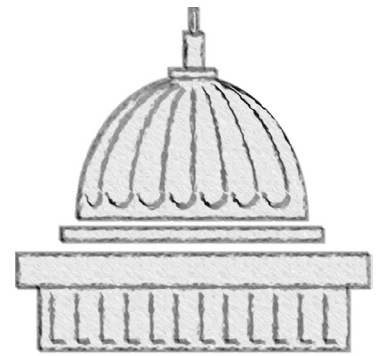


NRA / ILA Firearms Laws for

KENTUCKY

(As of March 2008)



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A SYNOPSIS OF STATE LAWS ON PURCHASE, POSSESSION AND CARRYING OF FIREARMS.

QUICK REFERENCE CHART

	Rifles and Shotguns	Handguns
Permit to Purchase	No	No
Registration of Firearms	No	No
Licensing of Owners	No	No
Permit to Carry	No	Yes

STATE CONSTITUTIONAL PROVISION

"All men are by nature, free and equal, and have certain inherent and inalienable rights, among which may be reckoned: ... 7) The right to bear arms in defense of themselves and of the state, subject to the power of the general assembly to enact laws to prevent persons from carrying concealed weapons." Article 1, Section 1, Paragraph 7.

PURCHASE

No state permit is required to purchase a rifle, shotgun, or handgun.

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 person in Kentucky or in any other state or nation outside of the Commonwealth of Kentucky.

POSSESSION

No state permit is required to possess a rifle, shotgun, or handgun.

CARRYING

It is unlawful to carry a concealed firearm on or about one's person. This applies to carrying a concealed firearm in one's own premises or dwelling. Exempt from this prohibition are persons issued a license to carry concealed firearms, police officers, agents and messengers of express companies when on duty, and U.S. mail carriers on duty.

"Concealed on or about the person" has been recently defined as "concealment in such proximity to the person as to be convenient of

access and within immediate physical reach." Kentucky courts consider firearms located under a driver's seat concealed "on or about" the person, and are, therefore, unlawful. Firearms located in glove compartments, locked or unlocked, are not considered concealed.

The Department of Kentucky State Police shall issue a license to carry concealed firearms if the applicant:

- is a citizen of the United States who is a resident of this Commonwealth and has been a resident for 6 months or longer;
- 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, and who has been assigned to a posting in the Commonwealth for 6 months or longer immediately preceding the filing of the application;
- is at least 21 years of age;
- is not ineligible to possess a firearm pursuant to federal or state law;
- is not a fugitive from justice;
- is not under indictment for, or have been convicted of, a crime punishable by imprisonment for a term exceeding one year;
- has not been adjudicated an incompetent and has not been involuntarily committed to a mental institution;
- has not been convicted of a misdemeanor crime of domestic violence;
- has not been committed to a state or federal facility for the abuse of a controlled substance or been convicted of a misdemeanor relating to controlled substances within 3 years;
- does not have two or more convictions for operating a motor vehicle under the influence of alcohol or other substance which impairs driving ability within 3 years immediately preceding the date on which the application is submitted;
- does not owe a child support arrearage which equals or exceeds the cumulative amount which would be owed after 1 year of nonpayment;
- has complied with any subpoena or warrant relating to child support or paternity proceedings;
- has not been convicted of a violation of Assault in the fourth degree or Terroristic Threatening in the third degree within the three 3 years immediately preceding the date on which the application is submitted; and
- demonstrates competence with a firearm by successful completion of a firearms safety course offered or approved by the Department of Criminal Justice Training.

The firearms safety course shall:

- a) be not more than 8 hours in length;
- b) include instruction on handguns, the safe use of handguns, the care and cleaning of handguns and handgun marksmanship principles;
- c) include actual range firing of a handgun in a safe manner and the firing of not more than 20 rounds at a full-size silhouette target, during which firing, not less than 11 rounds must hit the silhouette portion of the target; and
- d) include information on and a copy of laws relating to possession and carrying of firearms and laws relating to the use of force.

The application shall be obtained from and submitted to the office of the sheriff in the county in which the applicant resides. The application fee is \$60. The license is valid statewide for 5 years. The applicant shall submit a recent color photograph and a photocopy of a certificate of completion of a course that demonstrates competence with a firearm. The application will be sent to the Kentucky State Police within five working days.

The Department of Kentucky State Police shall, within 90 days, either issue a license or deny the application, in which case the applicant shall be informed in writing of the grounds for denial and his right to submit, within 30 days, documentation relating to the denial. The applicant shall also be informed of the right to seek review of the denial in the District Court of his place of residence. The applicant shall further be informed of their right to seek de novo review of the denial in the District Court of his or her place of residence.

Effective July 12, 2006, U.S. citizenship is required to be eligible to obtain a CCDW license. A CCDW License Application-Citizenship Affidavit must be completed and submitted to the sheriff of your county of residence to be attached to the application.

The licensee shall carry the license at all times the licensee is carrying a concealed firearm or other deadly weapon. A license to carry concealed firearms does not authorize any person to carry a concealed firearm into:

- any police station or sheriff's office;
- any detention facility, prison, or jail;
- any courthouse, solely occupied by the Court of Justice courtroom, or court proceeding;
- any meeting of the governing body of a county, municipality, or special district, or any meeting of the General Assembly unless the permit holder is a member of that body;
- any portion of an establishment licensed to dispense alcoholic beverages for consumption on premises which is primarily devoted to that purpose;
- any elementary or secondary school facility, child caring facility, day care center;
- any area of an airport to which access is controlled by the inspection of persons; and
- any place where the carrying of firearms is prohibited by federal law.

Right of employees and other persons to possess firearms in a vehicle--No person, including but not limited to an employer, who is the owner, lessee, or occupant of real property shall prohibit any person

who is legally entitled to possess a firearm from possessing a firearm, part of a firearm, ammunition, or ammunition component in a vehicle on the property. This does not apply to any real property owned, leased or occupied by the United States government, upon which the possession or carrying of firearms is prohibited or controlled, detention facilities, or where Kentucky Revised Statutes specifically prohibits possession or carrying of firearms on the property.

Kentucky will honor a valid license issued by another state if that state grants Kentucky residents the right to carry concealed firearms without a separate license. A person holding a valid license issued by another state, which state allows Kentucky residents to obtain a license, may apply for a Kentucky license.

ANTIQUES AND REPLICAS

Kentucky statutes are silent on antique and replica firearms. They are treated as ordinary firearms for possession and carrying purposes.

MACHINE GUNS

It is lawful to possess, purchase, or sell a machine gun that is legally registered and possessed in compliance with all federal laws and regulations.

MISCELLANEOUS

It is unlawful to remove, deface, cover, alter or destroy the manufacturer's serial number or other mark of identification on any firearm.

It is unlawful to possess a firearm that has been defaced. To avoid prosecution, this offense must be reported to the police immediately.

It is unlawful to shoot any wild animal, protected or unprotected, from an automobile or any vehicle at any time or place. Boats may be used except as prohibited by state or federal regulations.

It is unlawful to shoot across a highway.

No city, county or urban-county government may occupy any part of the field of regulation of the transfer, ownership, possession, carrying or transportation of firearms, ammunition, or components of firearms or combination thereof.

No person or entity is liable for damages of any kind resulting from injuries to another person sustained as a result of the criminal use of a firearm by a third person, unless the person or entity conspired with, aided, or caused the third person to commit the criminal act.

The Commonwealth reserves the exclusive authority to bring suit against firearms manufacturers or dealers relating to the lawful manufacture and sale of firearms or ammunition to the public.

Sources: Ky.Rev.Stat §§ 65.045; 237.020 et seq.; 411.155; 527.010 et seq

CAUTION: Firearm laws are subject to frequent change and court interpretation. This summary is not intended as legal advice or restatement of law. This summary does not include federal or local laws, ordinances or regulations. For any particular situation, a licensed local attorney must be consulted for an accurate interpretation. **YOU MUST ABIDE WITH ALL LAWS: STATE, FEDERAL AND LOCAL.**

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