified in using deadly physical force to protect personal property, no matter how valuable it may be. The times you can use deadly physical force to protect property only involve buildings, and usually just your dwelling.

- **Question 2.5.2**

True or False

Using deadly physical force is justifiable if you believe the person is attempting to throw you out of your house and take it over without a right to do so.

Answer: True. You may use deadly force to prevent a person from trying to throw you out of or take over your dwelling. BUT you could not use deadly force to resist an eviction under a mortgage foreclosure, or a landlord's action. Also, remember that this right is limited to your dwelling only.

- **Question 2.5.3**

Yes or No

If a burglar is escaping out through the back yard with your diamond jewelry, can you shoot him?

Answer: No. As long as the burglar is in your dwelling, you are justified in using deadly physical force if you believe it necessary. HOWEVER, once the burglar is out of the dwelling, the right to use the force ends as soon as he exits. Being on a deck, a porch without a roof over it, or in the yard does not count. Once the burglar is out, the threat is over and the right to use deadly force against the burglar ends.

- **Question 2.5.4**

Yes or No

If your nosy neighbor continually sneaks into your back yard to learn your business, can you use deadly force to stop him or scare him off?

Answer: No. You cannot use deadly force against a mere trespasser. While you may use whatever physical force may be necessary to remove him from your property, you cannot use deadly physical force.

- **Question 2.5.5**

Yes or No

If you see someone trying to burn your barn or detached garage, can you use deadly physical force to prevent him from burning it?

Answer: Yes. The law permits you to use deadly physical force to prevent someone from burning, or trying to burn, your dwelling or other building in your possession. This would include your barn or other outbuilding, as well as a store you owned. But it must be a building in YOUR possession, not somebody else's.

- **Question 2.5.6**

Yes or No

If you hurt an innocent third person while justifiably using deadly force on another person, could you face charges of acting wantonly or recklessly?

Answer: Yes, you could. You must always be careful when using deadly physical force to not cause harm to third persons. If you were legally justified in shooting at a person, but in the process innocent people were hurt, you could have criminal liability for their injuries if a court determined that you were acting wantonly or recklessly toward them.

Legal Section: Unit 2.6

Use Misuse of Force

KRS 503.085 does not set forth a justification defense. However, it does affect your rights in the event you use deadly force and claim a justification defense. Subsection

- (1) A person who uses force as permitted in KRS 503.050, 503.055, 503.070, and 503.080 is justified in using such force and is immune from criminal prosecution and civil action for the use of such force, unless the person against whom the force was used is a peace officer . . . who was acting in the performance of his or her official duties and the officer identified himself or herself . . ., or the person using force knew or reasonably should have known that the person was a peace officer. As used in this subsection, the term “criminal prosecution” includes arresting, detaining in custody, and charging or prosecuting the defendant.

This language provides that if you have used deadly physical force and are found to have a justification defense under KRS 503.050, 503.055, 503.070, and 503.080, you cannot be criminally prosecuted nor civilly sued. However, you would not be immune from prosecution if the person you used force against was either known to you or should have been known to you as a peace officer. Prosecution includes arresting, detaining in custody, and charging or prosecuting the actor. However, just because you claim you are justified does not automatically mean you cannot be prosecuted. Let’s look at subsection

- (2) A law enforcement agency may use standard procedures for investigating the use of force as described in subsection (1) of this section, but the agency may not arrest the person for using force unless it determines that there is probable cause that the force that was used was unlawful.

If you have used deadly physical force against another person and are claiming a justification defense under KRS Chapter 503, law enforcement officers will still investigate the case. If you tell them that you acted pursuant to one of the justification defenses in Chapter 503, they will investigate and determine if it is more likely than not true that your defense will hold up in court. If they believe it is more likely than not true that it will succeed, they will not arrest you. That does not mean they will not investigate the case further. If they develop enough evidence to indicate guilt, the case may get referred to a grand jury. If you are indicted, you will be prosecuted for the offense charged. If the court finds that your defense is justified, you will be acquitted, but if not, you will be convicted of the offense and punished.

On the other hand, if the officers determine that it is more likely than not true that your

justification claim will fail, they may arrest you at the scene and charge you with a crime. The case will then proceed normally. Again, if your justification defense is upheld in court, you will be acquitted. If not, you will be found guilty of the offense charged and be punished.

- **Question 2.6.1**

True or False

If you are justified in using deadly physical force per KRS 503.050, 503.055, 503.070, or 503.080, you are immune to criminal prosecution.

Answer: True. If you are determined to be justified in your use of force per KRS 503.050, 503.070, 503.055, or 503.080, you are immune to criminal prosecution.

- **Question 2.6.2**

True or False

If you are claiming justification in using deadly physical force against a person you knew to be a peace officer in the performance of his or her duties, you are immune from criminal prosecution.

Answer: False. You are not immune from criminal prosecution if the person you used force against was a peace officer in the performance of his or her duties and identified him or herself, or you either knew they were a peace officer, or you reasonably should have known it.

- **Question 2.6.3**

You are claiming justification under Chapter 503 for using deadly physical force against another person. May you be arrested by peace officers and charged with a crime?

- A. Yes
- B. Never
- C. Only if the officers have probable cause to believe your justification defense will fail
- D. Only if a judge says they can.

Answer: Ordinarily, you would be immune from criminal prosecution, which is defined as including arrest, if you are claiming justification in using deadly physical force under KRS Chapter 503. However, if law enforcement officers have probable cause to believe your justification defense will fail, they may arrest you and charge you with an offense. This means if they have evidence which makes it more likely than not true that your justification defense will fail in court, they may arrest you and charge you.

- **Question 2.6.4**

True or False

If law enforcement officers do not arrest you at the scene of an incident where you used deadly physical force and you are claiming a justification defense, you can never be criminally prosecuted for the incident.

Answer: False. If officers do not believe they have probable cause to believe your justification defense will fail, they cannot arrest you at the scene. However, they may continue their investigation into the incident. If they believe they have sufficient evidence, they may take the case to a grand jury. If the grand jury determines that there is sufficient evidence to believe you probably committed the crime, and that your justification defense will probably not succeed, they may indict you and charge you with an offense. In that case, you will stand trial. If you satisfy the trial court that your justification defense was valid, you will be acquitted. If not, you will likely be convicted of the offense and punished.

Legal Section: Unit 3

Legal Liability, Criminal Issues

It is now time to look at some liability issues.

Generally speaking, you are responsible for your own actions, and you may be legally liable for any harm you cause. "Legal liability" may be defined as "the condition of being obligated by law to do something", such as to go to jail or to pay a fine.

There are two types of legal liability: criminal and civil. You may be found both criminally and civilly liable for the same act. For example, if you, without justification, shoot and hurt someone; you may be guilty of a crime and punished; accordingly, plus you may also be civilly liable for his medical expenses and other damages.

First, let's consider criminal liability. If you violate a criminal law, the government may bring criminal charges against you. If you plead guilty, or if you are found guilty, you can be punished by confinement in a state prison or a local jail, or fined a sum of money, or both. Fines go to the state, not the victim.

It is easy to understand that if you intend to cause harm and do cause the harm, you may be criminally liable. You can also be criminally liable if you intend to cause harm, but you're unsuccessful. For example, if you intend to kill your neighbor and shoot at him, you will have criminal liability either for his murder, if successful, OR for attempted murder, if you fail.

We have previously discussed the Kentucky Statute that provides justification when to use force to protect yourself, others and/or your property. Remember there are strict limitations on your use of deadly physical force, and if your acts don't fall within the boundaries of those limitations, you can be found guilty of a criminal offense regarding your use of force.

You may also be criminally liable for harm caused, even if you did not intend to cause the harm. If you were reckless or wanton in your conduct, and harm was caused, you can be found guilty of a crime. Recklessness and wantonness are extreme types of carelessness.

Recklessness

- You are doing something (for example, firing a gun)
- You do not intend your conduct to cause any harm
- But your conduct does create a substantial risk of harm
- You, because of extreme carelessness, fail to notice the risk of harm you are causing, and you go on with what you are doing

For example, you decide to practice firing your handgun at a target – but you do not check to see if anyone is in the area behind the target who could be hit by a bullet. If you did, you would see children playing in the area. A child is hit by your first bullet. Your conduct is "reckless". If the child dies, you may be guilty of Reckless Homicide. If the child lives, you may be guilty of Assault.

Wantonness

- You are doing something (for example, firing a gun)
- You do not intend your conduct to cause any harm
- But your conduct does create a substantial risk of harm
- You realize the risk of harm you are creating
- You ignore the risk and go on with what you are doing

Let's go back to the previous target practice example. This time, you do check the area behind the target, and you see children playing there. But you decide to go ahead and shoot anyway, hoping that nobody will be hit. A child is hit by your first bullet. Your conduct is "wanton". If the child dies, you may be guilty of Manslaughter or even Murder. If the child lives, you may be guilty of Assault. Even if nobody is hit, you may still be guilty of a crime called "Wanton Endangerment in the First Degree" if your conduct created a great risk that someone would be killed or seriously injured. Even if you do not hit or endanger a person when you shoot, if your conduct is wanton in regard to damaging property, and damage is caused, you may be guilty of criminal mischief.

It should also be noted that, under Kentucky law, voluntary intoxication is deemed to be "wanton" conduct. If you've been drinking, and use a firearm, by definition, you are acting "wantonly."

• Question 3.1.1

True or False

You may be legally liable for any harm you cause. If found to be legally liable you are obligated by law to do something" - such as go to jail or to pay a fine.

Answer: True

"Legal liability" is being obligated by law to do something.

- **Question 3.1.2**

Which of the following best describes the two types of legal liability:

- A. Criminal and civil
- B. Illegal and uncivil
- C. Bad and worse
- D. None of above

Answer: A. Criminal and civil

Criminal liability and civil liability are the two types of legal liability. You may be found both civilly and criminally liable for the same act.

- **Question 3.1.3**

If you shoot at someone you intend to kill, and you kill him, you may be guilty of murder. But if you do not get the job done, are you criminally liable?

- A. Yes
- B. No
- C. Maybe
- D. None of the above

Answer: A. Yes

If you shoot at someone with the intent to kill, and you do not get the job done, you are still criminally liable for attempted murder. Or if you injure them, you may be guilty of some degree of assault.

- **Question 3.1.4**

If you fire a gun without any intention of causing harm, but you create a great risk that harm will result, if you are careless and fail to notice the risk, you are acting:

- A. Recklessly
- B. Wantonly
- C. Both of the above
- D. Intentionally

Answer: A. Recklessly

If a person dies because of your recklessness, you may be guilty of Reckless Homicide. If the person is injured but lives, you may be guilty of some degree of Assault.

- **Question 3.1.5**

If you do not intend to cause harm, but you create a great risk that harm will result, if you notice the risk of harm but continue anyway, you are acting:

- A. Recklessly
- B. Wantonly
- C. None of the above
- D. Knowingly

Answer: Wantonly

If a person dies because of your wantonness, you may be guilty of Murder or Manslaughter. If the person is injured but lives, you may be guilty of some degree of Assault.

Even if nobody is hurt, you may still be guilty of a crime called "Wanton Endangerment in the First Degree" if you're firing the gun created a great risk that someone would be killed or seriously injured.

Legal Section: Unit 4

Legal Liability, Civil Issues

The previous segment looked at the potential for you to be held criminally liable for your actions, especially in issues involving use of force.

In this segment, potential civil liability issues will be discussed.

Remember, you can be liable both criminally and civilly for the same act. Now let's consider civil liability, which is known as "tort" liability. A "tort" is a civil wrong that damages the person, property, or reputation of another person.

If you lose a tort lawsuit, most likely the judge will order you to pay money to the person suing you, enough money to make up for the harm you have caused.

There are two main types of torts: intentional and negligent.

First, an intentional tort. For example, you fire a gun at someone, intending to kill him, and you succeed. If you had no legal right to do this, not only are you criminally liable, but you are also civilly liable to the victim's family for the harm you have caused them. But if the evidence shows you had a legal right to shoot the victim, for example, you acted in self-protection, you are not liable, either criminally or civilly.

The other main type of tort is a negligent tort. Negligence is a form of carelessness. It is not as serious as recklessness and wantonness, but it is serious enough to support civil liability.

For a person to win a negligence suit against you, he will have to prove the following:

- You had a duty to be careful under the circumstances (for example, the duty to check out the area behind the target before taking target practice).
- You, because of your negligence, fail to meet this duty (for example, you don't think to check out the area behind the target), and
- Your failure to meet your duty is the cause of the harm.

You must remember that you can be held both criminally and civilly liable for your acts. Even in the event you were "careless" in causing harm or damage, if your carelessness would fit in the criminal definitions of "reckless" or "wanton" conduct, you can also be tried in criminal court.

- **Question 4.2.1**

A civil wrong that damages the person, property or reputations of another person is called a:

- A. Tart
- B. Tort
- C. Target
- D. Tale

Answer: B. Tort - A tort is a civil wrong that damages the person, property or reputations of another person.

- **Question 4.2.2**

If you lose a tort lawsuit, the judge is most likely to order you to:

- A. Serve time in jail
- B. Apologize to Plaintiff
- C. Pay damages
- D. None of the above

Answer: C. Pay damages. If you lose a tort lawsuit, the judge is most likely to order you to "pay damages", enough money to make up for the harm you have caused.

- **Question 4.2.3**

What are the two main types of torts?

- A. Intentional tort
- B. Negligent tort
- C. Unintentional tort
- D. Both intentional and negligent torts

Answer: D. Both intentional tort and negligent torts
The two types of torts are intentional and negligent.

- **Question 4.2.4**

If you fire a gun at someone, intending to kill him, and you get the job done, if you had no legal right to do this which type of tort can you be sued for:

- A. Intentional tort
- B. Negligent tort
- C. Unintentional tort
- D. None of the above

Answer: A. Intentional tort

You can be sued for an intentional tort.

- **Question 4.2.5**

Which of the following is a basis of negligent tort?

- A. Duty to be careful is owed
- B. Duty is not met due to negligence
- C. Harm results
- D. Causation
- E. All of the above

Answer: All of the above. You owe a duty to be careful. You must check out the area behind any target you are shooting. If you are negligent and fail to check out the area behind a target, and harm to someone results your act caused the harm you may be considered to have negligent tort liability.

If your carelessness is not merely negligence, but is recklessness or wantonness, and harm results, you may also be criminally liable.

SAFETY:

In the Classroom, At Home, On the Range, While Carrying

FIREARMS SAFETY RULES

General Rules:

1. Treat guns as though they were loaded.
2. Never point a firearm at anyone unless you are justified in shooting that person.
3. Know your target and what is beyond it. Bullets may over penetrate, or you might miss.
4. Never pick up a weapon if you do not have a safe direction in which to point the weapon or you do not know how to safely handle it.
5. Learn as much as you can about the safe handling of your weapon and practice with it to build your skill and confidence.

There are 3 ways to carry a handgun onto the range or into the classroom:

- In a box or gun case, unloaded
- In a holster, unloaded
- With the cylinder open or the slide locked open, unloaded.

Range Rules:

1. All firearms training must be properly and adequately supervised by someone in authority. All safety precautions must be adhered to and range rules enforced.
2. Strictest discipline will be maintained. Carelessness or horseplay will not be tolerated during firearms training.
3. Immediately upon picking up a firearm, open the action and check to see that it is unloaded - check it again.
4. Never give a firearm to or take a firearm from anyone unless the magazine is out and the action of the weapon is open.
5. Never anticipate a command. Do only what you are instructed to do by a range instructor.
6. Be sure there is no obstruction in the barrel of a firearm before loading. If there is an obstruction, or weapon malfunction, immediately notify a range instructor.

7. Keep the firearm pointed down range at all times.
8. Never place your finger on the trigger until you are ready to shoot.
9. In case the weapon fails to fire, keep the weapon pointed down range, finger off the trigger, raise support hand to notify a range instructor.
10. Never leave the firing line without first unloading your weapon. The instructor will check to ensure the weapon is empty.
11. Never go in front of the firing line until it has been cleared and the instructor has given the command to go forward.
12. Never dry fire on the range except under the supervision of an instructor. No live ammunition will be permitted in the dry fire area.
13. Your full attention is to be given to the range instructor.
14. All personnel on the range will wear safety eye wear (ANSI standard Z-87 with side panels recommended) and hearing protection during any loading, dry fire or live fire exercises.
15. **UNDER NO CIRCUMSTANCES** will weapons be shown or displayed to any person unless under direct supervision of an instructor.
16. An area for the demonstration of cleaning of weapons will be designated by the range instructor. Cleaning of weapons will only occur under the supervision of an instructor. No live ammunition will be allowed in the cleaning area. Safety eye wear (ANSI standard Z-87 with side panels is recommended) will be worn by everyone in the weapon cleaning area.
17. Only weapons and factory loaded ammunition approved by the range instructor can be used on the range.
18. The range instructor reserves the right to correct any unsafe behavior. Failure to follow range rules may result in removal from the class.

Safety at Home

Firearms not under your direct control should be inoperable or reasonably inaccessible to unauthorized persons.

The more accessible a stored firearm is to its user, the more accessible it usually is to unauthorized persons (children and untrained adults) as well. Thus, accessibility (readiness) of the firearm and safety are mutually antagonistic. The degree of accessibility, which is appropriate to any given home, should be based on a realistic evaluation of the need for readiness, balanced against general safety considerations. Most storage methods will involve some compromise between readiness and the safety of others.

Ironically, the method that maximizes readiness, the wearing of a loaded handgun, is also the safest for others in the household, as the loaded gun remains under the direct control of its wearer. Most gun owners, however, neither prefer nor need to wear a loaded gun in their own homes, so this is not an option for them.

A firearm storage method that might be appropriate for one household could be completely inappropriate, or even reckless in another. A person living alone might simply store the loaded firearm out of sight, while firearms in a household with small children may need to be unloaded, locked up or both. Even the person living alone may need to unload and/or lock up the normally loaded firearm if others will be visiting the house. This includes repairmen, housekeepers and party guests. Similarly, a firearm which is normally kept readily accessible might be better off unloaded and stored away during a period when members of the household are experiencing stress, tension or depression.

REMEMBER, YOU ARE RESPONSIBLE FOR THE SAFE STORAGE OF YOUR FIREARM.

The various storage options range from:

1. The extreme of keeping the firearm unloaded, disassembled and securely locked away (or all the above) with ammunition locked away separately.
2. Keeping the firearm loaded but locked away, hidden, or otherwise inaccessible to unauthorized persons.
3. Keeping the firearm in a more accessible location but in an unloaded or partially loaded condition.
4. To the other extreme of keeping a fully loaded firearm readily accessible.

****At the very least, choose a storage method that keeps firearms out of the sight of unauthorized persons.**

Consideration should be given to whether a firearm secured by a lock and key will be realistically accessible to its owner in the stress of an emergency, especially in the dark. By the same token, give realistic consideration to whether an unloaded weapon could be loaded in the dark in time to be useful in defending oneself against an intruder.

Semi-automatic pistols offer greater storage options than revolvers. Revolvers are either loaded or unloaded, while a semi-automatic pistol can be stored with the chamber empty, magazine removed, and safety engaged.

Loading the weapon in the dark and under stress can be difficult to the untrained and unfamiliar.

One area for serious consideration in homes with children is whether to lock the firearms up or rely on education and discipline of the children to preserve safety. In general, once children have reached an appropriate age (this will depend on maturity, not chronology) some degree of familiarization with your firearm is in order, so that the firearm does not become a fatally attractive "forbidden fruit." Firearms education for one's children should include basic safety rules, and understanding of how the weapon works, and a graphic demonstration of the destructive effects of real guns, as contrasted to toy guns and cartoon depictions of shooting. This demonstration can take the form of firing a bullet into a plastic jug filled with water, or some similar object. Before you decide to rely solely on education for home firearms safety, however, do not forget that even if your own children are well disciplined and properly trained with firearms, the neighbors' children may not be so well behaved. Do not rely on your children to control their peers in your absence.

Do not assume that you can hide your gun where your child cannot find it. Was there anything your parents could successfully hide from you, when you were a child, especially at Christmas time?

Do not assume that your child does not have the strength to pull the trigger of your weapon. Even a small child can cock the weapon, as they have seen on TV, or they can put both thumbs on the hammer while pointing the barrel at themselves. Do not assume that the very young child (or their friends) can distinguish between a toy gun and "real gun," especially when toy guns are becoming more and more realistic and real guns are increasingly constructed of plastic and lightweight aluminum alloy components.

Basic firearms education should be given not only to children, but also to other adults, in a household where firearms are accessible. At a minimum this education should include fundamental safety rules, a mechanical understanding of how the weapon is loaded, unloaded and fired, and how to safely pick up the weapon to move it from one place to another. Time spent in education can overcome the fear about firearms in the house caused by ignorance and could prevent a tragic accident.

Various options, which should be considered for safe storage of firearms in the home, include the locked metal gun safe for long guns or large collections of handguns. There are smaller gun cases for the storage of one or more handguns, and key operated trigger guard locks for guns that do not need to be readily accessible. Firearms, other than the ones that you need to keep readily accessible, should be unloaded and locked away. Leaving large numbers of firearms around the house communicates a casual attitude about them to children and others and encourages accidents and thefts.

Finally, give careful consideration to the practice of some firearm owners of keeping a loaded firearm next to the bed. A tragic situation could occur if you are not fully awake and use a weapon.

Safety While Carrying A Deadly Weapon

There are many ways a weapon can be carried concealed. You will have to choose one that suits your needs and lifestyle. We will cover several common ways that weapons are carried and state some pros and cons of each.

Holsters (Must be made for the weapon you carry, holsters with some type of retention value is recommended)

Shoulder holsters

- You must wear a jacket or coat to conceal the weapon.
- Depending on the style, they are sometimes uncomfortable and binding if they do not fit correctly.
- It should be easily concealed.
- Care should be taken in selection of a shoulder holster some designs make it difficult to draw the weapon without sweeping yourself or others.

Ankle holsters

- Be sure that it fits properly.
- Depends on clothing style if one can be worn.
- More difficult to get to in an emergency.
- Requires more practice to draw proficiently.
- For ease of access wear ankle holster on inside of support side ankle.

Waist holsters

- Most popular way of carrying a concealed weapon.
- It should have some type of retention value to hold weapon in place.
- The holster needs to be securely fastened to your belt so you will not lose it.
- There are inside and outside the pants holsters, so choose one that is comfortable for you and fits your lifestyle.
- Just sticking the weapon in your waistband is not secure, plus body oil and perspiration will cause corrosion.

Pants Pockets (it is recommended to not carry a round in the chamber if this method is used)

- There is a good chance that the weapon will get tangled in the material of the pants or other contents inside the pocket.
- Only use a pocket holster specifically designed for that weapon.

Coat or Jacket Pockets (it is recommended to not carry a round in the chamber if this method is used)

- Same reasons as above.

Handbag (it is recommended to use a handbag designed to carry a weapon)

- A handbag can be taken away from you easily, always maintain control of it. Do not leave it in a grocery cart and walk away from it or on the sink at a public restroom, etc.
- Have a special compartment for the weapon only. It should be contained so that it will be concealed and secure.
- Remember your home lifestyle. Do not leave your handbag lying out with children around.

Special Concealed Carry Containers

- "Fanny packs"
- Large enough to carry your weapon and in a compartment by itself.
- Be under your control at all times.
- There are commercially made "fanny packs."
- Consider lifestyle and comfort in choosing one.

REGARDLESS OF WHERE YOU ARE GOING TO CARRY YOUR WEAPON, IT IS IMPORTANT THAT YOU CAN RETRIEVE THE WEAPON WHEN YOU NEED IT.

THE THREE STEP DRAW IS A WAY YOU CAN RETRIEVE YOUR WEAPON FROM THE HOLSTER.

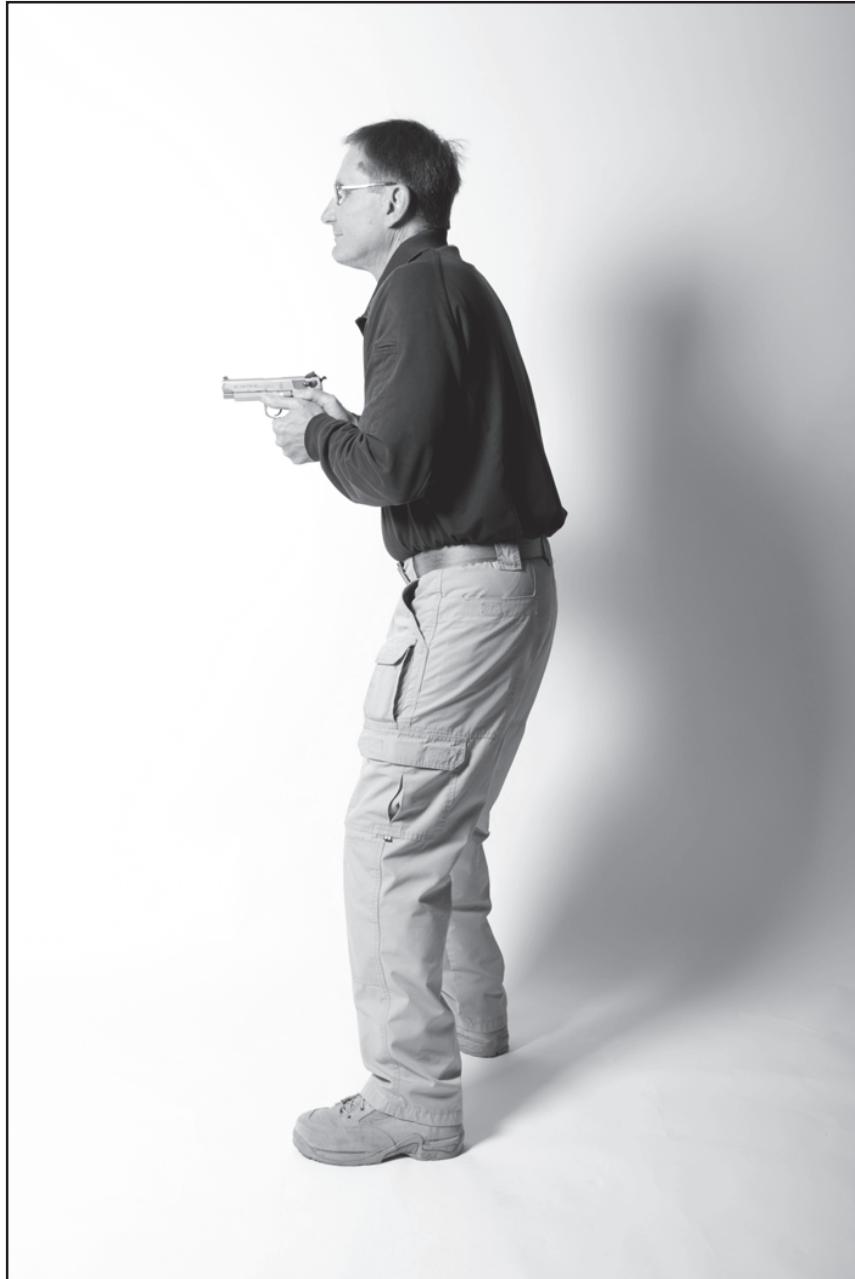
*****Observe and read the next section with steps on the proper way to draw the weapon from your holster.***

THREE STEP DRAW

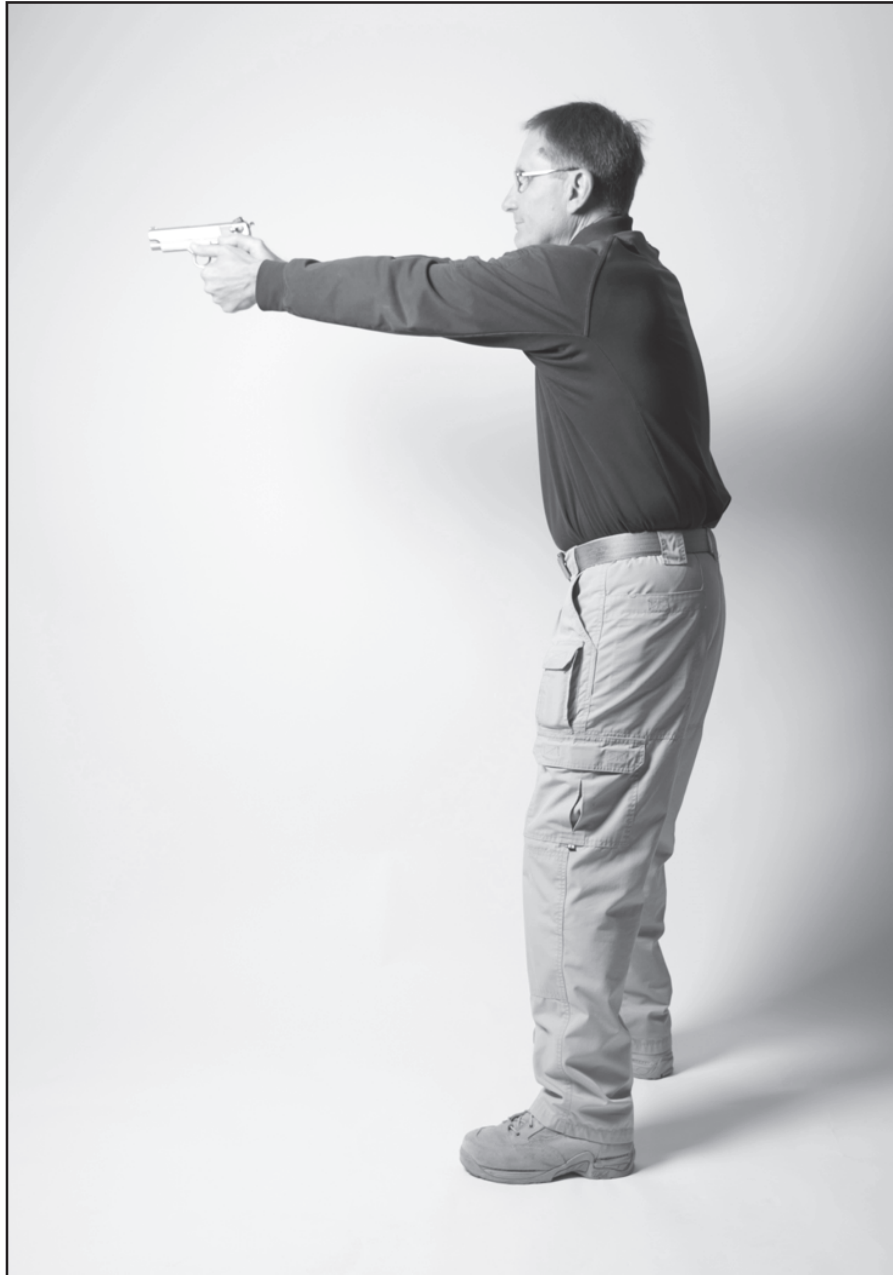
Step #1. While maintaining a good stance release all necessary retention devices and secure the strong hand grip you intend to shoot with (note the trigger finger is already aligned to be on the frame of the gun as you draw the weapon, not on the trigger).



Step #2. As soon as the barrel of the weapon clears the holster rotate the muzzle toward your target and secure the support hand grip you intend to shoot with.



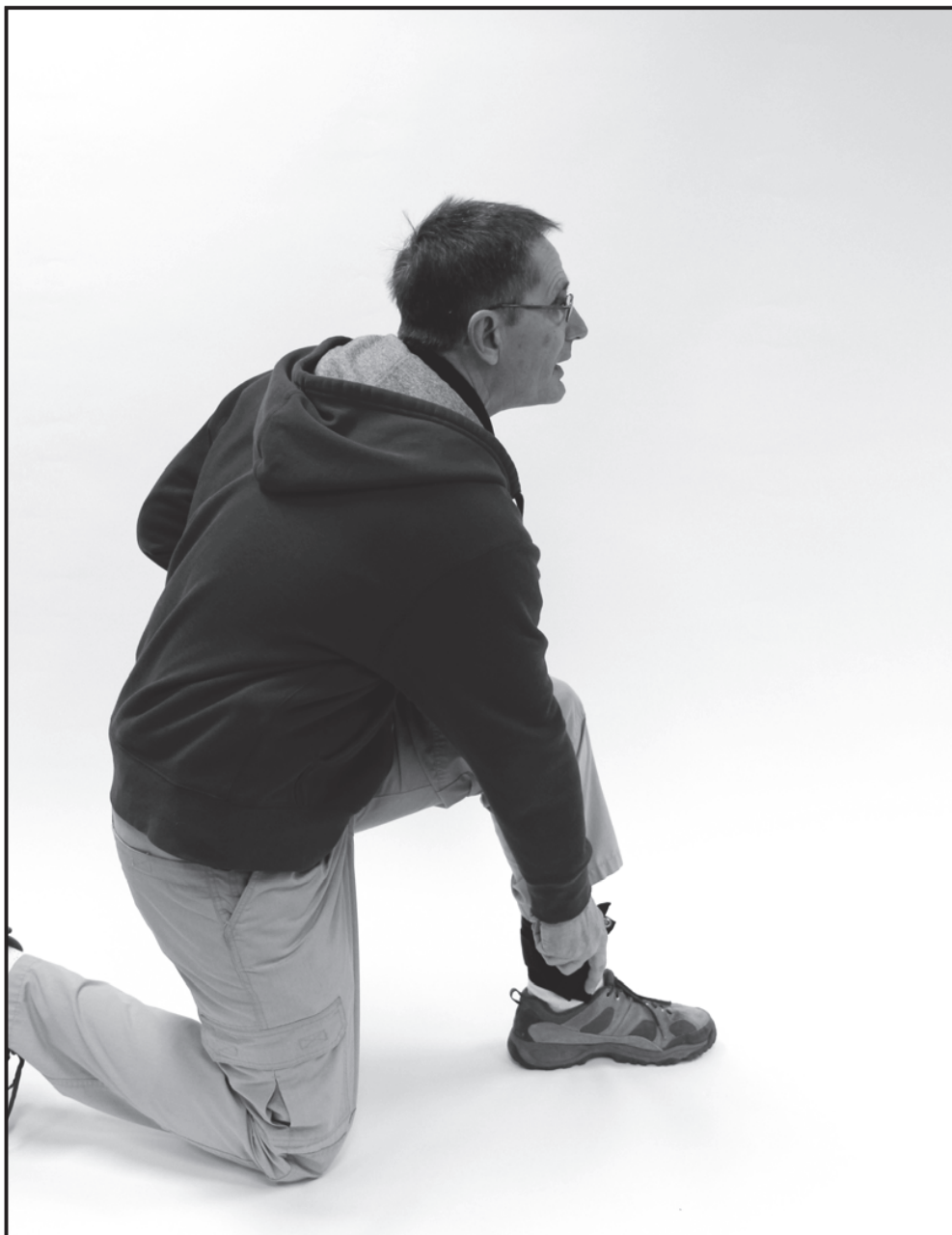
Step #3. Push the weapon straight out, focus on the front sight while properly aligning with the rear sight.



DRAWING FROM AN ANKLE HOLSTER

It is recommended to wear an ankle holster on the inside of the support ankle and to kneel (rather than bend at the waist) to draw the weapon.

Step #1. On your way down to a kneeling position grab your support side pants leg with your support hand and expose your ankle holster. Break any retention devices on your holster and secure the strong hand grip you intend to shoot with.



Step #2. As soon as the barrel clears the holster rotate the muzzle toward your target and secure the support hand grip you intend to shoot with. Push the gun straight out, focus on the front sight and properly align with the rear sight.



DRAWING WITH A JACKET OR COAT

Step #1. With your weapon hand, grab the jacket and “sweep” it backwards until your holster is exposed. Once you have exposed the weapon do the three step draw.



WHAT TO DO IF A LAW ENFORCEMENT OFFICER STOPS YOU

If an officer stops your vehicle:

You should remain calm. If you are the driver, roll down the driver side window, keep your hands on the steering wheel, tell all persons in the vehicle to keep their hands in plain view. If it is dark, turn on the interior lights of the vehicle and follow the officer's directions.

Whether you have a weapon with you or not tell the officer you have a "**Conceal Carry Deadly Weapon Permit**". If you have a weapon with you tell the officer where the weapon is located. It may be that the officer will remove the weapon from its location (for example your coat pocket or purse) and keep it until the officer has completed their business.

****YOU SHOULD NOT REMOVE THE WEAPON YOURSELF.**

The officer has the authority to order you out of the vehicle. If you haven't told the officer you are armed, and he or she has reason to believe you are (for example, he or she sees a bulge in your coat pocket), the officer has the authority to pat down the outside of your clothing and remove anything that feels like a weapon.

If an officer stops you because he or she suspects you are involved in criminal activity:

If an officer has "reasonable suspicion" that you are involved in criminal activity (for example, drunk driving or trespassing), he or she has the authority to stop you for a few minutes, whether you are in a vehicle or on foot, to check out the suspicion. If the officer also has reason to believe you are armed, he or she has the authority to pat you down for weapons. It is recommended to tell the officer you have a "**CONCEAL CARRY DEADLY WEAPON PERMIT**" any time an officer stops you whether on foot or in a vehicle.

GENERAL CONSIDERATIONS:

DO NOT WALK TOWARD AN OFFICER UNLESS HE OR SHE TELLS YOU TO. Stop immediately when the officer tells you to stop. Do not get behind the officer.

NEVER POINT A GUN AT AN OFFICER. There are many tragic examples of an armed innocent citizen—holding a weapon turned toward an officer—getting shot by the officer.

****CARRYING A CONCEALED DEADLY WEAPON IS A TREMENDOUS RESPONSIBILITY— PLEASE TAKE IT SERIOUSLY.**

PRINCIPLES OF MARKSMANSHIP

A. STANCE WITH BOTH HANDS ON THE GUN

While either of the following stances is suitable for firing the weapon, you should choose the stance that is most natural and comfortable allowing for the desired support and balance.

1. **Isosceles Stance:** To begin this stance, you should be parallel or “squared” to the target with weight on toes so your body weight will help control recoil. As the weapon is drawn and a grip is taken, bend slightly at the knees while bringing the weapon to eye level, keep head up straight looking at front sight through the rear sight. Both arms should be extended fully and locked into position.

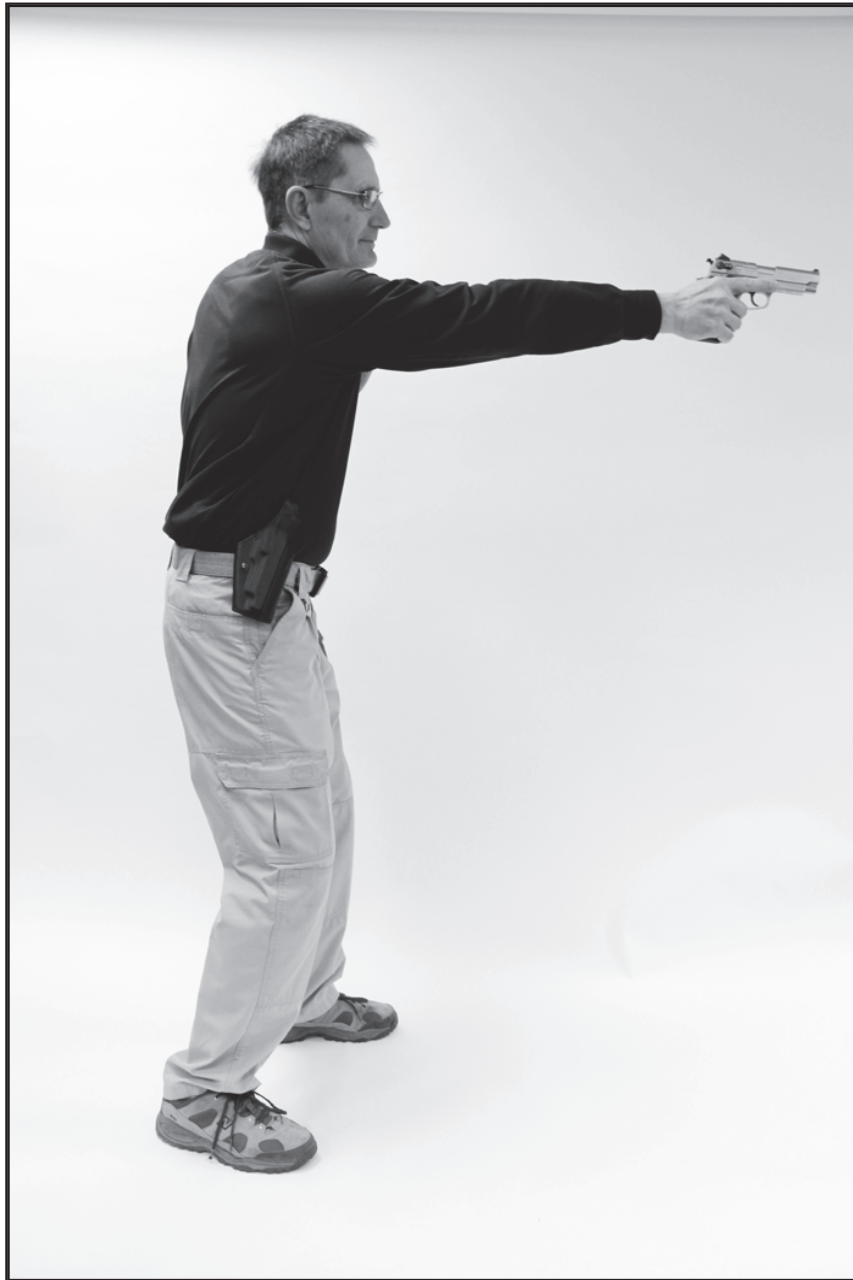


2. **Weaver Stance:** You should be angled to the target with both feet at approximately a 45° angle with weight on toes to help control recoil. The feet, hips and shoulder should all be in alignment. As the weapon is drawn and a grip is taken, the strong arm should be fully extended while the weak or support arm should be bent down slightly. The wrist of the strong arm should be kept straight and locked as the weapon is brought to eye level. Keep your head up straight; bring the gun up to your eyes looking at the front sight through the rear sights.



B. STANCE WITH ONE HAND ON THE GUN

One hand stance is recommended if you are injured, or you have a small frame gun. Note the feet are shoulder width apart, strong foot about one half step forward with weight on your toes so your body weight will help control recoil and the support hand is up on the chest. Keep head up straight and bring gun up to eye while looking at the front sight through the rear sight.



C. GRIP

In order to fire a weapon accurately, the grip on the weapon is a primary consideration. There are basically two grips: The one handed grip and the two handed grip.

1. In taking a **ONE handed grip** on the weapon, you should imagine the thumb and index finger of the strong hand as forming a V. The back of the weapon is then firmly placed into this V while the index finger is placed along the side of the frame. The remaining fingers are then placed around the grip of the weapon. The hand should be as high as possible on the back strap of the weapon in order to maintain the most control and the best possible support for the weapon. The knuckles on the front strap of the weapon should be in alignment, if possible, in order to better control the recoil of the weapon when it is fired.

SEMI-AUTOMATIC



REVOLVER



2. **Two Handed Grip:** This is usually a better grip as far as accuracy is concerned.

The first is called the “Master Grip”. After the initial one handed grip is taken, the support hand fingers are wrapped around the front strap of the weapon, on top of the fingers of the strong hand. The support hand thumb is then placed along the top of the strong hand thumb and locked down. This will prevent side-to-side twisting of the weapon during firing. Both hands should have an equal amount of tension. The master grip works best for a revolver.

Another two handed grip is with the support hand offset slightly from the strong hand. After achieving the strong hand grip the support palm of the hand is placed on the grip of the weapon. The fingers are wrapped on the top of the fingers of the strong hand with both thumbs pointing in the same direction as the barrel. The thumbs pointing in the same direction grip works best for a semi-automatic. If this grip is used for a revolver, make sure the support hand thumb does not extend past the cylinder as this may cause injury.

The master grip works best for a revolver.



The thumbs pointing in the same direction grip works best for semi-auto. If this grip is used for a revolver, make sure the support hand thumb does not extend past the cylinder, as this may cause injury.



CAUTION: Make sure the thumbs do not rest on the slide release lever or the magazine release of a semi-automatic. Also note that both thumbs are on the same side of the gun.

D. SIGHT ALIGNMENT

This block of instruction will concentrate on “Aimed Firing” of a weapon. Aimed firing is generally when the target is further away from you and the sights on the weapon are used.

DEFINITIONS TO BE USED:

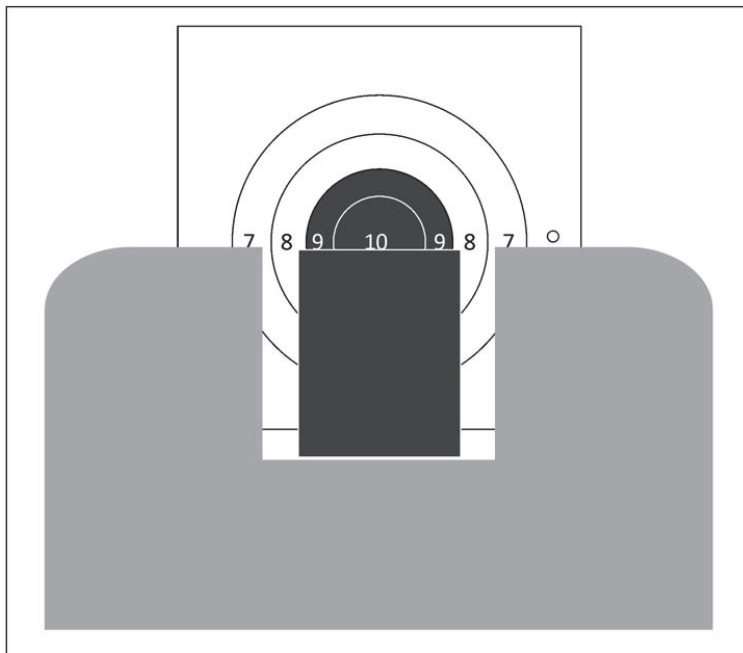
Sight Picture: This is defined as what the shooter sees when looking across the sights of his weapon. The front sight should be in focus the most, then the rear sight, and then the target.

Sight alignment: Sights are properly aligned when the front sight blade is centered in the rear sight notch and the top of the front sight is level with the top of the rear sight. If the front sight is centered, there is an equal amount of light on both sides of the front sight blade (see illustration).

Point of aim: This refers to the spot on the target at which you aim (center of mass of the target that is exposed to you is generally where you want to aim). It is also referred to as “hold”.

The correct hold or point of aim is the center of the intended target. When doing this, a spread of 2-4 inches is considered acceptable.

For an aimed shot using the sights, you should focus on the front sight. This means that the front sight is held in clear focus while both the target and the rear sight are a little out of focus.



E. SIGHT ACQUISITION

Dominant Eye: (ocular dominance) majority of individuals prefer one eye over the other when receiving visual input.

Cross Dominant: When individuals prefer the eye opposite of their strong side.

Example; right handed shooter uses their left eye to focus or a left hand shooter uses their right eye to focus.

HERE IS A WAY TO DETERMINE WHICH EYE IS DOMINANT

1. Make a triangle with your hands and focus on any small object.



2. Without moving your head, continue to move your hands closer to your face while the object remains in the center of the triangle.



3. Keeping the object centered in the triangle bring your hands all the way to your face. The eye you are looking through at that point is your dominant eye (this picture depicts a right eye dominant person).



It is important to know which eye is dominant, but it does not have to be a problem for the shooter. It does not matter if you are a right eye person who is a left hand shooter or a left eye person who is a right hand shooter, just simply keep your head up straight and bring the gun up to the dominant eye.

F. TRIGGER PULL

When firing the weapon, you should maintain what is known as Trigger Control. This means that the trigger is pulled in such a manner that the pull does not move the barrel of the weapon.

Trigger Pull is basically a smooth, continuous motion straight toward the rear of the weapon which is produced by moving the trigger finger only and performed in such a manner that you do not know the exact moment the weapon will be fired.

You should pull the trigger all the way through its arc of travel until the hammer falls. While trying to be smooth in this motion, it doesn't necessarily mean that it has to be slow. You should practice pulling the trigger as quickly as you can while still controlling the strike of the bullet. If the distance between the target and the student is increased, it becomes more important to slow down and to aim more carefully.

The trigger finger should be placed on the weapon at the point that it is most comfortable for the shooter. It is generally accepted that when firing a weapon the trigger finger should not be inserted on the trigger past the first joint.

The student should maintain a correct grip all the way through the trigger pull and continue even after the shot is fired.

Follow through after the shot is fired is also important. Follow through consists of maintaining even grip pressure before, during and after the shot, then releasing the trigger by moving only the trigger finger and establishing a sight picture in case it is necessary to fire again.

COMMON SHOOTING ERRORS

ERROR	CAUSE	CORRECTION
Milking <ul style="list-style-type: none"> squeezing with whole hand when trigger finger moves 	<ul style="list-style-type: none"> Insufficient hand strength Insufficient practice Weak grip Improper grip 	<ul style="list-style-type: none"> Practice Use correct grip <p>NOTE: Cup and saucer is usually a target grip not a combat grip.</p>
Wrist Problems <ul style="list-style-type: none"> Wrist curled inward or outward Wrist cocked up or down 	<p><i>Shooter may not realize the importance of proper arm-wrist-hand alignment and of locking the wrist.</i></p>	<ul style="list-style-type: none"> Explain Physical correction usually requires realignment of entire upper body, hands and arm.
Trigger finger incorrectly placed	<ul style="list-style-type: none"> Usually the shooter is not aware of the importance of trigger finger alignment. Sometimes this problem is caused by hand size too large or too small. 	<p>Demonstrate properly finger alignment</p>
Weak grip	<ul style="list-style-type: none"> Usually the shooter does not realize the necessity to grip the weapon strongly. Sometimes, rarely, the shooter has insufficient hand strength to grip the weapon. 	<p>Explain or demonstrate correct grip strength. If the shooter is not strong enough, hand exercises are necessary.</p>
Stance Problems	<p><i>Usually the shooter is unaware of the elements of correct stance. Sometimes the shooter is so acclimated to range work, the shooter assumes a relaxed "Range Posture".</i></p>	<p>Move shooter into correct stance and explain how the correction affects the strike of the bullet.</p>

ERROR	CAUSE	CORRECTION
<p>Concentration Lapse</p> <ul style="list-style-type: none"> Looking at the target as shot fires or after each shot Distraction by adjacent shooters Failure to use same point of focus each time 	<p><i>Shooter may not realize importance of concentration.</i></p> <p><i>May not know where to focus (difficult to detect).</i></p>	<ul style="list-style-type: none"> Encouragement One-on-one coaching until shooter realizes importance
<p>Incorrect use of the support hand</p>	<p><i>Shooter may not realize the importance of the support hand to steady the weapon.</i></p>	<p>Demonstrate correct grip to shooter, may be necessary to move the shooter's hands into position.</p>
<p>Jerking the trigger</p>	<p><i>Shooter anticipates noise, flash, recoil and jerks the trigger.</i></p>	<ul style="list-style-type: none"> Dry fire until smooth Ball and dummy drill
<p>Flinching <i>Tensing at the moment of shot</i></p>	<p><i>Anticipating recoil and tensing arms, hands or whole upper body.</i></p>	<ul style="list-style-type: none"> Dry fire Point out error and encouragement Extreme cases, start with .22 caliber at close range and move back as the shooter improves
<p>Wobble <i>shooter tries to "catch" target as it passes in front of the sights</i></p>	<p><i>Target seems to move in front of sights or barrel wobbles off target. Shooter throws the round out in a random direction by convulsively jerking the trigger to "catch" the target.</i></p>	<p>Emphasize that wobble makes only a small difference in the strike of the bullet but jerking throws the round way off.</p>
<p>Shooter Induced Recoil <i>the shooter actually introduces recoil into the shot</i></p>	<p><i>Perception by the shooter that the weapon should "kick up".</i></p>	<p>Tell the shooter not to anticipate the recoil. The hammer should fall without the shooter knowing when it will fall.</p>

PISTOL AND REVOLVER NOMENCLATURE AND FUNCTION

Doublestar 1911 Nomenclature



- 1 *Front Sight*
- 2 *Rear Sight*
- 3 *Thumb Safety*
- 4 *Hammer*
- 5 *Grip Safety*
- 6 *Magazine Release Button*
- 7 *Trigger*
- 8 *Slide Release Lever*
- 9 *Disassembly/Assembly Notch*
- 10 *Tach Rail*

Glock 22 Nomenclature



- 1** *Muzzle (Barrel)*
- 2** *Front Sight*
- 3** *Slide*
- 4** *Slide Stop Lever*
- 5** *Rear Sight*
- 6** *Slide Cover Plate*
- 7** *Back Strap*
- 8** *Front Strap*
- 9** *Magazine Release Button*
- 10** *Trigger*
- 11** *Trigger Guard*
- 12** *Trigger Safety*
- 13** *Slide Lock Notch*
- 14** *Slide Lock/Disassemble Lever*

Smith & Wesson 4566 Nomenclature



- 1 *Front Sight*
- 2 *Disassembly/Reassembly & Slide Lock Notch*
- 3 *Slide Release Lever*
- 4 *Rear Sight*
- 5 *Safety/decock lever*
- 6 *Back strap (common reference)*
- 7 *Magazine Release Button*
- 8 *Trigger Guard*
- 9 *Trigger*

Smith & Wesson 357 Nomenclature



- 1 *Barrel*
- 2 *Front Sight*
- 3 *Cylinder*
- 4 *Rear Sight*
- 5 *Hammer*
- 6 *Cylinder Notches*
- 7 *Thumb Piece/Cylinder Release*
- 8 *Grip*
- 9 *Trigger Guard*
- 10 *Trigger*
- 11 *Yoke*
- 12 *Extractor Rod*

EXPLANATION OF PARTS

There are many makes and models of handguns. These pictures and this list are intended to explain the most common parts. If your handgun has parts that are not shown, or does not have some of the listed parts, please consult your instructor or a competent gunsmith to learn what the parts are and their function.

IT IS IMPORTANT THAT YOU KNOW HOW YOUR HANDGUN IS SUPPOSED TO OPERATE. Refer to your owner's manual for exact details of the operation of your handgun.

Most of the parts on these diagrams are pretty much self-explanatory. However, some of them might need some explanation:

PART	FUNCTION
Cycling Latch or Thumb Latch	Most modern revolvers must be loaded by swinging the cylinder out. This is accomplished by pushing the cylinder latch forward and pushing the cylinder out.
Decock (only) lever	Some autoloaders do not have a safety. Only a decock mechanism. In this situation, the decock mechanism serves to drop the hammer to the down position, while blocking the action of the firing pin, so the weapon does not fire.
Decock/Safety Combination Lever	In some autoloaders, the safety and the decock lever are combined. In this situation, the safety/decock lever serves to drop the hammer to the down position and also put the safety into "safe" (will not fire) condition. The safety is also put into "fire" condition by means of this lever.
Disassembly Lever & Other Disassembly Mechanisms	Some auto pistols have a disassembly lever which must be operated in order to disassemble the weapon. The location and operation of the disassembly lever varies. Also, some autoloaders have altogether different disassembly mechanisms. Check your owner's manual.
Disassembly Notch	This is a notch in the slide, usually on the left. In some autoloaders the slide stop lever is pushed all or partway out of the frame, through the disassembly notch, in order to remove the slide (Also see slide stop notch).

Ejector Rod	In most modern revolvers, the spent casings are ejected by pushing the ejector rod. It is the rod that runs through the center of the cylinder and pushes the extractor star.
Grip	This term is usually used to refer to the part of the frame of the handgun that the shooter grips (See marksmanship principles – sight alignment).
Grip Safety	A safety mechanism built into the grip of some handguns.
Hammer	Various mechanisms are employed to transmit force from the strike of the hammer to the cartridge primer causing the cartridge to discharge. Some handguns are hammerless, and some have concealed or enclosed hammers.
Hammer Spur	The part of the hammer that sticks out toward the rear, usually used for manually cocking the weapon.
Magazine	The part of an autoloader which contains the ammunition. Rounds are pushed to the top of the magazine by a spring and follower assembly. From there they are fed into the chamber by the action of the slide.
Magazine Floor Plate	The plate on the bottom of the magazine. It is sometimes detachable to facilitate cleaning.
Magazine Follower	The part of the magazine that moves up and down as rounds are removed or added. It rides on top of the spring.
Magazine Release Button	What the shooter pushes to release the magazine from the magazine well.
Magazine Well	The opening in the bottom of the frame, specifically the grip, of an autoloader into which the magazine is inserted.
Safety (only) Lever	Some autoloaders do not have a decock lever only a manual safety. In this situation, the safety blocks the movement of either the hammer or the trigger. The hammer usually remains cocked. (See marksmanship principles – sight alignment)
Slide	The slide moves sharply to the rear of the gun when the round discharges. This movement extracts and ejects the spent casing. As the slide returns forward, it picks up and chambers a round from the magazine.

Slide Stop Lever	<p>The slide stop lever locks the slide to the rear when it is pushed up into the slide stop notch. The shooter may push it up or the magazine follower will automatically push it up after the last round is fired.</p> <p>Also, the shooter may push the lever down to allow the slide to go forward.</p>
Slide Stop Notch	<p>This is a notch in the bottom of the slide, usually on the left, into which the slide stop lever fits. Sometimes, the slide stop notch is also the disassembly notch.</p>
Top Strap	<p>The part of the revolver frame which is situated above the cylinder. The rear sight is usually situated on the rear of the top strap.</p>
Trigger	<p>What the shooter pulls, or presses, to cause the round to discharge.</p>
Trigger Guard	<p>Part of the frame that protects the trigger.</p>

BASIC SEMI-AUTO FUNCTION

Slide may lock to the rear; most but not all semi-auto pistols will lock to the rear after firing the magazine empty or when the gun has no magazine inserted in the magazine well.



Two basic types of semi-auto pistols:

Hammer is not exposed when slide is forward. If loaded this gun is now safe to secure in a holster.



Weapons that have the hammer exposed and remains cocked when the slide is forward are equipped with a decock/safety lever.

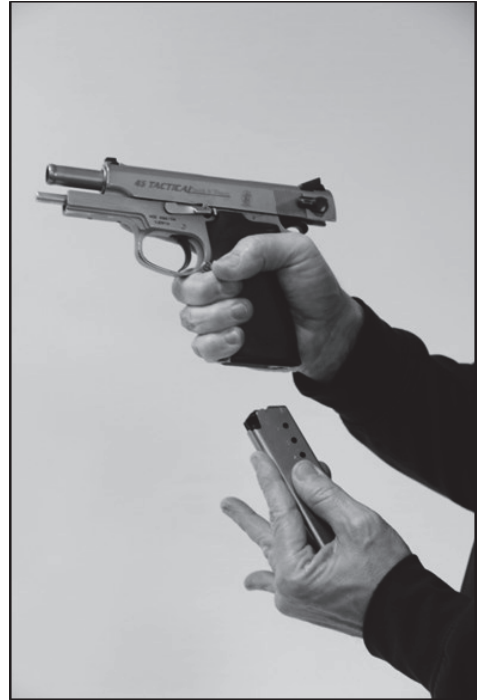


Depress the decock lever down to return the hammer to the original position and to put the gun on safe. Return the decock lever to the “up” position to take the gun off safe to fire the weapon (some decock levers are spring loaded and return to the “up” position automatically).

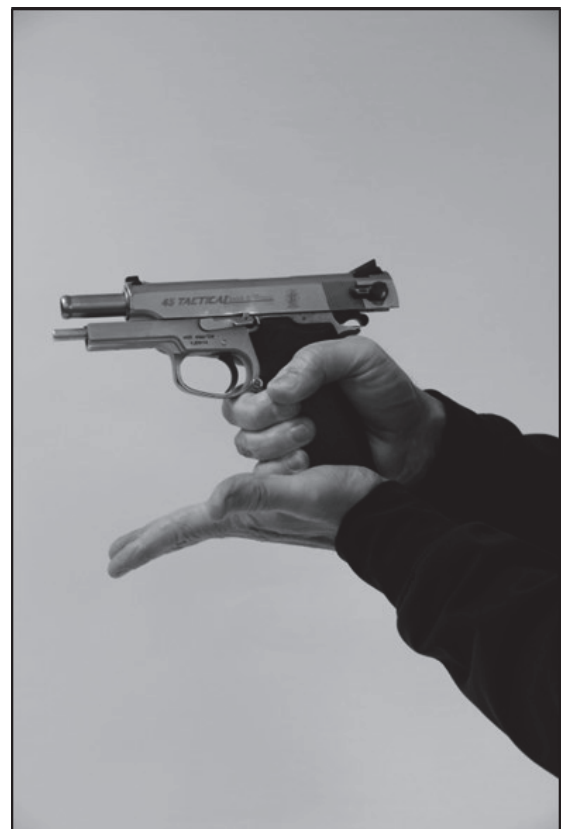


Loading a Semi-Auto Pistol

1. Insert the magazine into the magazine well.
Please note: NO FINGER ON THE TRIGGER



2. Push the magazine up into the magazine well until the magazine locks into place.



3. Pull the slide back as far as it will go, then release your grip on the slide and let the slide go forward.



Loading a revolver for a right hand shooter

1. Push the cylinder release, come under the revolver with your support hand and push the cylinder open.



2. If the cylinder of the revolver is not empty, rotate the barrel straight up and push the extractor rod down with your support hand thumb to release any spent casings in the cylinder.



3. Rotate the barrel down and load the cylinder with your shooting hand.



4. Push the cylinder shut with your support hand thumb and assume a proper grip.



Loading a revolver for a left-hand shooter

1. Release the cylinder and push it open with your support hand thumb.



2. If the cylinder is not empty, rotate the barrel straight up and push the extractor rod down and back up one time to release any spent casings.



3. Rotate the barrel down and load the cylinder with your shooting hand.



4. Close the cylinder with your support hand and assume a proper grip.



Cleaning Your Weapon

It is a good idea to practice safety when cleaning your weapon. In order to do a good job, you should be in an area where you can concentrate on the task of safety and cleaning. Remember, the weapon should be checked, and ammunition removed from it before attempting to clean. Ammunition should be kept more than an arm's reach away from the cleaning area. This is to prevent getting oil or solvent on the ammunition and inadvertently putting live rounds in the weapon before the cleaning process is completed.

Another aspect of safety while cleaning your weapon is to be in an area with no distractions. You should not permit anyone to be across the table from you because it reinforces the basic rule of never pointing a weapon at a person you do not intend to shoot. When cleaning any weapon, you should not leave the weapon unattended, especially with children in the nearby rooms.

Cleaning equipment needed and special consideration:

Always refer to your owner's manual for exact cleaning and lubrication instructions for your make of weapon.

The equipment needed to clean your weapon is basic and simple. Listed below are the essentials:

- A gun pad or old towel (to protect the table from spills of cleaning fluids or dents)
- Cleaning rod
- Bore brush (brass or fiber – whatever the manufacturer recommends)
- Cleaning patches (this could be an old T-Shirt cut into 2 inch squares)
- A gun brush or similar soft cleaning brush
- Cleaning solvent
- Gun oil
- Clean rags
- Properly fitted screwdriver for tightening screws
- Protective eye wear

NOTE: Advise students that a stainless steel bore brush can cause damage if not used properly.

Instructor Students should be in a cleaning area and be able to field strip their weapon and have a cleaning kit with proper equipment. Everyone should wear safety glasses.

Semi-Automatic

As with any semi-automatic pistol, it should not be cleaned by merely locking the slide to the rear and inserting the cleaning rod from the muzzle end. This can cause an excessive amount of solvent to build up in both the frame and slide and possibly contribute to malfunctions of the pistol. The pistol should be field stripped every time it is cleaned.

The following cleaning steps are generic, and you must check your owner's manual for the proper steps with your weapon:

- a. Ensure that the pistol is not loaded. (Check twice)
- b. Field strip for cleaning according to your weapon manufacturer's guidelines.
- c. Attach a bore brush of the correct caliber size to cleaning rod and drip the cleaning solvent onto the brush (never dip the brush into the solvent itself). Start with brush from the chamber end and thoroughly scrub out the barrel, passing the brush all the way through before reversing the movement.
- d. Attach a clean cotton patch to the end of a cleaning rod, insert it in the breech and pass the rod and patch down the barrel. Repeat, changing patches until the patch comes out clean.
- e. Visually inspect the barrel and if it is clean, go to the next step. If it remains dirty, repeat steps C & D.
- f. Clean rear face of barrel and face of bolt, using a small brush. Be sure the extractor claw is clean, then remove all cleaning fluid and dirt.
- g. Lightly moisten a cleaning patch with gun oil and pass it once through the barrel. If the weapon is carried use a dry patch to wipe off excessive oil.
- h. Clean the side rail cuts with a patch, with solvent, over the brush and scrub the cuts to remove debris.
- i. Wipe all solvent and debris from inside and outside the slide.
- j. With a clean patch with a drop or two of gun oil applied, wipe all surfaces of the slide. A very small amount of oil needs to be put into the slide cuts.
- k. The frame needs to be wiped out with solvent on a patch and then wiped dry.
- l. A patch with one or two drops of oil applied is used to wipe inside and outside the frame.
- m. The magazine needs to be taken apart, if this can be done, and wiped out. (Do not use solvent or oil on the magazine.)
- n. Always refer to the owner's manual for special cleaning instructions.

Revolver

- Ensure that the revolver is not loaded. (Check twice)
- Attach bore brush of correct caliber size to cleaning rod and drip the cleaning solvent onto the brush (never dip brush into the solvent itself). Thoroughly scrub out barrel and cylinder chambers, passing the brush all the way through before reversing the movement.

NOTE: Avoid contact between cleaning rod and muzzle as resultant wear will reduce accuracy. Take care to avoid striking the rear frame of the revolver as severe cases result in burring of the metal around the firing pin access hole which could contribute to eventual firing failures.

- Attach a cleaning patch to the end of the cleaning rod, insert it in the muzzle and pass rod and patch down through the barrel. Repeat, changing patches until the last patch comes out clean.
- Clean each of the chambers in the cylinder with the same method as the barrel.
- Visually inspect barrel and chambers, if it is clean, go to the next step. If it remains dirty, repeat steps C & D
- Clean rear face of barrel and revolver frame, using a small brush and then remove all traces of gun cleaning solution.
- Lightly moisten a cleaning patch with gun oil and pass it once through the barrel, leaving a thin film of oil on the inside surface. Similarly, oil the chambers in the cylinder. If it is to be carried, use a dry patch to completely wipe the weapon dry inside and out.
- Remove any gun cleaning solution and oil from the grips. On some models, the grips can be removed easily for a more thorough cleaning of metal surfaces.
- Always refer to the owner's manual for special cleaning instructions.

Instructor should go over the steps with the students so that they know how to properly clean their weapon.

LIVE FIRE EXERCISES

11/20 Required to pass

Distance: 7 yards

Rounds: 20

Target: B-21 – 35X45

(full size silhouette)

Scoring:

- *Any round, which hits the silhouette portion of the target, counts as a hit.*
- *Cutting the line counts as a hit.*
- *Eleven (11) out of twenty (20) hits are required*

KENTUCKY REVISED STATUTES AND ADMINISTRATIVE REGULATIONS

KRS AND KAR listed here are current as of September 4, 2021.

Please go to the Kentucky Legislative Research Commission at

<http://www.lrc.ky.gov> to find the most recent version.

Selected Legal Information Concerning CCDW, Use of Force and General Firearms Law

KRS 237 FIREARMS AND DESTRUCTIVE DEVICES

237.020 Right of Kentucky residents, out-of-state residents, and residents of other countries to buy firearms.

(1) Residents of the Commonwealth of Kentucky who are citizens of the United States shall have the right to purchase or otherwise acquire rifles, shotguns, handguns, and any other firearms which they are permitted to purchase or otherwise acquire under federal law and the Kentucky Revised Statutes from properly licensed dealers, manufacturers, importers, or collectors, and unlicensed individual persons in Kentucky or in any other state or nation outside of the Commonwealth of Kentucky.

(2) Residents of states other than the Commonwealth of Kentucky who are citizens of the United States shall have the right to purchase or otherwise acquire rifles, shotguns, handguns, and any other firearms which they are permitted to purchase or otherwise acquire under federal law and the Kentucky Revised Statutes from properly licensed dealers, manufacturers, importers, or collectors, and from unlicensed individual persons in the Commonwealth of Kentucky.

(3) Citizens of countries other than the United States shall have the right to purchase or otherwise acquire rifles, shotguns, handguns, and any other firearms which they are permitted to purchase or otherwise acquire under federal law and the Kentucky Revised Statutes from properly licensed dealers,

manufacturers, importers, or collectors, and from unlicensed individual persons in the Commonwealth of Kentucky. (4) All such sales shall conform to the requirements of federal law, the Kentucky Revised Statutes, applicable local ordinances, and the law of the purchaser's state.

Effective: June 26, 2007

237.030 Definitions for KRS 237.040 and 237.050.

(1) "Destructive device" means any explosive, incendiary, or poison gas bomb, grenade, mine, rocket, missile, or similar device and includes the unassembled components from which such a device can be made.

(2) "Booby trap device" includes any device, or substance designed to surreptitiously or covertly take life, endanger life or destroy or damage property and shall not include firearms.

History: Created 1972 Ky. Acts ch. 33, sec. 1.

237.040 Criminal possession of destructive device or booby trap device.

A person is guilty of criminal possession of a destructive device or a booby trap device when he possesses, manufactures, or transports such substance or device with:

(1) Intent to use that device to commit an offense against the laws of this state, a political subdivision thereof, or of the United States; or

(2) Knowledge that some other person intends to use that device to commit an offense against the laws of this state, a

political subdivision thereof, or of the United States.

(3) Mere possession without substantial evidence of the requisite intent is insufficient to bring action under KRS 237.030 to 237.050.

History: Created 1972 Ky. Acts ch. 33, sec. 2.

237.050 Exemptions.

KRS 237.030 to 237.050 shall not apply to:

(1) Destructive devices or booby trap devices which are possessed by the government of the United States, this state, or a political subdivision thereof;

(2) Any device which is lawfully possessed under the Gun Control Act of 1968, the Organized Crime Control Act of 1971, or any other law of the United States or this state, unless a crime is committed therewith;

(3) Nonlethal devices placed on the premises of the owner or the lawful occupant thereof for his own self-protection or the protection of the said property;

(4) The setting of traps suitable and legal for the taking of game by persons licensed or permitted to do so by the game laws of the Commonwealth;

(5) Inert devices which cannot readily be restored to operating condition; or

(6) The acquisition, possession, use, or control of firearms.

History: Created 1972 Ky. Acts ch. 33, sec. 3.

237.060 Definitions for KRS 237.060 to 237.090 and certain other sections.

The following definitions apply in KRS 237.060 to 237.090 and KRS 197.170, 218A.992, 244.125, 244.990, and 514.110, unless the context otherwise requires: (1) "Handgun" means any pistol or revolver originally designed to be fired by the use of a single hand, or

any other firearm originally designed to be fired by the use of a single hand. (2) "Firearm" means any weapon which will expel a projectile by the action of an explosive.

(3) "Licensed gun dealer" means a person who has a federal firearms license and any business license required by a state or local government entity.

(4) "Loaded" with respect to a firearm means:

(a) There is ammunition in the chamber of the firearm; or

(b) There is ammunition in the cylinder of the firearm; or

(c) There is ammunition in the magazine of a firearm, if the magazine is attached to the firearm.

(5) "Juvenile" means a person who has not attained his eighteenth birthday.

(6) "Ammunition" means loaded ammunition designed for use in any firearm.

(7) "Armor-piercing ammunition" means a projectile or projectile core which may be used in a handgun and which is constructed entirely (excluding the presence of traces of other substances) from one (1) or a combination of tungsten alloys, steel, iron, brass, bronze, beryllium copper, or depleted uranium. "Armor piercing ammunition" does not include shotgun shot required by federal or state environmental or game regulations for hunting purposes, a frangible projectile designed for target shooting, a projectile which the Secretary of the Treasury of the United States finds is primarily intended to be used for sporting purposes, or any other projectile or projectile core which the Secretary of the Treasury of the United States finds is intended to be used for industrial purposes, including a charge

used in an oil and gas well perforating device.

(8) "Flanged ammunition" means ammunition with a soft lead core and having sharp flanges which are designed to expand on impact.

Effective: July 15, 1996

237.070 Prohibition against sale or transfer of firearm to convicted felon.

(1) No person shall knowingly sell or transfer a firearm to any person prohibited from possessing it by KRS 527.040.

(2) Any person who violates the provisions of subsection (1) of this section is guilty of a Class A misdemeanor.

(3) Any firearm transferred in violation of this section shall be subject to forfeiture and shall be disposed of pursuant to KRS 237.090.

Effective: July 15, 1994

EDITED

237.102 Suspension, revocation, limitation, or impairment of concealed deadly weapon license permitted only in accordance with KRS 237.110 and 237.138 to 237.142.

(1) No person, unit of government, or governmental organization shall have the authority to suspend, revoke, limit the use of, or impair the validity of a concealed deadly weapon license issued pursuant to KRS 237.110, or a foreign license which is recognized as valid pursuant to KRS 237.110, unless the license is revoked for the reasons specified in KRS 237.110 and the revocation is done in the manner specified in KRS 237.110.

(2) No person, unit of government, or governmental organization shall have

the authority to suspend, revoke, limit the use of, or impair the validity of a concealed deadly weapon license which is issued pursuant to KRS 237.138 to 237.142 unless the license is revoked for the reasons specified in KRS 237.110 or 237.138 to 237.142. (3) No action which may be taken pursuant to KRS Chapter 39A shall apply with regard to a license specified in this section or to a person who is the holder of a license specified in this section.

Effective: July 12, 2006

237.108 Persons adjudicated mentally defective and committed to mental institutions -- Identifying information to be forwarded to Department of Kentucky State Police and Federal Bureau of Investigation -- Information to be included in National Instant Criminal Background Check System database -- Petition to court for relief from prohibition against possession of firearms -- Prohibition against allowing improper use of information obtained by Kentucky State Police.

(1) A court that orders a commitment or makes a finding or adjudication under which a person becomes subject to the provisions of 18 U.S.C. sec. 922(d)(4) and (g)(4) shall order the circuit clerk to forward the person's name and nonclinical identifying information, including the person's Social Security number and date of birth, along with a copy of the order of commitment to the Department of Kentucky State Police, which in turn shall forward the information to the Federal Bureau of Investigation, its successor agency, or agency designated by the Federal Bureau of Investigation, for inclusion in the National Instant Criminal Background Check System database.

The court shall also notify the person of the prohibitions of 18 U.S.C. sec. 922(d)(4) and (g)(4).

(2) A person who is subject to the provisions of 18 U.S.C. sec. 922(d)(4) and (g)(4) because of a commitment, finding, or adjudication that occurred in this state may petition the court in which such commitment, finding, or adjudication occurred to remove, pursuant to Section 105(a) of Pub. L. No. 110-180, the disabilities imposed under 18 U.S.C. sec. 922(d)(4) and (g)(4). A copy of the petition for relief shall also be served on the director of the Division of Behavioral Health and the county attorney of the county in which the original commitment, finding, or adjudication occurred. The director of the Division of Behavioral Health and the county attorney may, as each deems appropriate, appear, support, object to, or present evidence relevant to the relief sought by the petitioner. The court shall receive and consider evidence in a closed proceeding, including evidence offered by the petitioner concerning:

- (a) The circumstances of the original commitment, finding, or adjudication;
- (b) The petitioner's mental health and criminal history records, if any;
- (c) The petitioner's reputation;
- (d) The petitioner's date of birth and Social Security number; and
- (e) Changes in the petitioner's condition or circumstances relevant to the relief sought. The court shall grant the petition for relief if it finds by a preponderance of the evidence that the petitioner will not be likely to act in a manner dangerous to public safety and that granting of the relief would not be contrary to the public interest. A record shall be kept of the proceedings, but it shall remain confidential and be disclosed only to a

court in the event of an appeal. The petitioner may appeal a denial of the requested relief, and review on appeal shall be de novo. A person may file a petition for relief under this section no more than once every two (2) years.

(3) When the court issues an order granting a petition for relief under subsection (2) of this section, the circuit clerk shall immediately forward a copy of the order to the Department of Kentucky State Police, which in turn shall immediately forward a copy to the Federal Bureau of Investigation, or its successor agency, for updating of the National Instant Criminal Background Check System database and shall remove all information in any database over which the department exercises control relating to the person whose relief from disability is granted and shall immediately destroy all paper copies of the order of commitment and other documents relating to the matter.

(4) If a petition is granted under this section, the order, finding, or adjudication for which relief is granted shall, pursuant to Section 105(a) of Pub. L. No. 110-180, be deemed not to have occurred for purposes of 18 U.S.C. sec. 922(d)(4) and (g)(4).

(5) The Department of Kentucky State Police shall not use or permit the use of the records or information obtained or retained pursuant to this section for any purpose not specified in this section. (6) The provisions of this section shall supersede any other statute to the contrary for the purposes set forth in this section but otherwise shall be held and construed as ancillary and supplemental to any other statute.

Effective: June 8, 2011

237.109 Authorization to carry concealed deadly weapons without a license.

(1) Persons age twenty-one (21) or older, and otherwise able to lawfully possess a firearm, may carry concealed firearms or other concealed deadly weapons without a license in the same locations as persons with valid licenses issued under KRS 237.110.

(2) Nothing in this section shall be construed to allow the carrying or possession of any deadly weapon where it is prohibited by federal law.
Effective: June 27, 2019

237.110 License to carry concealed deadly weapon -- Criteria -- Training - Paper or electronic application -- Issuance and denial of licenses -- Automated listing of license holders - Suspension or revocation -- Renewal -- Prohibitions -- Reciprocity -- Reports -- Requirements for training classes.

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

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

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

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

(c) Authorize the holder of the license to carry a concealed firearm or other deadly weapon, or a combination

thereof, on or about his or her person; and

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

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

(a) A state records check covering the items specified in this subsection, together with any other requirements of this section;

(b) A federal records check, which shall include a National Instant Criminal Background Check System (NICS) check;

(c) A federal Immigration Alien Query if the person is an alien who has been lawfully admitted to the United States by the United States government or an agency thereof; and

(d) In addition to the Immigration Alien Query, if the applicant has not been lawfully admitted to the United States under permanent resident status, the Department of Kentucky State Police shall, if a doubt exists relating to an alien's eligibility to purchase a firearm, consult with the United States Department of Homeland Security, United States Department of Justice, United States Department of State, or other federal agency to confirm whether

the alien is eligible to purchase a firearm in the United States, bring a firearm into the United States, or possess a firearm in the United States under federal law.

(4) The Department of Kentucky State Police shall issue an original or renewal license if the applicant:

(a) Is not prohibited from the purchase, receipt, or possession of firearms, ammunition, or both pursuant to 18 U.S.C. 922(g), 18 U.S.C. 922(n), or applicable federal or state law;

(b) 1. Is a citizen of the United States who is a resident of this Commonwealth;

2. Is a citizen of the United States who is a member of the Armed Forces of the United States who is on active duty, who is at the time of application assigned to a military posting in Kentucky;

3. Is lawfully admitted to the United States by the United States government or an agency thereof, is permitted by federal law to purchase a firearm, and is a resident of this Commonwealth; or

4. Is lawfully admitted to the United States by the United States government or an agency thereof, is permitted by federal law to purchase a firearm, is, at the time of the application, assigned to a military posting in Kentucky, and has been assigned to a posting in the Commonwealth;

(c) Is twenty-one (21) years of age or older;

(d) Has not been committed to a state or federal facility for the abuse of a controlled substance or been convicted of a misdemeanor violation of KRS Chapter 218A or similar laws of any other state relating to controlled substances, within a three (3) year period immediately preceding the date on which the application is submitted;

(e) Does not chronically and habitually use alcoholic beverages as evidenced by the applicant having two (2) or more

convictions for violating KRS 189A.010 within the three (3) years immediately preceding the date on which the application is submitted, or having been committed as an alcoholic pursuant to KRS Chapter 222 or similar laws of another state within the three (3) year period immediately preceding the date on which the application is submitted;

(f) Does not owe a child support arrearage which equals or exceeds the cumulative amount which would be owed after one (1) year of nonpayment, if the Department of Kentucky State Police has been notified of the arrearage by the Cabinet for Health and Family Services;

(g) Has complied with any subpoena or warrant relating to child support or paternity proceedings. If the Department of Kentucky State Police has not been notified by the Cabinet for Health and Family Services that the applicant has failed to meet this requirement, the Department of Kentucky State Police shall assume that paternity and child support proceedings are not an issue;

(h) Has not been convicted of a violation of KRS 508.030 or 508.080 within the three (3) years immediately preceding the date on which the application is submitted. The commissioner of the Department of Kentucky State Police may waive this requirement upon good cause shown and a determination that the applicant is not a danger and that a waiver would not violate federal law;

(i) Demonstrates competence with a firearm by successful completion of a firearms safety or training course that is conducted by a firearms instructor who is certified by a national organization with membership open to residents of any state or territory of the United States, which was created to promote firearms education, safety, and the

profession of firearms use and training, and to foster professional behavior in its members. The organization shall require members to adhere to its own code of ethics and conduct a program which certifies firearms instructors and includes the use of written tests, in person instruction, and a component of live-fire training. These national organizations shall include but are not limited to the National Rifle Association, the United States Concealed Carry Association, and the National Shooting Sports Foundation. The training requirement may also be fulfilled through any firearms safety course offered or approved by the Department of Criminal Justice Training. The firearms safety course offered or approved by the Department of Criminal Justice Training shall:

1. Be not more than eight (8) hours in length;
 2. Include instruction on handguns, the safe use of handguns, the care and cleaning of handguns, and handgun marksmanship principles;
 3. Include actual range firing of a handgun in a safe manner, and the firing of not more than twenty (20) rounds at a full-size silhouette target, during which firing, not less than eleven (11) rounds must hit the silhouette portion of the target; and
 4. Include information on and a copy of laws relating to possession and carrying of firearms, as set forth in KRS Chapters 237 and 527, and the laws relating to the use of force, as set forth in KRS Chapter 503; and
- (j) Demonstrates knowledge of the law regarding the justifiable use of force by including with the application a copy of the concealed carry deadly weapons legal handout made available by the Department of Criminal Justice Training

and a signed statement that indicates that applicant has read and understands the handout.

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

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

1. At least one (1) of the following paper or electronic forms or their successor forms showing evidence of handgun training or handgun qualifications:
 - a. Department of Defense Form DD 2586;
 - b. Department of Defense Form DD 214;
 - c. Coast Guard Form CG 3029;
 - d. Department of the Army Form DA 88-R;
 - e. Department of the Army Form DA 5704-R;
 - f. Department of the Navy Form OPNAV 3591-1; or
 - g. Department of the Air Force Form AF 522; or

2.
 - a. Documentary evidence of an honorable discharge; and
 - b. A notarized affidavit on a form provided by the Department of Kentucky State Police, signed under penalty of perjury, stating the person has met the training requirements of subsection (6)(d) of this section.

(6)(a) Peace officers who are currently certified as peace officers by the Kentucky Law Enforcement Council pursuant to KRS 15.380 to 15.404 and peace officers who are retired and are members of the Kentucky Employees Retirement System, State Police Retirement System, or County Employees Retirement System or other

retirement system operated by or for a city, county, or urban-county in Kentucky shall be deemed to have met the training requirement. (b) Current and retired peace officers of the following federal agencies shall be deemed to have met the training requirement:

1. Any peace officer employed by a federal agency specified in KRS 61.365;
 2. Any peace officer employed by a federal civilian law enforcement agency not specified above who has successfully completed the basic law enforcement training course required by that agency;
 3. Any military peace officer of the United States Army, Navy, Marine Corps, or Air Force, or a reserve component thereof, or of the Army National Guard or Air National Guard who has successfully completed the military law enforcement training course required by that branch of the military;
 4. Any member of the United States Coast Guard serving in a peace officer role who has successfully completed the law enforcement training course specified by the United States Coast Guard.
- (c) Corrections officers who are currently employed by a consolidated local government, an urban-county government, or the Department of Corrections who have successfully completed a basic firearms training course required for their employment, and corrections officers who were formerly employed by a consolidated local government, an urban-county government, or the Department of Corrections who are retired, and who successfully completed a basic firearms training course required for their employment, and are members of a state-administered retirement system or other retirement system operated by or for a city, county, or urban-county

government in Kentucky shall be deemed to have met the training requirement.

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

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

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

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

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

(b)1. The completed paper application and any documentation required by this section plus an application fee or renewal fee, as appropriate, of sixty dollars (\$60) shall be presented to the

office of the sheriff of the county in which the applicant resides.

2. The sheriff shall transmit the paper application and accompanying material to the Department of Kentucky State Police within five (5) working days.

3. Twenty dollars (\$20) of the paper application fee shall be retained by the office of the sheriff for official expenses of the office. Twenty dollars (\$20) shall be sent to the Department of Kentucky State Police with the application. Ten dollars (\$10) shall be transmitted by the sheriff to the Administrative Office of the Courts to fund background checks for youth leaders, and ten dollars (\$10) shall be transmitted to the Administrative Office of the Courts to fund background checks for applicants for concealed weapons.

(c) 1. A completed electronic application submitted in lieu of a paper application, any documentation required by this section, and an application fee or renewal fee, as appropriate, of seventy dollars (\$70) shall be presented to the Department of Kentucky State Police.

2. If an electronic application is submitted in lieu of a paper application, thirty dollars (\$30) of the electronic application fee shall be retained by the Department of Kentucky State Police. Twenty dollars (\$20) shall be sent to the office of the sheriff of the applicant's county of residence for official expenses of the office. Ten dollars (\$10) shall be transmitted to the Administrative Office of the Courts to fund background checks for youth leaders, and ten dollars (\$10) shall be transmitted to the Administrative Office of the Courts to fund background checks for applicants for concealed weapon carry permits.

(d) A full-time or part-time peace officer who is currently certified as a peace officer by the Kentucky Law

Enforcement Council and who is authorized by his or her employer or government authority to carry a concealed deadly weapon at all times and all locations within the Commonwealth pursuant to KRS 527.020, or a retired peace officer who is a member of the Kentucky Employees Retirement System, State Police Retirement System, County Employees Retirement System, or other retirement system operated by or for a city, county, or urban-county government in Kentucky, shall be exempt from paying the paper or electronic application or renewal fees.

(e) The application, whether paper or electronic, shall be completed, under oath, on a form or in a manner promulgated by the Department of Kentucky State Police by administrative regulation which shall include: 1. a. The name, address, place and date of birth, citizenship, gender, Social Security number of the applicant; and b. If not a citizen of the United States, alien registration number if applicable, passport number, visa number, mother's maiden name, and other information necessary to determine the immigration status and eligibility to purchase a firearm under federal law of a person who is not a citizen of the United States; 2. A statement that, to the best of his or her knowledge, the applicant is in compliance with criteria contained within subsections (3) and (4) of this section; 3. A statement that the applicant, if qualifying under subsection (6)(c) of this section, has provided:

a. At least one (1) of the forms listed in subsection (5) of this section; or

b.i. Documentary evidence of an honorable discharge; and

ii. A notarized affidavit on a form provided by the Department of Kentucky

State Police stating the person has met the training requirements of subsection (6)(c) of this section;

4. A statement that the applicant has been furnished a copy of this section and is knowledgeable about its provisions;

5. A statement that the applicant has been furnished a copy of, has read, and understands KRS Chapter 503 as it pertains to the use of deadly force for self-defense in Kentucky; and

6. A conspicuous warning that the application is executed under oath and that a materially false answer to any question, or the submission of any materially false document by the applicant, subjects the applicant to criminal prosecution under KRS 523.030.

(8) The applicant shall submit to the sheriff of the applicant's county of residence or county of military posting if submitting a paper application, or to the Department of Kentucky State Police if submitting an electronic application:

(a) A completed application as described in subsection (7) of this section;

(b) A recent color photograph of the applicant, as prescribed by administrative regulation;

(c) A paper or electronic certificate or an affidavit or document as described in subsection (5) of this section;

(d) A paper or electronic document establishing the training exemption as described in subsection (6) of this section; and

(e) For an applicant who is not a citizen of the United States and has been lawfully admitted to the United States by the United States government or an agency thereof, an affidavit as prescribed by administrative regulation concerning his or her immigration status

and his or her United States government issued:

1. Permanent Resident Card I-551 or its equivalent successor identification;

2. Other United States government issued evidence of lawful admission to the United States which includes the category of admission, if admission has not been granted as a permanent resident; and

3. Evidence of compliance with the provisions of 18 U.S.C. sec. 922(g)(5), 18 U.S.C. sec. 922(d)(5), or 18 U.S.C. sec. 922(y)(2), and 27 C.F.R. Part 178, including, as appropriate, but not limited to evidence of ninety (90) day residence in the Commonwealth, a valid current Kentucky hunting license if claiming exemption as a hunter, or other evidence of eligibility to purchase a firearm by an alien which is required by federal law or regulation. If an applicant presents identification specified in this paragraph, the sheriff shall examine the identification, may record information from the identification presented, and shall return the identification to the applicant.

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

(a) Issue the license; or

(b) Deny the application based solely on the grounds that the applicant fails to qualify under the criteria listed in subsection (3) or (4) of this section. If the Department of Kentucky State Police denies the application, it shall notify the applicant in writing, stating the grounds for denial and informing the

applicant of a right to submit, within thirty (30) days, any additional documentation relating to the grounds of denial. Upon receiving any additional documentation, the Department of Kentucky State Police shall reconsider its decision and inform the applicant within twenty (20) days of the result of the reconsideration. The applicant shall further be informed of the right to seek de novo review of the denial in the District Court of his or her place of residence within ninety (90) days from the date of the letter advising the applicant of the denial.

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

(11) Within thirty (30) days after the changing of a permanent address, or

within thirty (30) days after the loss, theft, or destruction of a license, the licensee shall notify the Department of Kentucky State Police of the loss, theft, or destruction. Failure to notify the Department of Kentucky State Police shall constitute a noncriminal violation with a penalty of twenty-five dollars (\$25) payable to the clerk of the District Court. No court costs shall be assessed for a violation of this subsection. When a licensee makes application to change his or her residence address or other information on the license, neither the sheriff nor the Department of Kentucky State Police shall require a surrender of the license until a new license is in the office of the applicable sheriff and available for issuance. Upon the issuance of a new license, the old license shall be destroyed by the sheriff.

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

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

(b) The commissioner of the Department of Kentucky State Police, or his or her designee in writing, shall suspend the license of any person who becomes

temporarily ineligible to be issued a license or have a license renewed under the criteria set forth in this section. The license shall remain suspended until the person is again eligible for the issuance or renewal of a license.

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

1. Order any peace officer to seize the license from the person whose license was suspended or revoked; or
2. Direct the person whose license was suspended or revoked to surrender the license to the sheriff of the person's county of residence within two (2) business days of the receipt of the notice.

(d) If the person whose license was suspended or revoked desires a hearing on the matter, the person shall surrender the license as provided in paragraph (c)2. of this subsection and petition the commissioner of the Department of Kentucky State Police to hold a hearing on the issue of suspension or revocation of the license.

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

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

(g) Any party may appeal a decision pursuant to this subsection to the

District Court in the licensee's county of residence in the same manner as for the denial of a license.

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

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

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

(k) When a domestic violence order or emergency protective order is issued pursuant to the provisions of KRS Chapter 403 against a person holding a license issued under this section, the holder of the permit shall surrender the license to the court or to the officer serving the order. The officer to whom the license is surrendered shall forthwith transmit the license to the court issuing the order. The license shall be suspended until the order is terminated, or until the judge who issued the order terminates the suspension prior to the termination of the underlying domestic violence order or emergency protective order, in writing and by return of the license, upon proper motion by the license holder. Subject to the same conditions as above, a peace officer against whom an emergency protective order or domestic violence order has been issued shall not be permitted to carry a concealed deadly weapon when not on duty, the provisions of KRS 527.020 to the contrary notwithstanding.

(14)(a) Not less than one hundred twenty (120) days prior to the expiration date of the license, the Department of Kentucky State Police shall mail to each

licensee a written notice of the expiration and a renewal form prescribed by the Department of Kentucky State Police. The outside of the envelope containing the license renewal notice shall bear only the name and address of the applicant. No other information relating to the applicant shall appear on the outside of the envelope sent to the applicant. The licensee may renew his or her license on or before the expiration date by filing with the sheriff of his or her county of residence the paper renewal form, or by filing with the Department of Kentucky State Police an electronic renewal form in lieu of a paper renewal form, stating that the licensee remains qualified pursuant to the criteria specified in subsections (3) and (4) of this section, and the required renewal fee set forth in subsection (7) of this section. The sheriff shall issue to the applicant a receipt for the paper application for renewal of the license and shall date the receipt. The Department of Kentucky State Police shall issue to the applicant a receipt for an electronic application for renewal of the license submitted in lieu of a paper application for renewal and shall date the receipt. (b) A license which has expired shall be void and shall not be valid for any purpose other than surrender to the sheriff in exchange for a renewal license.

(c) The license shall be renewed to a qualified applicant upon receipt of the completed renewal application, records check as specified in subsection (3) of this section, determination that the renewal applicant is not ineligible for a license as specified in subsection (4), and appropriate payment of fees. Upon the issuance of a new license, the old license shall be destroyed by the sheriff. A licensee who fails to file a renewal

application on or before its expiration date may renew his or her license by paying, in addition to the license fees, a late fee of fifteen dollars (\$15). No license shall be renewed six (6) months or more after its expiration date, and the license shall be deemed to be permanently expired six (6) months after its expiration date. A person whose license has permanently expired may reapply for licensure pursuant to subsections (7), (8), and (9) of this section. (15) The licensee shall carry the license at all times the licensee is carrying a concealed firearm or other deadly weapon and shall display the license upon request of a law enforcement officer. Violation of the provisions of this subsection shall constitute a noncriminal violation with a penalty of twenty-five dollars (\$25), payable to the clerk of the District Court, but no court costs shall be assessed.

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

- (a) Any police station or sheriff's office;
- (b) Any detention facility, prison, or jail;
- (c) Any courthouse, solely occupied by the Court of Justice courtroom, or court proceeding;
- (d) Any meeting of the governing body of a county, municipality, or special district; or any meeting of the General Assembly or a committee of the General Assembly, except that nothing in this section shall preclude a member of the body, holding a concealed deadly weapon license, from carrying a concealed deadly weapon at a meeting of the body of which he or she is a member;
- (e) Any portion of an establishment licensed to dispense beer or alcoholic beverages for consumption on the

premises, which portion of the establishment is primarily devoted to that purpose;

(f) Any elementary or secondary school facility without the consent of school authorities as provided in KRS 527.070, any child-caring facility as defined in KRS 199.011, any day-care center as defined in KRS 199.894, or any certified family child-care home as defined in KRS 199.8982, except however, any owner of a certified child-care home may carry a concealed firearm into the owner's residence used as a certified child-care home;

(g) An area of an airport to which access is controlled by the inspection of persons and property; or

(h) Any place where the carrying of firearms is prohibited by federal law.

(17) The owner, business or commercial lessee, or manager of a private business enterprise, day-care center as defined in KRS 199.894 or certified or licensed family child-care home as defined in KRS 199.8982, or a health-care facility licensed under KRS Chapter 216B, except facilities renting or leasing housing, may prohibit persons holding concealed deadly weapon licenses from carrying concealed deadly weapons on the premises and may prohibit employees, not authorized by the employer, holding concealed deadly weapons licenses from carrying concealed deadly weapons on the property of the employer. If the building or the premises are open to the public, the employer or business enterprise shall post signs on or about the premises if carrying concealed weapons is prohibited. Possession of weapons, or ammunition, or both in a vehicle on the premises shall not be a criminal offense so long as the weapons, or ammunition, or both are not removed from the

vehicle or brandished while the vehicle is on the premises. A private but not a public employer may prohibit employees or other persons holding a concealed deadly weapons license from carrying concealed deadly weapons, or ammunition, or both in vehicles owned by the employer, but may not prohibit employees or other persons holding a concealed deadly weapons license from carrying concealed deadly weapons, or ammunition, or both in vehicles owned by the employee, except that the Justice and Public Safety Cabinet may prohibit an employee from carrying any weapons, or ammunition, or both other than the weapons, or ammunition, or both issued or authorized to be used by the employee of the cabinet, in a vehicle while transporting persons under the employee's supervision or jurisdiction. Carrying of a concealed weapon, or ammunition, or both in a location specified in this subsection by a license holder shall not be a criminal act but may subject the person to denial from the premises or removal from the premises, and, if an employee of an employer, disciplinary measures by the employer.

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

administration of the provisions of this section, KRS 237.138 to 237.142, and KRS 237.115, 244.125, 527.020, and 527.070.

(19) The General Assembly finds as a matter of public policy that it is necessary to provide statewide uniform standards for issuing licenses to carry concealed firearms and to occupy the field of regulation of the bearing of concealed firearms to ensure that no person who qualifies under the provisions of this section is denied his rights. The General Assembly does not delegate to the Department of Kentucky State Police the authority to regulate or restrict the issuing of licenses provided for in this section beyond those provisions contained in this section. This section shall be liberally construed to carry out the constitutional right to bear arms for self-defense.

(20)(a) A person who is not a resident of Kentucky and who has a valid license issued by another state of the United States to carry a concealed deadly weapon in that state may, subject to provisions of Kentucky law, carry a concealed deadly weapon in Kentucky, and his or her license shall be considered as valid in Kentucky. (b) If a person with a valid license to carry a concealed deadly weapon issued from another state that has entered into a reciprocity agreement with the Department of Kentucky State Police becomes a resident of Kentucky, the license issued by the other state shall be considered as valid for the first one hundred twenty (120) days of the person's residence in Kentucky, if within sixty (60) days of moving to Kentucky, the person completes a form promulgated by the Department of Kentucky State Police which shall include:

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

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

3. A photocopy of the person's out-of-state license to carry a concealed deadly weapon.

(c) Within sixty (60) days of moving to Kentucky, the person shall deliver the form and accompanying documents by registered or certified mail, return receipt requested, to the address indicated on the form provided by the Department of Kentucky State Police pursuant to this subsection.

(d) The out-of-state concealed carry license shall become invalid in Kentucky upon the earlier of: 1. The out-of-state person having resided in Kentucky for more than one hundred twenty (120) days; or

2. The person being issued a Kentucky concealed deadly weapon license pursuant to this section.

(e) The Department of Kentucky State Police shall, not later than thirty (30) days after July 15, 1998, and not less

than once every twelve (12) months thereafter, make written inquiry of the concealed deadly weapon carrying licensing authorities in each other state as to whether a Kentucky resident may carry a concealed deadly weapon in their state based upon having a valid Kentucky concealed deadly weapon license, or whether a Kentucky resident may apply for a concealed deadly weapon carrying license in that state based upon having a valid Kentucky concealed deadly weapon license. The Department of Kentucky State Police shall attempt to secure from each other state permission for Kentucky residents who hold a valid Kentucky concealed deadly weapon license to carry concealed deadly weapons in that state, either on the basis of the Kentucky license or on the basis that the Kentucky license is sufficient to permit the issuance of a similar license by the other state. The Department of Kentucky State Police shall enter into a written reciprocity agreement with the appropriate agency in each state that agrees to permit Kentucky residents to carry concealed deadly weapons in the other state on the basis of a Kentucky-issued concealed deadly weapon license or that will issue a license to carry concealed deadly weapons in the other state based upon a Kentucky concealed deadly weapon license. If a reciprocity agreement is reached, the requirement to recontact the other state each twelve (12) months shall be eliminated as long as the reciprocity agreement is in force. The information shall be a public record and shall be available to individual requesters free of charge for the first copy and at the normal rate for open records requests for additional copies.

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

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

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

(b) No concealed deadly weapon instructor shall have his or her certification as a concealed deadly weapon instructor license suspended or revoked except after a hearing conducted pursuant to KRS Chapter 13B in which the instructor is found to have committed an act in violation of the applicable statutes or administrative regulations;

(c) The department shall not require prior notification that an applicant class or instructor class will be conducted by a certified instructor or instructor trainer;

(d) Each concealed deadly weapon instructor or instructor trainer who

teaches a concealed deadly weapon applicant or concealed deadly weapon instructor class shall supply the Department of Criminal Justice Training with a class roster indicating which students enrolled and successfully completed the class, and which contains the name and address of each student, within five (5) working days of the completion of the class. The information may be sent by mail, facsimile, e-mail, or other method which will result in the receipt of or production of a hard copy of the information. The postmark, facsimile date, or e-mail date shall be considered as the date on which the notice was sent. Concealed deadly weapon class applicant, instructor, and instructor trainer information and records shall be confidential. The department may release to any person or organization the name, address, and telephone number of a concealed deadly weapon instructor or instructor trainer if that instructor or instructor trainer authorizes the release of the information in writing. The department shall include on any application for an instructor or instructor trainer certification a statement that the applicant either does or does not desire the applicant's name, address, and telephone number to be made public;

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

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

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

required by law shall have his or her concealed deadly weapon license revoked by the Department of Kentucky State Police, following a hearing conducted by the Department of Criminal Justice Training pursuant to KRS Chapter 13B, at which hearing the person is found to have violated the provisions of this section or who has been found not to have received the training required by law; (h) The department shall annually, not later than December 31 of each year, report to the Legislative Research Commission: 1. The number of firearms instructor trainers and certified firearms instructors whose certifications were suspended, revoked, denied, or who were otherwise disciplined; 2. The reasons for the imposition of suspensions, revocations, denials, or other discipline; and 3. Suggestions for improvement of the concealed deadly weapon applicant training program and instructor process; (i) If a concealed deadly weapon license holder is convicted of, pleads guilty to, or enters an Alford plea to a felony offense, then his or her concealed deadly weapon license shall be forthwith revoked by the Department of Kentucky State Police as a matter of law; (j) If a concealed deadly weapon instructor or instructor trainer is convicted of, pleads guilty to, or enters an Alford plea to a felony offense, then his or her concealed deadly weapon instructor certification or concealed deadly weapon instructor trainer certification shall be revoked by the Department of Criminal Justice Training as a matter of law; and (k) The following shall be in effect: 1. Action to eliminate the firearms instructor trainer program is prohibited. The program shall remain in effect, and no firearms instructor trainer shall have

his or her certification reduced to that of certified firearms instructor; 2. The Department of Kentucky State Police shall revoke the concealed deadly weapon license of any person who received no firearms training as required by KRS 237.126 and administrative regulations, or who received insufficient training as required by KRS 237.128 and administrative regulations, if the person voluntarily admits nonreceipt of training or admits receipt of insufficient training, or if either nonreceipt of training or receipt of insufficient training is proven following a hearing conducted by the Department of Criminal Justice Training pursuant to KRS Chapter 13B. Effective: June 29, 2017

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

(1) Except as provided in KRS 527.020, nothing contained in KRS 237.109 or 237.110 shall be construed to limit, restrict, or prohibit in any manner the right of a college, university, or any postsecondary education facility, including technical schools and community colleges, to control the possession of deadly weapons on any property owned or controlled by them or the right of a unit of state, city, county, urban-county, or charter county government to prohibit the carrying of concealed deadly weapons in that portion of a building actually owned, leased, or occupied by that unit of government.

(2) Except as provided in KRS 527.020, the legislative body of a state, city, county, or urban-county government may, by statute, administrative regulation, or ordinance, prohibit or limit

the carrying of concealed deadly weapons in that portion of a building owned, leased, or controlled by that unit of government. That portion of a building in which the carrying of concealed deadly weapons is prohibited or limited shall be clearly identified by signs posted at the entrance to the restricted area. The statute or ordinance shall exempt any building used for public housing by private persons, highway rest areas, firing ranges, and private dwellings owned, leased, or controlled by that unit of government from any restriction on the carrying or possession of deadly weapons. The statute, administrative regulation, or ordinance shall not specify any criminal penalty for its violation but may specify that persons violating the statute or ordinance may be denied entrance to the building, ordered to leave the building, and if employees of the unit of government, be subject to employee disciplinary measures for violation of the provisions of the statute or ordinance. The provisions of this section shall not be deemed to be a violation of KRS 65.870 if the requirements of this section are followed. The provisions of this section shall not apply to any other unit of government.

(3) Unless otherwise specifically provided by the Kentucky Revised Statutes or applicable federal law, no criminal penalty shall attach to carrying a concealed firearm or other deadly weapon at any location at which an unconcealed firearm or other deadly weapon may be constitutionally carried.

Effective: June 27, 2019

237.120 Program for firearms instructor trainers for concealed deadly weapon training program; qualification and certification requirements; in-service training; fee

(1) The Department of Criminal Justice Training shall operate and maintain a program for firearms instructor trainers for the concealed deadly weapon training program. Only the General Assembly may eliminate the firearms instructor trainer program.

(2) A firearms instructor trainer shall meet the requirements to be a firearms instructor and shall:

(a) Possess a high school diploma or High School Equivalency Diploma;

(b) Successfully complete a firearms instructor trainer course of not more than sixteen (16) hours provided by the department; and

(c) Possess at least one (1) of the following valid firearms instructor certifications:

1. National Rifle Association Personal Protection Instructor;

2. National Rifle Association Pistol Marksmanship Instructor;

3. Certification from a Kentucky or other firearms instructor course offered by a state or federal governmental agency; or

4. Certification from another firearms instructor training course that has been determined by the Commissioner of the Department of Criminal Justice Training to be equivalent to one (1) of the above listed courses.

(3) Certification as a firearms instructor trainer shall be valid for a period of three (3) years during which an instructor trainer shall:

(a) Conduct or assist in at least one (1) firearms instructor course; or

(b) Conduct or assist in at least one (1) applicant training course; and

(c) Attend an instructor trainer/instructor in-service training course of not more than four (4) hours conducted by the department; and

(d) Not have become ineligible to be a firearms instructor trainer.

(4) The department shall conduct in-service training for firearms instructor trainers and certified firearms instructors. In-service training courses shall be held not less than twice each year in each congressional district and shall be offered at various times during the year ensuring that the maximum number of persons can attend.

Preference shall be given to conducting in-service training classes on a Friday or a Saturday. Notice of the time, date, and location for in-service training for each calendar year shall be sent to each firearms instructor trainer and certified firearms instructor by mail or by e-mail not less than thirty (30) days prior to the beginning of the first class for each calendar year. The cost of the in-service training shall be not more than fifty dollars (\$50).

(5) At the end of the certification period, the department shall issue a new firearms instructor trainer certification to a person who has completed the provisions of this section, unless that firearms instructor trainer notifies the department in writing that he or she desires not to be recertified or is otherwise ineligible to be recertified. There shall be no charge for recertification. A firearms instructor trainer who has permitted his or her certification to expire may take the in-service course and be recertified for a period of up to one hundred eighty (180) days from the date of expiration of the certification without having to repeat the requirements of subsection (2) of this section.

(6) The fee for a firearms instructor trainer course shall be not more than one hundred dollars (\$100). No portion of the fee shall be refunded to any

student who fails or who does not complete the required course of training.

(7) Any state agency or public university which owns a firing range shall make that range available to the department for the conduct of in-service training without charge if the department determines that for any particular year's in-service training that range firing is required.

Effective: June 29, 2017

237.122 Program for certification of firearms instructors for concealed deadly weapon program; qualification and certification requirements; in-service training; fees

(1) The Department of Criminal Justice Training shall operate and maintain a program for certification of firearms instructors for the concealed deadly weapon training program. Only the General Assembly may eliminate the certified firearms instructor program.

(2) Training courses for certification of firearms instructors shall be conducted by firearms instructor trainers and the department.

(3) An applicant to be a firearms instructor shall hold a concealed deadly weapon license issued pursuant to KRS 237.110, and successfully complete a firearms instructor training course of not more than sixteen (16) hours provided by a certified firearms instructor trainer.

(4) Certification as a firearms instructor shall be valid for a period of three (3) years during which an instructor shall:

(a) Conduct or assist in at least one (1) applicant training course;

(b) Attend an instructor trainer/instructor in-service training course of not more than four (4) hours conducted by the department; and

(c) Not have become ineligible to be a firearms instructor.

(5) The department shall conduct in-service training for firearms instructor trainers and certified firearms instructors as specified in KRS 237.120.

(6) At the end of the certification period, the department shall issue a new firearms instructor certification to any person who has completed the provisions of this section, unless the firearms instructor notifies the department in writing that he or she desires not to be recertified or is otherwise ineligible to be recertified. There shall be no charge for recertification. A firearms instructor who has permitted his or her certification to expire may take the in-service course and be recertified for a period of one hundred eighty (180) days from the date of expiration of the certification without having to repeat the requirements of subsection (3) of this section.

(7) An instructor trainer shall charge a fee not to exceed one hundred fifty dollars (\$150) for a training course for a certified firearms instructor. The instructor shall remit fifty dollars (\$50) to the department to defray the cost of materials which the department shall provide to the instructor.

(8) No firearms instructor trainer or certified firearms instructor shall charge a fee in excess of seventy-five dollars (\$75) for the conduct of an applicant training course. An instructor trainer or certified firearms instructor may charge a student the actual cost of range use, targets and associated range materials, and classroom rental not to exceed ten dollars (\$10) for all of the items specified in this subsection. The instructor trainer or certified firearms instructor shall remit twenty-five dollars (\$25) per student to the department to cover the provision of

training materials distributed and providing evidence of successful completion of the course.

(9) No portion of a fee collected pursuant to this section shall be refunded to a student who fails or does not complete the required course of instruction.

Effective: June 29, 2017

237.124 Program for training applicants for concealed deadly weapon license

(1) The Department of Criminal Justice Training shall operate a program for the training of applicants for a concealed deadly weapon license. Only the General Assembly may eliminate the training program for applicants for a concealed deadly weapon license.

(2) Training pursuant to this section shall be conducted by a firearms instructor trainer or certified firearms instructor in accordance with the provisions of this chapter and administrative regulations promulgated thereunder.

Effective: July 15, 2002

237.126 Misrepresentation of having conducted training courses.

(1) A firearms instructor trainer or certified firearms instructor is guilty of not providing firearms training if he or she represents to the department that he or she has conducted training for a student firearms instructor or for an applicant in an applicant training course and has not, in fact, provided any such training.

(2) Not providing firearms training is a Class D felony.

Effective: July 15, 2002

237.128 Providing incomplete firearms training.

(1) A firearms instructor trainer or firearms instructor is guilty of providing incomplete firearms training if he or she represents to the department that he or she has conducted training for a student firearms instructor or for an applicant in an applicant training course and has not, in fact, provided lecture instruction, showed a required visual aid, conducted hands-on firearm safety training, provided range instruction and range firing, demonstrated firearm maintenance and cleaning procedures, or has permitted a student to qualify on a target on which the student has not achieved the marksmanship required by administrative regulation.

(2) Providing incomplete firearms training is a Class D felony.

Effective: June 29, 2017

237.130 Failure to report nonreceipt of firearms training when receiving certification without notice to specified law enforcement or prosecutorial personnel.

(1) A person is guilty of failure to report nonreceipt of firearms training when he or she receives certification that he or she has successfully completed a firearms instructor trainer, certified firearms instructor, or applicant training course and has not, in fact, received any such training and has not reported the matter in writing to the sheriff, Commonwealth's attorney, or county attorney serving the county in which the training was conducted or has not made a written report to the Department of Kentucky State Police and provided a copy of the certification documents to the agency reported to along with the report. The report shall be made not more than thirty (30) working days after

receiving documentation of successful completion of training, unless a request for additional time has been made and has been granted by an officer or agency to which the report shall be made.

(2) Failure to report nonreceipt of firearms training is a Class A misdemeanor.

(3) A person who makes a report pursuant to this section within the time frame specified in subsection (1) of this section shall not be prosecuted for a violation of this section and shall be eligible to reenroll in the level of class for which they were originally enrolled.

Effective: June 26, 2007

237.132 Failure to report insufficient firearms training when receiving certification without notice to specified law enforcement or prosecutorial personnel.

(1) A person is guilty of failure to report insufficient firearms training when he or she receives certification that he or she has successfully completed a firearms instructor trainer, certified firearms instructor, or applicant training course and has not, in fact received lecture instruction, the showing of a required visual aid, hands-on firearm safety training, range instruction and range firing, a demonstration of firearm maintenance and cleaning procedures, or has not successfully completed the marksmanship requirement during range firing and has not reported the matter in writing to the sheriff, Commonwealth's attorney, or county attorney serving the county in which the training was conducted or has not made a written report to the Department of Kentucky State Police and provided a copy of the certification documents to the agency reported to along with the

report. The report shall be made not more than thirty (30) working days after receiving documentation of successful completion of training, unless additional time is requested and has been granted by an officer or agency to which a report shall be made.

(2) Failure to report insufficient firearms training is a Class A misdemeanor.

(3) A person who makes a report pursuant to this section within the time frame specified in subsection (1) of this section shall not be prosecuted for a violation of this section and shall be eligible to reenroll in the level of class for which the person was originally enrolled.

Effective: June 29, 2017

237.136 Suspension or revocation of certification or denial of recertification of firearms instructor trainer or certified firearms instructor

(1) The Department of Criminal Justice Training may suspend or revoke the certification of a firearms instructor trainer or certified firearms instructor who is found, after a hearing held in conformity with the provisions of KRS Chapter 13B, to have violated a statute or administrative regulation relating to the concealed deadly weapon training program. The suspension of a certification may be for a period not to exceed five (5) years, and the department may require the person whose certification is suspended to successfully complete the level of course instruction for the certification which was suspended prior to reinstating the certification.

(2) The department shall deny recertification to a person whose certification has been revoked pursuant to this section.

(3) The department shall deny recertification to a person whose certification has been suspended for the remaining period of suspension.

(4) The department may temporarily suspend the certification of a firearms instructor trainer or certified firearms instructor prior to holding a hearing pursuant to KRS Chapter 13B if the department believes that the safety of the public requires such an action. In the event that a certification is temporarily suspended prior to holding a hearing pursuant to KRS Chapter 13B, the department shall hold a Chapter 13B hearing not later than thirty (30) days from the date of the temporary suspension unless the defendant requests an extension for a time certain. If the defendant requests an extension for a time certain, then the certification shall remain suspended until the conclusion of the hearing.

(5) A firearms instructor trainer or certified firearms instructor who is the subject of an investigation shall be notified as required by KRS Chapter 13B and shall have, at all stages in the proceeding, the right to be represented by counsel.

Effective: July 15, 2002

237.137 Concealed carry authority for off-duty and certified retired peace officers - - Attempt to prevent authorized individual from carrying -- Penalties.

(1) Off-duty peace officers authorized to do so by the government employing the officer and retired peace officers certified under KRS 237.138 to 237.142 may carry concealed firearms on or about their persons at all times and at any location within the Commonwealth where an on-duty peace officer is permitted to carry firearms.

(2) (a) Any person who prevents or attempts to prevent an individual authorized under subsection (1) of this section from carrying a concealed firearm shall be guilty of a violation subject to a fine of: 1. Five hundred dollars (\$500) for a first offense; 2. One thousand dollars (\$1,000) for a second offense; and 3. Two thousand five hundred dollars (\$2,500) for a third or any subsequent offense. (b) A citation for the violation may be issued to an individual or an establishment where the violation occurs.

Effective: June 29, 2017

237.138 Application of KRS 237.138 to 237.142 to retired peace officers.

KRS 237.138 to 237.142 shall apply to any elected or appointed peace officer who is honorably retired and who:

(1) Meets the provisions of the federal Law Enforcement Officers Safety Act, 18 U.S.C. sec. 926C;

(2) Meets the provisions of KRS 237.138 to 237.142; and (3) Desires to carry a concealed deadly weapon in conformity with the provisions of the federal Law Enforcement Officers Safety Act, 18 U.S.C. sec. 926C.

Effective: July 12, 2012

237.140 Certification for retired peace officer to carry concealed deadly weapon -- Administrative regulations -- Requirements -- Firearms instruction.

(1)(a) Certification for a retired peace officer to carry a concealed deadly weapon pursuant to KRS 237.138 to 237.142 shall be administered by the Department of Kentucky State Police.

(b) Costs of certification shall be paid for by moneys generated by the concealed deadly weapon license program under

KRS 15.383 and collected by the Department of Kentucky State Police pursuant to that section.

(c) The Department of Kentucky State Police shall promulgate administrative regulations in accordance with KRS Chapter 13A necessary to implement the provisions of KRS 237.138 to 237.142. The regulations shall allow the validity of any license or certifying documentation issued to the retired peace officer under this section to be extended in yearly increments not more than four (4) times. To facilitate this objective, the regulations may authorize the material required by subsection (2) of this section to be submitted to the person supervising the firearms qualifications under subsection (4)(b) of this section, with that person then submitting the material to the Department of Kentucky State Police and signing the license or certification in a manner that satisfies the requirements of federal law as to the retiree's passage of the required yearly firearms testing.

(2) Each retired peace officer who desires certification to carry a concealed deadly weapon shall annually submit:

(a) Evidence of retired status to the commissioner of the Department of Kentucky State Police together with all information required by federal law, this section, and administrative regulations promulgated pursuant to this section;

(b) Evidence of successful completion of firearms qualification required under this section; and

(c) A notarized statement that he or she is not prohibited by state or federal law from possessing a firearm.

(3) Each law enforcement agency that employed the retired peace officer, or at which the retired peace officer served in an elected capacity, shall provide to the retired officer and the Department of

Kentucky State Police the information required by federal law, this section, and the administrative regulations promulgated pursuant to this section in a prompt and efficient manner, without charge either to the Department of Kentucky State Police or the retiree.

(4)(a) Each retired peace officer shall annually fire twenty (20) rounds at an adult size silhouette target at a range of twenty-one (21) feet, with a handgun, and shall hit the target not less than eleven (11) times to obtain or maintain certification under KRS 237.138 to 237.142.

(b) The rounds fired pursuant to paragraph (a) of this subsection shall be done under the supervision of:

1. A firearms instructor of the retiree's former employing agency;
2. A currently certified peace officer who has successfully completed a Kentucky Law Enforcement Council approved firearms instructor course;
3. A Department of Criminal Justice Training certified police firearms instructor or instructor trainer; or
4. A Department of Criminal Justice Training certified concealed carry instructor or instructor trainer.

(c) A firearms instructor may, if not compensated pursuant to paragraph (d) of this subsection, charge each participant a fee of not more than twenty dollars (\$20), which shall include the cost of the range, firearms instructor, range personnel, targets, and all other costs associated therewith, but not the cost of ammunition. Ammunition, or the cost of ammunition, shall be provided by the retiree.

(d) A local or state law enforcement agency that desires to conduct firearms qualification for its retirees shall schedule not less than two (2) dates for firearms qualification per year, and

those dates shall be approximately six (6) months apart. The local or state law enforcement agency may charge each participant a fee of not more than twenty dollars (\$20), which shall include the cost of use of the range, firearms instructor, range personnel, targets, and all other costs associated therewith, but not the cost of ammunition. Ammunition, or the cost of ammunition, shall be provided by the retiree.

(e) No employer or appointing authority of a firearms instructor who has successfully completed a Kentucky Law Enforcement Council approved firearms instructor course, Department of Criminal Justice Training certified police firearms instructor or instructor trainer, or Department of Criminal Justice Training certified concealed carry instructor or instructor trainer shall prohibit or in any way limit the instructor from qualifying active or retired peace officers in conformity with KRS 237.138 or 237.142 while that instructor is off duty. No employer or appointing authority of an instructor specified in this paragraph shall be liable in civil damages for the actions or omissions of the instructor during qualification of active or retired peace officers when that instructor is off duty.

Effective: July 15, 2014

237.200 Definitions for KRS 237.210 and 237.220

As used in KRS 237.210 and 237.220:

(1) "Shooting range" or "range" means an area designated and operated by a person for the shooting of firearms and not available for that use by the general public without payment of a fee, membership contribution, or dues, or by invitation of an authorized person; or any area so designated and operated by

a unit of government, regardless of the terms of admission thereto.

(2) "Unit of government" means any of the departments of state government or political subdivisions of the state, cities, counties, urban-counties, or charter counties, or any of their respective departments, agencies, or authorities.

Effective: July 15, 1998

237.210 Effect of changed conditions on nuisance actions involving shooting ranges; standing to sue; limitation of liability; prohibition against retroactive application of laws

(1) No shooting range shall be or shall become a nuisance, either public or private, solely as a result of changed conditions in or around the locality of the range if the range has been in operation for one (1) year since the date on which it commenced operation as a shooting range. Subsequent physical expansion of the range or expansion of the types of firearms in use at the range shall not establish a new date of commencement of operations for purposes of this section unless the change triples the amount of the noise produced by the shooting range. The increase in the noise level at the shooting range shall be measured by an independent testing agency or a unit of government and shall compare the highest noise levels during any one (1) month during which the range is in full operation with a subsequent month in which the range is in full operation and conducting a comparable level of shooting activities. Only a person who lives adjacent to the shooting range shall have standing to bring an action under this section.

(2) No shooting range or unit of government or person owning, operating, or using a shooting range for

the shooting of firearms shall be subject to any action for civil or criminal liability, damages, abatement, or injunctive relief resulting from or relating to noise generated by the operation of the range if the range remains in compliance with noise control or nuisance abatement administrative regulations, statutes, or ordinances applicable to the range on the date on which it commenced operation.

(3) No administrative regulations, statutes, or ordinances relating to noise control, noise pollution, or noise abatement adopted or enacted by a unit of government shall be applied retroactively to prohibit conduct at a shooting range, which conduct was lawful and being engaged in prior to the adoption or enactment of the administrative regulations, statutes, or ordinances.

Effective: July 15, 1998

237.220 Retroactivity of KRS 237.200 and 237.210

The provisions of KRS 237.200 and 237.210 shall be retroactive and shall apply to covered actions either before, on, or after July 15, 1998.

Effective: July 15, 1998

KRS 503 GENERAL PRINCIPLES OF JUSTIFICATION (FORCE)

503.010 Definitions for chapter

The following definitions apply in this chapter unless the context otherwise requires:

(1) "Deadly physical force" means force which is used with the purpose of causing death or serious physical injury or which the defendant knows to create

a substantial risk of causing death or serious physical injury.

(2) "Dwelling" means a building or conveyance of any kind, including any attached porch, whether the building or conveyance is temporary or permanent, mobile or immobile, which has a roof over it, including a tent, and is designed to be occupied by people lodging therein at night..

(3) "Imminent" means impending danger, and, in the context of domestic violence and abuse as defined by KRS 403.720, belief that danger is imminent can be inferred from a past pattern of repeated serious abuse.

(4) "Physical force" means force used upon or directed toward the body of another person and includes confinement.

(5) "Residence" means a dwelling in which a person resides either temporarily or permanently or is visiting as an invited guest.

(6) "Vehicle" means a conveyance of any kind, whether or not motorized, which is designed to transport people or property.

Effective: July 12, 2006

503.020 Justification; A defense

In any prosecution for an offense, justification, as defined in this chapter, is a defense.

Effective: January 1, 1975

503.030 Choice of evils

(1) Unless inconsistent with the ensuing sections of this code defining justifiable use of physical force or with some other provisions of law, conduct which would otherwise constitute an offense is justifiable when the defendant believes it to be necessary to avoid an imminent

public or private injury greater than the injury which is sought to be prevented by the statute defining the offense charged, except that no justification can exist under this section for an intentional homicide.

(2) When the defendant believes that conduct which would otherwise constitute an offense is necessary for the purpose described in subsection (1), but is wanton or reckless in having such belief, or when the defendant is wanton or reckless in bringing about a situation requiring the conduct described in subsection (1), the justification afforded by this section is unavailable in a prosecution for any offense for which wantonness or recklessness, as the case may be, suffices to establish culpability.

Effective: January 1, 1975

503.040 Execution of public duty

(1) Unless inconsistent with the ensuing sections of this code defining justifiable use of physical force or with some other provisions of law, conduct which would otherwise constitute an offense is justifiable when it is required or authorized by a provision of law imposing a public duty or by a judicial decree.

(2) The justification afforded by subsection (1) applies when:

(a) The defendant believes his conduct to be required or authorized by the judgment or direction of a competent court or tribunal or in the lawful execution of legal process, notwithstanding lack of jurisdiction of the court or defect in the legal process; or

(b) The defendant believes his conduct to be required or authorized to assist a public officer in the performance of his duties, notwithstanding that the officer exceeded his legal authority.

Effective: January 1, 1975

503.050 Use of physical force in self-protection; admissibility of evidence of prior acts of domestic violence and abuse

(1) The use of physical force by a defendant upon another person is justifiable when the defendant believes that such force is necessary to protect himself against the use or imminent use of unlawful physical force by the other person.

(2) The use of deadly physical force by a defendant upon another person is justifiable under subsection (1) only when the defendant believes that such force is necessary to protect himself against death, serious physical injury, kidnapping, or sexual intercourse compelled by force or threat, felony involving the use of force, or under those circumstances permitted pursuant to KRS 503.055.

(3) Any evidence presented by the defendant to establish the existence of a prior act or acts of domestic violence and abuse as defined in KRS 403.720 by the person against whom the defendant is charged with employing physical force shall be admissible under this section.

(4) A person does not have a duty to retreat prior to the use of deadly physical force.

Effective: July 12, 2006

503.055 Use of defensive force regarding dwelling, residence, or occupied vehicle; exceptions

(1) A person is presumed to have held a reasonable fear of imminent peril of death or great bodily harm to himself or herself or another when using defensive

force that is intended or likely to cause death or great bodily harm to another if:

(a) The person against whom the defensive force was used was in the process of unlawfully and forcibly entering or had unlawfully and forcibly entered a dwelling, residence, or occupied vehicle, or if that person had removed or was attempting to remove another against that person's will from the dwelling, residence, or occupied vehicle; and

(b) The person who uses defensive force knew or had reason to believe that an unlawful and forcible entry or unlawful and forcible act was occurring or had occurred.

(2) The presumption set forth in subsection (1) of this section does not apply if:

(a) The person against whom the defensive force is used has the right to be in or is a lawful resident of the dwelling, residence, or vehicle, such as an owner, lessee, or titleholder, and there is not an injunction for protection from domestic violence or a written pretrial supervision order of no contact against that person;

(b) The person sought to be removed is a child or grandchild, or is otherwise in the lawful custody or under the lawful guardianship of the person against whom the defensive force is used;

(c) The person who uses defensive force is engaged in an unlawful activity or is using the dwelling, residence, or occupied vehicle to further an unlawful activity; or

(d) The person against whom the defensive force is used is a peace officer, as defined in KRS 446.010, who enters or attempts to enter a dwelling, residence, or vehicle in the performance of his or her official duties, and the officer identified himself or herself in

accordance with any applicable law or the person using force knew or reasonably should have known that the person entering or attempting to enter was a peace officer.

(3) A person who is not engaged in an unlawful activity and who is attacked in any other place where he or she has a right to be has no duty to retreat and has the right to stand his or her ground and meet force with force, including deadly force, if he or she reasonably believes it is necessary to do so to prevent death or great bodily harm to himself or herself or another or to prevent the commission of a felony involving the use of force.

(4) A person who unlawfully and by force enters or attempts to enter a person's dwelling, residence, or occupied vehicle is presumed to be doing so with the intent to commit an unlawful act involving force or violence.

Effective: July 12, 2006

503.060 Improper use of physical force in self-protection

Notwithstanding the provisions of KRS 503.050, the use of physical force by a defendant upon another person is not justifiable when:

- (1) The defendant is resisting an arrest by a peace officer, recognized to be acting under color of official authority and using no more force than reasonably necessary to effect the arrest, although the arrest is unlawful; or
- (2) The defendant, with the intention of causing death or serious physical injury to the other person, provokes the use of physical force by such other person; or
- (3) The defendant was the initial aggressor, except that his use of physical force upon the other person under this circumstance is justifiable when:

(a) His initial physical force was nondeadly and the force returned by the other is such that he believes himself to be in imminent danger of death or serious physical injury; or

(b) He withdraws from the encounter and effectively communicates to the other person his intent to do so and the latter nevertheless continues or threatens the use of unlawful physical force.

Effective: January 1, 1975

503.070 Protection of another

(1) The use of physical force by a defendant upon another person is justifiable when:

(a) The defendant believes that such force is necessary to protect a third person against the use or imminent use of unlawful physical force by the other person; and

(b) Under the circumstances as the defendant believes them to be, the person whom he seeks to protect would himself have been justified under KRS 503.050 and 503.060 in using such protection.

(2) The use of deadly physical force by a defendant upon another person is justifiable when:

(a) The defendant believes that such force is necessary to protect a third person against imminent death, serious physical injury, kidnapping or sexual intercourse compelled by force or threat, or other felony involving the use of force; and

(b) Under the circumstances as they actually exist, the person whom he seeks to protect would himself have been justified under KRS 503.050 and 503.060 in using such protection.

(3) A person does not have a duty to retreat if the person is in a place where he or she has a right to be.

Effective: July 12, 2006

503.080 Protection of property

(1) The use of physical force by a defendant upon another person is justifiable when the defendant believes that such force is immediately necessary to prevent:

(a) The commission of criminal trespass or burglary in a dwelling, building or upon real property in his possession or in the possession of another person for whose protection he acts; or

(b) Theft, criminal mischief, or any trespassory taking of tangible, movable property in his possession or in the possession of another person for whose protection he acts.

(2) The use of deadly physical force by a defendant upon another person is justifiable under subsection (1) only when the defendant believes that the person against whom such force is used is:

(a) Attempting to dispossess him of his dwelling otherwise than under a claim of right to its possession; or

(b) Committing or attempting to commit a burglary of such dwelling; or

(c) Committing or attempting to commit arson of a dwelling or other building in his possession.

(3) A person does not have a duty to retreat if the person is in a place where he or she has a right to be.

Effective: July 12, 2006

503.085 Justification and criminal and civil immunity for use of permitted force; exceptions.

(1) A person who uses force as permitted in KRS 503.050, 503.055, 503.070, and 503.080 is justified in using such force and is immune from criminal prosecution and civil action for

the use of such force, unless the person against whom the force was used is a peace officer, as defined in KRS 446.010, who was acting in the performance of his or her official duties and the officer identified himself or herself in accordance with any applicable law, or the person using force knew or reasonably should have known that the person was a peace officer. As used in this subsection, the term "criminal prosecution" includes arresting, detaining in custody, and charging or prosecuting the defendant.

(2) A law enforcement agency may use standard procedures for investigating the use of force as described in subsection (1) of this section, but the agency may not arrest the person for using force unless it determines that there is probable cause that the force that was used was unlawful.

(3) The court shall award reasonable attorney's fees, court costs, compensation for loss of income, and all expenses incurred by the defendant in defense of any civil action brought by a plaintiff, if the court finds that the defendant is immune from prosecution as provided in subsection (1) of this section.

Effective: July 12, 2006

503.090 Use of physical force in law enforcement

(1) The use of physical force by a defendant upon another person is justifiable when the defendant, acting under official authority, is making or assisting in making an arrest, and he:

(a) Believes that such force is necessary to effect the arrest;

(b) Makes known the purpose of the arrest or believes that it is otherwise

known or cannot reasonably be made known to the person to be arrested; and
(c) Believes the arrest to be lawful.

(2) The use of deadly physical force by a defendant upon another person is justifiable under subsection (1) only when:

(a) The defendant, in effecting the arrest, is authorized to act as a peace officer; and

(b) The arrest is for a felony involving the use or threatened use of physical force likely to cause death or serious physical injury; and

(c) The defendant believes that the person to be arrested is likely to endanger human life unless apprehended without delay.

(3) The use of physical force, including deadly physical force, by a defendant upon another person is justifiable when the defendant is preventing the escape of an arrested person and when the force could justifiably have been used to effect the arrest under which the person is in custody, except that a guard or other person authorized to act as a peace officer is justified in using any force, including deadly force, which he believes to be necessary to prevent the escape of a person from jail, prison, or other institution for the detention of persons charged with or convicted of a crime.

Effective: January 1, 1975

503.100 Prevention of a suicide or crime

(1) The use of physical force by a defendant upon another person is justifiable when the defendant believes that such force is immediately necessary to prevent such other person from:

(a) Committing suicide or inflicting serious physical injury upon himself; or

(b) Committing a crime involving or threatening serious physical injury to person, substantial damage to or loss of property, or any other violent conduct.

(2) The use of deadly physical force by a defendant upon another person is justifiable under subsection (1)(b) only when the defendant believes that the person whom he seeks to prevent from committing a crime is likely to endanger human life.

(3) The limitations imposed on the justifiable use of force in self-protection by KRS 503.050 and 503.060, for the protection of others by KRS 503.070, for the protection of property by KRS 503.080, and for the effectuation of an arrest or the prevention of an escape by KRS 503.090 apply notwithstanding the criminality of the conduct against which such force is used.

Effective: January 1, 1975

503.110 Use of force by person with responsibility for care, discipline, or safety of others

(1) The use of physical force by a defendant upon another person is justifiable when the defendant is a parent, guardian, or other person entrusted with the care and supervision of a minor or an incompetent person or when the defendant is a teacher or other person entrusted with the care and supervision of a minor, for a special purpose, and:

(a) The defendant believes that the force used is necessary to promote the welfare of a minor or mentally disabled person or, if the defendant's responsibility for the minor or mentally disabled person is for a special purpose, to further that special purpose

or maintain reasonable discipline in a school, class, or other group; and

(b) The force that is used is not designed to cause or known to create a substantial risk of causing death, serious physical injury, disfigurement, extreme pain, or extreme mental distress.

(2) The use of physical force by a defendant upon another person is justifiable when the defendant is a warden or other authorized official of a correctional institution, and:

(a) The defendant believes that the force used is necessary for the purpose of enforcing the lawful rules of the institution;

(b) The degree of force used is not forbidden by any statute governing the administration of the institution; and

(c) If deadly force is used, its use is otherwise justifiable under this code.

(3) The use of physical force by a defendant upon another person is justifiable when the defendant is a person responsible for the operation of or the maintenance of order in a vehicle or other carrier of passengers and the defendant believes that such force is necessary to prevent interference with its operation or to maintain order in the vehicle or other carrier, except that deadly physical force may be used only when the defendant believes it necessary to prevent death or serious physical injury.

(4) The use of physical force by a defendant upon another person is justifiable when the defendant is a doctor or other therapist or a person assisting him at his direction, and:

(a) The force is used for the purpose of administering a recognized form of treatment which the defendant believes to be adapted to promoting the physical or mental health of the patient; and

(b) The treatment is administered with the consent of the patient or, if the patient is a minor or a mentally disabled person, with the consent of the parent, guardian, or other person legally competent to consent in his behalf, or the treatment is administered in an emergency when the defendant believes that no one competent to consent can be consulted and that a reasonable person, wishing to safeguard the welfare of the patient, would consent.

Effective: July 1, 1982

503.120 Justification; general provisions

(1) When the defendant believes that the use of force upon or toward the person of another is necessary for any of the purposes for which such belief would establish a justification under KRS 503.050 to 503.110 but the defendant is wanton or reckless in believing the use of any force, or the degree of force used, to be necessary or in acquiring or failing to acquire any knowledge or belief which is material to the justifiability of his use of force, the justification afforded by those sections is unavailable in a prosecution for an offense for which wantonness or recklessness, as the case may be, suffices to establish culpability.

(2) When the defendant is justified under KRS 503.050 to 503.110 in using force upon or toward the person of another, but he wantonly or recklessly injures or creates a risk of injury to innocent persons, the justification afforded by those sections is unavailable in a prosecution for an offense involving wantonness or recklessness toward innocent persons.

Effective: January 1, 1975

KRS 500 KENTUCKY PENAL CODE

As used in the Kentucky Penal Code, unless the context otherwise requires:

(1) "Actor" means any natural person and, where relevant, a corporation or an unincorporated association;

(2) "Crime" means a misdemeanor or a felony;

(3) "Dangerous instrument" means any instrument, including parts of the human body when a serious physical injury is a direct result of the use of that part of the human body, article, or substance which, under the circumstances in which it is used, attempted to be used, or threatened to be used, is readily capable of causing death or serious physical injury;

(4) "Deadly weapon" means any of the following:

(a) A weapon of mass destruction;

(b) Any weapon from which a shot, readily capable of producing death or other serious physical injury, may be discharged;

(c) Any knife other than an ordinary pocket knife or hunting knife;

(d) Billy, nightstick, or club;

(e) Blackjack or slapjack;

(f) Nunchaku karate sticks;

(g) Shuriken or death star; or

(h) Artificial knuckles made from metal, plastic, or other similar hard material;

(5) "Felony" means an offense for which a sentence to a term of imprisonment of at least one (1) year in the custody of the Department of Corrections may be imposed;

(6) "Government" means the United States, any state, county, municipality, or other political unit, or any department, agency, or subdivision of any of the foregoing, or any corporation or other

association carrying out the functions of government;

(7) "He" means any natural person and, where relevant, a corporation or an unincorporated association;

(8) "Law" includes statutes, ordinances, and properly adopted regulatory provisions. Unless the context otherwise clearly requires, "law" also includes the common law;

(9) "Minor" means any person who has not reached the age of majority as defined in KRS 2.015;

(10) "Misdemeanor" means an offense, other than a traffic infraction, for which a sentence to a term of imprisonment of not more than twelve (12) months can be imposed;

(11) "Offense" means conduct for which a sentence to a term of imprisonment or to a fine is provided by any law of this state or by any law, local law, or ordinance of a political subdivision of this state or by any law, order, rule, or regulation of any governmental instrumentality authorized by law to adopt the same;

(12) "Person" means a human being, and where appropriate, a public or private corporation, an unincorporated association, a partnership, a government, or a governmental authority;

(13) "Physical injury" means substantial physical pain or any impairment of physical condition;

(14) "Possession" means to have actual physical possession or otherwise to exercise actual dominion or control over a tangible object;

(15) "Serious physical injury" means physical injury which creates a substantial risk of death, or which causes serious and prolonged disfigurement, prolonged impairment of health, or prolonged loss or impairment

of the function of any bodily organ. For a child twelve (12) years of age or less at the time of the injury, a serious physical injury includes but is not limited to the following:

- (a) Bruising near the eyes, or on the head, neck, or lower back overlying the kidneys;
 - (b) Any bruising severe enough to cause underlying muscle damage as determined by elevated creatine kinase levels in the blood;
 - (c) Any bruising or soft tissue injury to the genitals that affects the ability to urinate or defecate;
 - (d) Any testicular injury sufficient to put fertility at risk;
 - (e) Any burn near the eyes or involving the mouth, airway, or esophagus;
 - (f) Any burn deep enough to leave scarring or dysfunction of the body;
 - (g) Any burn requiring hospitalization, debridement in the operating room, IV fluids, intubation, or admission to a hospital's intensive care unit;
 - (h) Rib fracture;
 - (i) Scapula or sternum fractures;
 - (j) Any broken bone that requires surgery;
 - (k) Head injuries that result in intracranial bleeding, skull fracture, or brain injury;
 - (l) A concussion that results in the child becoming limp, unresponsive, or results in seizure activity;
 - (m) Abdominal injuries that indicate internal organ damage regardless of whether surgery is required;
 - (n) Any injury requiring surgery;
 - (o) Any injury that requires a blood transfusion; and
 - (p) Any injury requiring admission to a hospital's critical care unit;
- (16) "Unlawful" means contrary to law or, where the context so requires, not

permitted by law. It does not mean wrongful or immoral;

(17) "Violation" means an offense, other than a traffic infraction, for which a sentence to a fine only can be imposed; and

(18) "Weapon of mass destruction" means:

- (a) Any destructive device as defined in KRS 237.030, but not fireworks as defined in KRS 227.700;
- (b) Any weapon that is designed or intended to cause death or serious physical injury through the release, dissemination, or impact of toxic or poisonous chemicals or their precursors;
- (c) Any weapon involving a disease organism; or
- (d) Any weapon that is designed to release radiation or radioactivity at a level dangerous to human life.

Effective: June 29, 2017

KRS 527 OFFENSES RELATING TO FIREARMS AND WEAPONS

527.010 Definitions for chapter

The following definitions apply in this chapter unless the context otherwise requires:

(1) "Booby trap device" shall have the same meaning as set forth in KRS 237.030.

(2) "Deface" means to remove, deface, cover, alter, or destroy the manufacturer's serial number or any other distinguishing number or identification mark.

(3) "Destructive device" shall have the same meaning as set forth in KRS 237.030.

(4) "Firearm" means any weapon which will expel a projectile by the action of an explosive.

(5) "Handgun" means any pistol or revolver originally designed to be fired by the use of a single hand, or any other firearm originally designed to be fired by the use of a single hand.

Effective: July 15, 1994

527.020 Carrying concealed deadly weapon.

(1) A person is guilty of carrying a concealed weapon when he or she carries concealed a firearm or other deadly weapon on or about his or her person in violation of this section.

(2) Peace officers and certified court security officers, when necessary for their protection in the discharge of their official duties; United States mail carriers when actually engaged in their duties; and agents and messengers of express companies, when necessary for their protection in the discharge of their official duties, may carry concealed weapons on or about their person.

(3) The director of the Division of Law Enforcement in the Department of Fish and Wildlife Resources, conservation officers of the Department of Fish and Wildlife Resources, and policemen directly employed by state, county, city, or urban-county governments may carry concealed deadly weapons on or about their person at all times within the Commonwealth of Kentucky, when expressly authorized to do so by law or by the government employing the officer.

(4) Persons carrying concealed weapons in accordance with KRS 237.109 or licensed to carry a concealed deadly weapon pursuant to KRS 237.110 may carry a concealed firearm or other concealed deadly weapon on or about their persons at all times within the Commonwealth of Kentucky, if the firearm or concealed

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

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

1. A Commonwealth's attorney or assistant Commonwealth's attorney;
2. A retired Commonwealth's attorney or retired assistant Commonwealth's attorney;
3. A county attorney or assistant county attorney;
4. A retired county attorney or retired assistant county attorney;
5. A justice or judge of the Court of Justice;
6. A retired or senior status justice or judge of the Court of Justice; and

7. A retired peace officer who holds a concealed deadly weapon license issued pursuant to the federal Law Enforcement Officers Safety Act, 18 U.S.C. sec. 926C, and KRS 237.138 to 237.142.

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

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

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

1. An elected sheriff and full-time and part-time deputy sheriffs certified pursuant to KRS 15.380 to 15.404 when expressly authorized to do so by the unit of government employing the officer;

2. An elected jailer and a deputy jailer who has successfully completed Department of Corrections basic training

and maintains his or her current in-service training when expressly authorized to do so by the jailer; and

3. The department head or any employee of a corrections department in any jurisdiction where the office of elected jailer has been merged with the office of sheriff who has successfully completed Department of Corrections basic training and maintains his or her current in-service training when expressly authorized to do so by the unit of government by which he or she is employed.

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

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

paid peace officer or elected sheriff from that state or territory. (b) The provisions of this subsection shall not authorize a person specified in this subsection to carry a concealed deadly weapon in a detention facility as defined in KRS 520.010 or on the premises of a detention facility without the permission of the warden, jailer, or other person in charge of the facility, or the permission of a person authorized by the warden, jailer, or other person in charge of the detention facility to give such permission. As used in this section, "detention facility" does not include courtrooms, facilities, or other premises used by the Court of Justice or administered by the Administrative Office of the Courts.

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

person prohibited from possessing a firearm pursuant to KRS 527.040.

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

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

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

(10) Carrying a concealed weapon is a Class A misdemeanor, unless the defendant has been previously convicted of a felony in which a deadly weapon was possessed, used, or displayed, in which case it is a Class D felony.

Effective: June 27, 2019

527.030 Defacing a firearm.

(1) A person is guilty of defacing a firearm when he intentionally defaces a firearm. (2) Defacing a firearm is a Class A misdemeanor.

Effective: January 1, 1975

527.040 Possession of firearm by convicted felon -- Exceptions -- Applicability to youthful offenders.

(1) A person is guilty of possession of a firearm by a convicted felon when he possesses, manufactures, or transports a firearm when he has been convicted of a felony, as defined by the laws of the

jurisdiction in which he was convicted, in any state or federal court and has not:

(a) Been granted a full pardon by the Governor or by the President of the United States; or

(b) Been granted relief by the United States Secretary of the Treasury pursuant to the Federal Gun Control Act of 1968, as amended.

(2) (a) Possession of a firearm by a convicted felon is a Class D felony unless the firearm possessed is a handgun in which case it is a Class C felony. (b) If a felon is convicted of a criminal offense other than possession of a firearm by a convicted felon, and he or she possessed a firearm in commission of that offense, then the felon shall be penalized for violating this section one (1) class more severely if it is a second or subsequent violation of this section.

(3) The provisions of this section shall apply to any youthful offender convicted of a felony offense under the laws of this Commonwealth. The exceptions contained in KRS 527.100 prohibiting possession of a handgun by a minor shall not apply to this section. (4) The provisions of this section with respect to handguns, shall apply only to persons convicted after January 1, 1975, and with respect to other firearms, to persons convicted after July 15, 1994. Effective: July 14, 2018

527.050 Possession of defaced firearm.

(1) A person is guilty of possession of a defaced firearm when he knowingly possesses a defaced firearm unless he makes a report to the police or other appropriate government agency of such possession prior to arrest or authorization of a warrant by a court.

(2) Possession of a defaced firearm is a Class A misdemeanor.

Effective: January 1, 1975

527.060 Forfeiture.

Upon the conviction of any person for the violation of any law of this Commonwealth in which a deadly weapon was used, displayed or unlawfully possessed by such person the court shall order the weapon forfeited to the state and sold, destroyed or otherwise disposed of in accordance with KRS 500.090.

History: Created 1974 Ky. Acts ch. 406, sec. 239

527.070 Unlawful possession of a weapon on school property -- Posting of sign -- Exemptions.

(1) A person is guilty of unlawful possession of a weapon on school property when he knowingly deposits, possesses, or carries, whether openly or concealed, for purposes other than instructional or school-sanctioned ceremonial purposes, or the purposes permitted in subsection (3) of this section, any firearm or other deadly weapon, destructive device, or booby trap device in any public or private school building or bus, on any public or private school campus, grounds, recreation area, athletic field, or any other property owned, used, or operated by any board of education, school, board of trustees, regents, or directors for the administration of any public or private educational institution. The provisions of this section shall not apply to institutions of postsecondary or higher education.

(2) Each chief administrator of a public or private school shall display about the school in prominent locations, including, but not limited to, sports arenas,

gymnasiums, stadiums, and cafeterias, a sign at least six (6) inches high and fourteen (14) inches wide stating:

UNLAWFUL POSSESSION OF A WEAPON ON SCHOOL PROPERTY IN KENTUCKY IS A FELONY PUNISHABLE BY A MAXIMUM OF FIVE (5) YEARS IN PRISON AND A TEN THOUSAND DOLLAR (\$10,000) FINE.

Failure to post the sign shall not relieve any person of liability under this section.

(3) The provisions of this section prohibiting the unlawful possession of a weapon on school property shall not apply to:

(a) An adult who is not a pupil of any secondary school and who possesses a firearm, if the firearm is contained within a vehicle operated by the adult and is not removed from the vehicle, except for a purpose permitted herein, or brandished by the adult, or by any other person acting with expressed or implied consent of the adult, while the vehicle is on school property;

(b) Any pupils who are members of the reserve officers training corps or pupils enrolled in a course of instruction or members of a school club or team, to the extent they are required to carry arms or weapons in the discharge of their official class or team duties;

(c) Any peace officer or police officer authorized to carry a concealed weapon pursuant to KRS 527.020;

(d) Persons employed by the Armed Forces of the United States or members of the National Guard or militia when required in the discharge of their official duties to carry arms or weapons;

(e) Civil officers of the United States in the discharge of their official duties. Nothing in this section shall be

construed as to allow any person to carry a concealed weapon into a public or private elementary or secondary school building;

(f) Any other persons, including, but not limited to, exhibitors of historical displays, who have been authorized to carry a firearm by the board of education or board of trustees of the public or private institution;

(g) A person hunting during the lawful hunting season on lands owned by any public or private educational institution and designated as open to hunting by the board of education or board of trustees of the educational institution;

(h) A person possessing unloaded hunting weapons while traversing the grounds of any public or private educational institution for the purpose of gaining access to public or private lands open to hunting with the intent to hunt on the public or private lands, unless the lands of the educational institution are posted prohibiting the entry; or

(i) A person possessing guns or knives when conducting or attending a "gun and knife show" when the program has been approved by the board of education or board of trustees of the educational institution.

(4) Unlawful possession of a weapon on school property is a Class D felony.

Effective: June 27, 2019

527.080 Using restricted ammunition during the commission of a crime -- Exception.

(1) A person is guilty of using restricted ammunition during the commission of a crime when he commits any felony offense under this code and is armed at the time of the commission of the offense or in the immediate flight therefrom with a firearm loaded, as defined in KRS 237.060, with armor-

piercing ammunition as defined in KRS 237.060 or flanged ammunition as defined in KRS 237.060.

(2) Using restricted ammunition during the commission of a crime is:

- (a) A Class D felony if no shot is fired;
- (b) A Class C felony if a shot is fired and no person is killed or wounded thereby;
- (c) A Class B felony if a shot is fired and a person other than the defendant or an accomplice of the defendant is wounded by the shot; and
- (d) A Class A felony if a shot is fired and a person other than the defendant or an accomplice of the defendant is killed by the shot.

(3) The provisions of this section are intended to be a separate offense from the underlying crime, which shall be punished separately. If a person is convicted of this offense, his sentence shall be served consecutively to the sentence for the underlying offense. (4) The provisions of this section shall not apply to any person who is justified in acting pursuant to the provisions of KRS Chapter 503.

Effective: July 15, 1996

527.090 Fraudulent firearm transaction.

(1) As used in this section:

- (a) "Licensed dealer" means a person who is licensed pursuant to 18 U.S.C. sec. 923 and pursuant to any laws of this Commonwealth and engages in the business of dealing in firearms;
- (b) "Materially false information" means information that portrays an illegal transaction as legal or a legal transaction as illegal; and
- (c) "Private seller" means a person who sells or offers for sale any firearm.

(2) A person is guilty of fraudulent firearm transaction when he or she knowingly:

- (a) Solicits, persuades, encourages, or entices a licensed dealer or private seller of firearms to transfer a firearm under circumstances which the person knows would violate the laws of this Commonwealth or the United States;
- (b) Provides to a licensed dealer or private seller of firearms what the person knows to be materially false information with intent to deceive the dealer or seller about the legality of a transfer of a firearm; or
- (c) Procures another to engage in conduct prohibited by this section.

(3) Fraudulent firearm transaction is a Class D felony.

Effective: July 12, 2012

527.100 Possession of handgun by minor.

(1) A person is guilty of possession of a handgun by a minor when, being under the age of eighteen (18) years, he possesses, manufactures, or transports a handgun as defined by KRS 527.010, except when the person is:

- (a) In attendance at a hunter's safety course or a firearms safety course;
- (b) Engaging in practice in the use of a firearm, or target shooting at an established firing range, or any other area where the discharge of a firearm is not prohibited;
- (c) Engaging in an organized competition involving the use of a firearm, or participating in or practicing for a performance by a group organized under Section 501(c)(3) of the Internal Revenue Code or any successor thereto which uses firearms as a part of the performance;
- (d) Hunting or trapping pursuant to a valid license issued to him pursuant to

the statutes or administrative regulations of this Commonwealth;

(e) Traveling to or from any activity described in paragraphs (a) to (d) of this subsection with any unloaded handgun in his possession;

(f) On real property which is under the control of an adult and has the permission of that adult and his parent or legal guardian to possess a handgun; or

(g) At his residence and with the permission of his parent or legal guardian possesses a handgun and is justified under the principles of justification set forth in KRS Chapter 503 in using physical force or deadly physical force.

(2) For the purposes of subsection (1) of this section, a handgun is "loaded" if: (a) There is a cartridge in the chamber of the handgun; or

(b) There is a cartridge in the cylinder of the handgun, if the handgun is a revolver; or

(c) There is a cartridge in the magazine of a semiautomatic handgun, if the magazine is attached to the handgun; or

(d) The handgun and the ammunition for the handgun, are carried on the person of one under the age of eighteen (18) years or are in such close proximity to him that he could readily gain access to the handgun and the ammunition and load the handgun.

(3) Possession of a handgun by a minor is a Class A misdemeanor for the first offense and a Class D felony for each subsequent offense.

Effective: July 15, 1994

527.110 Unlawfully providing handgun to juvenile or permitting juvenile to possess handgun.

(1) A person is guilty of unlawfully providing a handgun to a juvenile or permitting a juvenile to possess a handgun when he:

(a) Intentionally, knowingly, or recklessly provides a handgun, with or without remuneration, in violation of KRS 527.040, 527.100, or 600.020 to any person he knows or has reason to believe is under the age of eighteen (18) years; or

(b) Is the parent or legal guardian of a juvenile and intentionally, knowingly, or recklessly provides a handgun to the juvenile or permits the juvenile to possess a handgun knowing that there is a substantial risk that the juvenile will use a handgun to commit a felony offense; or, with knowledge that the juvenile has been convicted of a crime of violence as defined in KRS 439.3401 or has been adjudicated a public offender of an offense which would constitute a crime of violence as defined in KRS 439.3401, provides a handgun to that juvenile.

(2) Unlawfully providing a handgun to a juvenile or permitting a juvenile to possess a handgun is a Class D felony.

Effective: July 15, 1994

REMAINDER EDITED

MISCELLANEOUS STATUTES OF INTEREST

65.870 Local firearms control ordinances prohibited -- Exemption from immunity - - Declaratory and injunctive relief.

(1) 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 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 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.

Effective: July 12, 2012

403.754 Petitioner for protective order may apply for temporary permit to carry concealed deadly weapon -- Criteria -- Denial of application final -- Conversion to concealed carry

license -- Automated listing of temporary permit holders.

(1) A petitioner for an order of protection granted under KRS 403.715 to 403.785 may apply for a temporary permit to carry a concealed deadly weapon on or about his or her person into those places and under the same conditions as a person holding a carry concealed deadly weapon license issued under KRS 237.110. (2) To request a temporary permit authorized by this section, the petitioner shall apply electronically for a license to carry a concealed deadly weapon in the manner set forth in KRS 237.110 and administrative regulation promulgated by the Department of Kentucky State Police, unless the electronic application is unavailable. If the electronic application is unavailable, applications for temporary permits under this section shall not be accepted.

(3) Prior to the issuance of a temporary permit authorized by this section, the Department of Kentucky State Police, upon receipt of a completed application, application fee, and any documentation required by KRS 237.110 or administrative regulation promulgated by the Department of Kentucky State Police, shall conduct the background check as set forth in KRS 237.110.

(4) The Department of Kentucky State Police shall issue a temporary permit authorized by this section if the applicant is not disqualified under the standards set forth in KRS 237.110(4)(a) to (h).

(5) A temporary permit issued under this section shall be valid for forty-five (45) days from the date of issuance and not be subsequently extended or reissued. A temporary permit which has expired

shall be void and shall not be valid for any purpose.

(6) The Department of Kentucky State Police shall, within one (1) working day or as soon as practically possible after the date of receipt of the completed application, a recent color photograph of the applicant, and, for applicants who are not citizens of the United States, any documentation required under KRS 237.110, either issue the temporary permit or deny the application based solely on the grounds that the applicant fails to qualify under the criteria set forth in KRS 237.110.

(7) In order to convert the temporary permit issued under this section into a license to carry a concealed deadly weapon issued under KRS 237.110, the applicant shall meet the firearms safety training requirement under KRS 237.110(4) within the forty-five (45) day period the temporary permit is valid. If firearms safety training is not completed within the forty-five (45) day temporary permit period, a new application for a license to carry a concealed deadly weapon shall be required.

(8) If the Department of Kentucky State Police denies the application for a temporary permit, that decision shall be final but the applicant's application for a license to carry a concealed deadly license shall continue to be processed and either issued or denied in accordance with KRS 237.110.

(9) The holder of a permit issued under this section shall carry the permit at all times the permit holder is carrying a concealed firearm or other deadly weapon and shall display the permit upon request of a law enforcement officer. Violation of the provisions of this subsection shall constitute a noncriminal violation with a penalty of twenty-five dollars (\$25), payable to the clerk of the

District Court, but no court costs shall be assessed.

(10) The Department of Kentucky State Police shall maintain an automated listing of temporary permit holders and pertinent information under the same

circumstances and restrictions set forth in KRS 237.110.

(11) Nothing in this section shall authorize the carrying of a concealed deadly weapon by a person prohibited from possessing such a weapon by state or federal law.

Effective: July 15, 2014

KENTUCKY ADMINISTRATIVE REGULATIONS

503 KAR 4:010. Definitions for 503 KAR Chapter 4

RELATES TO: KRS 237.110(2)(f)

STATUTORY AUTHORITY: KRS 237.110(2)(f)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 237.110(2)(f) requires the department to promulgate administrative regulations concerning the: (1) certification and decertification of firearms instructors practicing in Kentucky; and (2) firearms safety and training courses or classes that are: (a) approved by the department; or (b) conducted by the department or by a firearms instructor certified by the department. This administrative regulation establishes the definitions for administrative regulations relating to: (1) the certification of firearms instructors; and (2) firearms safety and training courses or classes.

Section 1. Definitions. (1) "Applicant training course" means a firearms safety or training course or class required by KRS 237.110(2)(f) that:

(a) The department:

1. Conducts; or
2. Has approved; or

(b) Is conducted by firearms instructors certified by the department.

(2) "Certifying agency" means the Department of Criminal Justice Training or federal agency that qualifies students as competent with firearms.

(3) "Department" means the Department of Criminal Justice Training.

(4) "Instructor candidate" means a person who is taking a firearms safety or training course or class in order to qualify as a firearms instructor.

(5) "Instructor trainer" means a firearms instructor who has been certified by the department to train qualified firearms instructors.

(6) "Certified firearms instructor" means a person who has been certified by the department to teach applicant training courses.

(7) "Student" means a person taking an applicant training course.

(23 Ky.R. 1283, Am. 1587, eff. 9-17-96.)

503 KAR 4:020. Teaching and advertising courses

RELATES TO: KRS 237.110(2)(f)

STATUTORY AUTHORITY: KRS 237.110(2)(f)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 237.110(2)(f) requires the department to promulgate administrative regulations concerning the: (1) certification and decertification of firearms instructors practicing in Kentucky; and (2) firearms safety and training courses or classes that are: (a) approved by the department; or (b) conducted by the department or by a firearms instructor certified by the department. This administrative regulation: (1) restricts the teaching of applicant training instructor

qualification courses to persons who are certified by the department to teach; and (2) prohibits advertisements or other representations relating to firearms safety and training courses or classes and licensure to carry a concealed firearm by persons who are not certified by the department.

Section 1. A person who is not a certified firearms instructor shall not teach applicant training courses.

Section 2. A person who is not a certified firearms instructor shall not advertise or otherwise represent a course he teaches as qualifying students to meet the requirements to receive a license to carry concealed deadly weapons in Kentucky.

Section 3. A person who is not a certified instructor trainer shall not teach instructor qualification courses.

(23 Ky.R. 1284, Am. 1587, eff. 9-17-96.)

503 KAR 4:040. Required instructor training

RELATES TO: KRS 237.110, 237.120, 237.122, 237.124, 237.136

STATUTORY AUTHORITY: KRS 237.120(1), 237.122(1)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 237.120(1) and 237.122(1) require the department to operate and maintain a program for firearms instructor trainers and firearms instructors for the concealed deadly weapon training program. This administrative regulation establishes the training required for certification as a firearms instructor or firearms instructor trainer.

Section 1. An applicant training course student shall complete an "Applicant Request for Training for License to Carry Concealed Deadly Weapons" Form #126-A, which shall include a statement acknowledging receipt of copies of pertinent sections of KRS Chapters 237, 527, and 503.

Section 2. A firearms instructor or instructor trainer course shall include:

- (1) Fourteen (14) hours of classroom instruction covering at least the following topics:
 - (a) By means of a videotape produced by the department:
 1. The requirements for obtaining a concealed deadly weapons license in Kentucky;
 2. Sections of KRS Chapters 237 and 527 that relate to firearms; and
 3. Sections of KRS Chapter 503 relating to the justifiable use of force;
 - (b) The conduct of applicant training courses;
 - (c) Recordkeeping requirements of this administrative regulation;
 - (d) The basic nomenclature of handguns;
 - (e) The basic principles of marksmanship; and
 - (f) The safe handling of handguns;

- (2) A classroom demonstration, during which the instructor candidate shall receive instruction on and demonstrate competency in the ability to prepare and deliver a classroom presentation using materials from the applicant curriculum; and
- (3) Range instruction and firing of live ammunition, during which the instructor candidate shall receive instruction on and demonstrate competency in the ability to:
 - (a) Handle and fire a handgun safely and accurately;
 - (b) Conduct a function test and safety inspection of common types of handguns;
 - (c) Clean and care for common types of handguns; and
 - (d) Supervise and conduct live firing exercises in a safe and efficient manner.

Section 3. To qualify as a certified firearms instructor or an instructor trainer, the instructor candidate shall achieve:

- (1) A minimum score of seventy (70) percent on a written examination covering the material taught during the classroom portion of the course;
- (2) A minimum score of eighty (80) percent on range firing of a handgun, without receiving any assistance in holding, aiming, or firing by any other person, from a safe position while aiming at a B-21 PC silhouette target or an equivalent target approved by the department, with a minimum of:
 - (a) Ten (10) rounds from seven (7) yards; and
 - (b) Ten (10) rounds from fifteen (15) yards; and
- (3) A score of "passing" from the course instructor for demonstrating competency in each of the following:
 - (a) Supervising and conducting live fire;
 - (b) Cleaning and inspecting handguns; and
 - (c) Preparing and delivering the classroom lecture. The lecture shall be graded by using the "CCDW Instructor and Instructor Trainer Five (5)-Minute Presentation" Form. The form shall be submitted to the department as a part of the class record.

Section 4. A In order to avoid unnecessary repetition of the course work in the CCDW applicant course, a person who desires to be certified as a CCDW firearms instructor or instructor trainer, but does not possess a CCDW license, shall be permitted to complete the appropriate CCDW firearms instructor training course and shall be issued an applicant certificate which can be used to apply for a CCDW license. Upon showing proof to the Department of Criminal Justice Training that the person has obtained a license, the person shall be certified as an instructor or instructor trainer.

Section 5. (1) An instructor candidate who fails to meet the requirements of Section 3 of this administrative regulation may retake the examination, range work or classroom demonstration one (1) time without having to repeat the course.

(2) An instructor candidate shall retake the examination, range work, or classroom demonstration within thirty (30) days of the date of failure to meet the requirements of Section 3 of this administrative regulation.

(3) A certified firearms instructor trainer may use a CCDW "Training Class Roster Form," CCDW #5 to comply with the class roster requirements of KRS 237.110(22)(d).

Section 6. (1) A course participant shall provide a safe, functional handgun and factory-loaded ammunition.

(2) Prior to conducting range firing, the course instructor shall:

- (a) Inspect each/applicant's firearm; and
- (b) Not allow the firing of a handgun that the instructor has reason to believe is not in sound mechanical condition or otherwise may pose a safety hazard.

Section 7. Incorporation by Reference. (1) The following material is incorporated by reference:

- (a) "Applicant Request for Training for License to Carry Concealed Deadly Weapons" Form #126-A (07/12/06 edition), Department of Criminal Justice Training;
- (b) "CCDW Instructor and Instructor Trainer Five (5)-Minute Presentation," (6/02 edition), Department of Criminal Justice Training; and
- (c) "CCDW Training Class Roster Form (CCDW #5)," (July 15, 2006 edition), Department of Criminal Justice Training;

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, from the Department of Criminal Justice Training, Funderburk Building, 521 Lancaster Avenue, Richmond, Kentucky 40475-3102, Monday through Friday, 8 a.m. to 4:30 p.m.

(23 Ky.R. 1286; Am. 1588; eff. 9-17-96; 29 Ky.R. 1872, 2278; eff. 3-19-03; 33 Ky.R. 533; 1078; eff. 11-3-06.)

503 KAR 4:050. Required content and conduct of the applicant training course

RELATES TO: KRS 237.110, 237.124

STATUTORY AUTHORITY: KRS 237.124

NECESSITY, FUNCTION, AND CONFORMITY: KRS 237.124 requires the department to promulgate administrative regulations concerning the operation of a program for the training of applicants for a concealed deadly weapons license. This administrative regulation establishes that program.

Section 1. An applicant training course shall be:

- (1) The standardized training course furnished by the department; and
- (2) Taught by a certified firearms instructor.

Section 2. Applicant Training Course Content. (1) Classroom instruction. An applicant training course shall include at least six (6) hours, but not more than eight (8) hours, of classroom instruction, covering the following topics:

- (a) Handgun safety in the classroom, at home, on the firing range or while carrying the firearm;
- (b) The basic principles of marksmanship;
- (c) Care and cleaning of handguns; and

- (d) By means of a videotape produced by the department:
 - 1. The requirements for obtaining a concealed deadly weapons license in Kentucky;
 - 2. Sections of KRS Chapters 237 and 527 relating to firearms; and
 - 3. Sections of KRS Chapter 503 relating to the justifiable use of force.
- (2) Live firing exercises. An applicant training course shall include live firing exercises of sufficient duration for an applicant to fire a handgun:
 - (a) From a safe position;
 - (b) Without receiving any assistance in holding, aiming, or firing from the instructor or any other person;
 - (c) Twenty (20) rounds observed by the instructor. The instructor shall observe the applicant for each round fired, including those fired after the applicant has hit the silhouette portion of the target as required by KRS 237.110(4)(i)(3); and
 - (d) At a distance from a B-21 silhouette target, or an equivalent as approved by the department, of seven (7) yards.
- (3) If range firing is conducted at a facility or range that requires a training instructor or range officer to clear or directly supervise and assist in the clearing of all firearm jams or malfunctions, the clearing of a firearm jam or malfunction by a certified firearms instructor or facility range officer in accordance with that policy shall not constitute prohibited assistance to a student for the purposes of subsection (2)(b) of this section.

Section 3. The classroom portion of the course shall be taught, at the certified firearms instructor's discretion, in one (1) six (6) hour block or divided into segments of not less than one (1) hour each.

Section 4. (1) An applicant training course shall not be open to persons who are less than twenty-one (21) years of age.

- (2) An applicant training course student shall complete:
 - (a) An "Applicant Request for Training for License to Carry Concealed Deadly Weapons" Form #126-A, which shall include a statement acknowledging receipt of copies of pertinent sections of KRS Chapters 237, 527, and 503; and
 - (b) A "Release of Liability, Agreement to Waive Claims, Express Assumption of Risks, and Indemnity Agreement," Form #126-B.

Section 5. A certified firearms instructor shall not discuss the videotape or KRS Chapters 237, 503, or 527 with students, either individually or as a class.

Section 6. (1) At the conclusion of the classroom portion of an applicant training course, a certified firearms instructor shall:

- (a) Distribute a standard course examination to the students;
- (b) Not leave the room in which the examination is being held while the examination is in progress, unless another certified firearms instructor is physically present in the room to supervise the examination; and
- (c) Collect examination booklets and answer sheets from each student at the end of the examination period.

(2) At the conclusion of the classroom portion of an applicant training course, a certified firearms instructor may:

- (a) Grade the applicant's examination; and
- (b) Provide the applicant with his or her score.

Section 7. Except for an instructor, a person shall not:

- (1) Make a copy of the applicant training course examination, in whole or in part;
- (2) Possess an applicant training course examination, or questions from an examination, unless authorized by the department; or
- (3) Divulge the contents of applicant training course examination questions to another person.

Section 8. (1) A student shall use a safe, functional handgun and factory-loaded ammunition.

- (a) An instructor or instructor trainer may choose to provide a safe, functional handgun at the request of the student for use during the class.
- (b) An instructor or an instructor trainer shall not advertise that students will be furnished a handgun for use in the class.
- (c) A handgun shall not be furnished unless special circumstances dictate the need to do so and the student requests it.
- (d) An instructor or instructor trainer shall not charge a fee for furnishing a handgun, but may recover the actual cost of ammunition that is provided at the request of the student.

(2) Prior to conducting range firing, a certified firearms instructor shall:

- (a) Inspect each applicant's firearm; and
- (b) Not allow the firing of a handgun that the instructor has reason to believe is not in sound mechanical condition or otherwise may pose a safety hazard.

Section 9. A passing grade shall not be given on range work to an applicant who:

- (1) Does not follow the orders of a certified firearms instructor;
- (2) In the judgment of a certified firearms instructor, handles a firearm in a manner that poses a danger to the applicant or to others; or
- (3) Fails to hit the silhouette portion of a target with a majority of the twenty (20) rounds without assistance in holding, aiming, or firing the firearm from the instructor or another person.

Section 10. In accordance with the requirements of KRS 237.110(22)(g), if the department believes that an instructor has not complied with the requirements for teaching a certified firearms instructor or applicant class, it shall send a "VF-1 Verification Form" to each student who has been listed by the instructor as having successfully completed the class taught by that instructor.

Section 11. (1) The "Applicant Request for Training for License to Carry Concealed Deadly Weapons" and course fee required by KRS 237.122 shall be sent to the department at the same time as the class roster required by KRS 237.110(22)(d).

(2) A certified firearms instructor may use a "CCDW Training Class Roster Form," CCDW #5, to comply with the class roster requirements of KRS 237.110(22)(d).

Section 12. An applicant training course shall not have more than:

- (1) Forty (40) students in the classroom portion; or
- (2) Five (5) students per range officer engaged in range firing. Students in a waiting area at a range facility who are not actively engaged in loading, unloading or firing handguns shall not be considered to be engaged in range firing for the purposes of this subsection.

Section 13. Incorporation by Reference. (1) The following material is incorporated by reference:

- (a) "Applicant Request for Training for License to Carry Concealed Deadly Weapons" Form #126-A, (07/12/06 edition), Department of Criminal Justice Training;
- (b) "Release of Liability, Agreement to Waive Claims, Express Assumption of Risks, and Indemnity Agreement," Form #126-B, (07/12/06 edition), Department of Criminal Justice Training;
- (c) VF-1 "Verification Form" (6/02 edition), Department of Criminal Justice Training; and
- (d) CCDW #5 "CCDW Training Class Roster Form" (July 15, 2006 edition), Department of Criminal Justice Training.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at Department of Criminal Justice Training, Funderburk Building, Kit Carson Drive, Richmond, Kentucky 40475-3137, Monday through Friday, 8 a.m. to 4:30 p.m.

(23 Ky.R. 1288; Am. 1589; eff. 9-17-96; 29 Ky.R. 1873, 2279; eff. 3-19-03; 33 Ky.R. 535; 1079; eff. 11-3-06.)

503 KAR 4:060. Reporting test scores and issuing certificates of completion

RELATES TO: KRS 237.110, 237.124

STATUTORY AUTHORITY: KRS 237.124

NECESSITY, FUNCTION, AND CONFORMITY: KRS 237.124 requires the department to promulgate administrative regulations concerning the operation of a program for the training of applicants for a concealed deadly weapons license. This administrative regulation establishes the requirements for reporting test scores to the department and the issuance of a certificate of successful completion of the course.

Section 1. Within five (5) working days after the completion of the course, a certified firearms instructor shall:

- (1) Grade the examinations; and
- (2) Mail or deliver to the department:
 - (a) The completed "Applicant Request for Training License to Carry Concealed Deadly Weapons" Form #126, incorporated by reference in 503 KAR 4:050,

showing the student's score on the written examination and indicating whether the student passed or failed the range work; and
(b) The graded examinations.

Section 2. Within fifteen (15) days after receipt of the material specified in Section 1 of this administrative regulation, the department shall mail to an applicant:

- (1) A certificate of successful course completion; or
- (2) A notice that the applicant has failed the:
 - (a) Course and will not be certified; and
 - (b) Written examination, the range firing, or both, as appropriate.

Section 3. A student shall be issued a certificate of completion if he has:

- (1) Answered at least seventy (70) percent of the written examination questions correctly; and
- (2) Achieved a grade of "passing" on the range work.

Section 4. (1) A student who scored below seventy (70) percent on the written examination may retake the examination one (1) time without having to retake the course.

(2) A student who has not passed the range work may repeat the range work one (1) time without having to retake the course.

(23 Ky.R. 1290, Am. 1590, eff. 9-17-96; 29 Ky.R. 1875, 2280, eff. 3-19-03.)

NOTE

Complete and official copies of the statutes included in this document, as well as others are available electronically at:

<http://www.lrc.ky.gov/krs/titles.htm>

Applicant Seeking Permit

Applicant goes to CCDW website or contacts local sheriff's office to identify *Certified CCDW Instructors*.

Applicant arranges to enroll in one-day training class conducted by a *Certified Instructor*.

Within five working days after completing the course, the *Certified Instructor* forwards information regarding the applicant's paperwork to DOJT in Richmond.

Within 15 working days of receiving information from the *Certified Instructor*, the DOJT will notify the applicant of successful completion by mailing or emailing a **certificate of training** or a notice of failure of training.



HOW TO ACQUIRE A CARRY CONCEALED DEADLY WEAPON LICENSE

KSP will conduct background check and issue or deny license to applicant within 60 days after receipt of items from the Sheriff's Office or 15 working days after the receipt of items electronically.

KSP mails "Flash Pak" to Applicant notifying Applicant to pick up license at sheriff's office.

Applicant becomes licensee and may carry weapon concealed.

License must be renewed five years from date of issue.

Within five working days, the sheriff transmits the application and accompanying materials to the Kentucky State Police (KSP).

Applicant submits **Certificate of Training**, photo, application material, KSP Use of Force Certification form, \$40 fee to KSP and \$20 fee to the sheriff's office in county in which applicant resides

or

Applicant may go to the KSP website and submit their application electronically

Special Notice

Applicants who are peace officers, currently certified by KLEC, or a retired peace officer, who is a member of KERS, SPRS, CERS, or other retirement system operated by a city, county or urban-county in KY, do not have to meet the training requirement or pay license fees.