

1 AN ACT relating to assault weapons.

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

3 ➔Section 1. KRS 527.010 is amended to read as follows:

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

5 (1) **(a) "Assault weapon" means:**

6 **1. A semiautomatic rifle that has an ability to accept a detachable**  
7 **magazine and has at least one (1) of the following characteristics:**

8 **a. A folding or telescoping stock;**

9 **b. A pistol grip that protrudes conspicuously beneath the action of**  
10 **the weapon;**

11 **c. A second handgrip or a protruding grip that can be held by the**  
12 **non-trigger hand;**

13 **d. A bayonet mount;**

14 **e. A flash suppressor, muzzle break, muzzle compensator, or**  
15 **threaded barrel designed to accommodate a flash suppressor,**  
16 **muzzle break, or muzzle compensator; or**

17 **f. A grenade launcher;**

18 **2. A semiautomatic shotgun that has at least one (1) of the following**  
19 **characteristics:**

20 **a. A folding or telescoping stock;**

21 **b. A second handgrip or a protruding grip that can be held by the**  
22 **non-trigger hand;**

23 **c. A fixed magazine capacity in excess of seven (7) rounds; or**

24 **d. An ability to accept a detachable magazine;**

25 **3. A semiautomatic pistol that has an ability to accept a detachable**  
26 **magazine and has at least one (1) of the following characteristics:**

27 **a. A folding or telescoping stock;**

- 1                   **b. A second handgrip or a protruding grip that can be held by the**  
2                                   **non-trigger hand;**  
3                   **c. Capacity to accept an ammunition magazine that attaches to the**  
4                                   **pistol outside of the pistol grip;**  
5                   **d. A threaded barrel capable of accepting a barrel extender, flash**  
6                                   **suppressor, forward handgrip, or silencer;**  
7                   **e. A shroud that is attached to, or partially or completely encircles,**  
8                                   **the barrel and that permits the shooter to hold the firearm with**  
9                                   **the non-trigger hand without being burned; or**  
10                   **f. A manufactured weight of fifty (50) ounces or more when the**  
11                                   **pistol is unloaded;**

12                   **4. A semiautomatic version of an automatic rifle, shotgun, or firearm; or**

13                   **5. A revolving cylinder shotgun.**

14                   **(b) "Assault weapon" does not include:**

15                                   **1. Any rifle, shotgun, or pistol that:**

16   **a. Is manually operated by bolt, pump, lever, or slide action;**

17   **b. Has been rendered permanently inoperable; or**

18   **c. Is an antique firearm as defined in 18 U.S.C. sec. 921;**

19                                   **2. A semiautomatic rifle that cannot accept a detachable magazine that**  
20   **holds more than five (5) rounds of ammunition; or**

21                                   **3. A semiautomatic shotgun that cannot hold more than five (5) rounds**  
22   **of ammunition in a fixed or detachable magazine.**

23                   **(2)** "Booby trap device" shall have the same meaning as set forth in KRS 237.030.

24                   **(3)**~~(2)~~ "Deface" means to remove, deface, cover, alter, or destroy the manufacturer's  
25                                   serial number or any other distinguishing number or identification mark.

26                   **(4)**~~(3)~~ "Destructive device" shall have the same meaning as set forth in KRS  
27                                   237.030.

1 ~~(5)~~~~(4)~~ "Firearm" means any weapon which will expel a projectile by the action of an  
2 explosive.

3 ~~(6)~~~~(5)~~ "Handgun" means any pistol or revolver originally designed to be fired by the  
4 use of a single hand, or any other firearm originally designed to be fired by the use  
5 of a single hand.

6 **(7) "Large capacity ammunition feeding device" means a magazine, belt, drum, feed**  
7 **strip, or similar device that has a capacity of or that can be readily restored or**  
8 **converted to accept more than ten (10) rounds of ammunition, but does not**  
9 **include an attached tubular device designed to accept and capable of operating**  
10 **with only .22 caliber rimfire ammunition or a feeding device that is a curio or**  
11 **relic. To qualify as a curio or relic feeding device under this subsection, it must**  
12 **be a feeding device that:**

13 **(a) Was manufactured at least fifty (50) years prior to the current date, not**  
14 **including replicas thereof;**

15 **(b) Is only capable of being used exclusively in a firearm, rifle, or shotgun that**  
16 **was manufactured at least fifty (50) years prior to the current date, not**  
17 **including replicas thereof; and**

18 **(c) Is possessed by an individual who is not prohibited by state or federal law**  
19 **from possessing a firearm.**

20 ➔SECTION 2. A NEW SECTION OF KRS CHAPTER 527 IS CREATED TO  
21 READ AS FOLLOWS:

22 **(1) Except as provided in subsection (3) of this section, a person is guilty of**  
23 **possession or transfer of a large capacity ammunition feeding device when he or**  
24 **she knowingly:**

25 **(a) Possesses a large capacity ammunition feeding device; or**

26 **(b) Transfers a large capacity ammunition feeding device to another person.**

27 **(2) Possession or transfer of a large capacity ammunition feeding device is a Class A**

1 misdemeanor.

2 (3) This section shall not apply to:

3 (a) A person who is:

4 1. A member of:

5 a. The Armed Forces of the United States;

6 b. A reserve component of the Armed Forces of the United States;

7 or

8 c. The National Guard;

9 2. A law enforcement officer as defined in KRS 15.310; or

10 (b) Any large capacity ammunition feeding device lawfully possessed prior to  
11 the effective date of this Act.

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

14 (1) Except as provided in subsection (3) of this section, a person is guilty of  
15 possession or transfer of an assault weapon when he or she knowingly:

16 (a) Possesses an assault weapon; or

17 (b) Transfers an assault weapon to another person through any means.

18 (2) Possession or transfer of an assault weapon is a Class A misdemeanor.

19 (3) This section shall not apply to:

20 (a) A person who is:

21 1. A member of:

22 a. The Armed Forces of the United States;

23 b. A reserve component of the Armed Forces of the United States;

24 or

25 c. The National Guard;

26 2. A law enforcement officer as defined in KRS 15.310; or

27 (b) Any assault weapon lawfully possessed prior to the effective date of this Act.

1           ➔Section 4. KRS 237.104 is amended to read as follows:

- 2       (1) No person, unit of government, or governmental organization shall, during a period  
3       of disaster or emergency as specified in KRS Chapter 39A or at any other time,  
4       have the right to revoke, suspend, limit the use of, or otherwise impair the validity  
5       of the right of any person to purchase, transfer, loan, own, possess, carry, or use a  
6       firearm, firearm part, ammunition, ammunition component, or any deadly weapon  
7       or dangerous instrument.
- 8       (2) No person, unit of government, or governmental organization shall, during a period  
9       of disaster or emergency as specified in KRS Chapter 39A or at any other time,  
10      take, seize, confiscate, or impound a firearm, firearm part, ammunition, ammunition  
11      component, or any deadly weapon or dangerous instrument from any person.
- 12      (3) The provisions of this section shall not apply to the taking of an item specified in  
13      subsection (1) or (2) of this section from a person who is:
- 14      (a) Forbidden to possess a firearm pursuant to KRS 527.040 **or Section 2 or 3 of**  
15      **this Act**;
- 16      (b) Forbidden to possess a firearm pursuant to federal law;
- 17      (c) Violating KRS 527.020 **or Section 2 or 3 of this Act**;
- 18      (d) In possession of a stolen firearm;
- 19      (e) Using a firearm in the commission of a separate criminal offense; or
- 20      (f) Using a firearm or other weapon in the commission of an offense under KRS  
21      Chapter 150.