

1 AN ACT relating to firearms.

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

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 237 IS CREATED TO
4 READ AS FOLLOWS:

5 *As used in Section 1 to 8 of this Act:*

6 *(1) "Firearm" has the same meaning as in KRS 237.060;*

7 *(2) "Health care provider" means a person who:*

8 *(a) Provides health care or professional services related to health care; and*

9 *(b) Is acting within the scope of the person's license or certification;*

10 *(3) "Law enforcement agency" has the same meaning as in KRS 61.298;*

11 *(4) "List" means the Voluntary Kentucky Do Not Sell List established under Section*
12 *2 of this Act; and*

13 *(5) "Proof of identification" means:*

14 *(a) A driver's license;*

15 *(b) A personal identification card issued under KRS 186.4102; or*

16 *(c) Any other document qualifying as proof of identification as defined in KRS*
17 *117.001.*

18 ➔SECTION 2. A NEW SECTION OF KRS CHAPTER 237 IS CREATED TO
19 READ AS FOLLOWS:

20 *(1) Any person may voluntarily request to be placed on the list established under this*
21 *section and be restricted from purchasing or possessing firearms.*

22 *(2) By June 1, 2025, the Department of Kentucky State Police shall:*

23 *(a) Establish a list for a person to voluntarily provide information to the*
24 *Department of Kentucky State Police to be entered into the National Instant*
25 *Criminal Background Check System (NICS) that would restrict the person*
26 *from purchasing or possessing firearms;*

27 *(b) Develop and distribute forms for a person to be included on and removed*

1 from the list. The forms shall be publicly available on the Department of
2 Kentucky State Police's website and shall require the following information
3 from any person seeking inclusion on the list:

- 4 1. Name;
- 5 2. Address;
- 6 3. Email address, if available;
- 7 4. Date of birth;
- 8 5. Phone number;
- 9 6. Signature; and
- 10 7. Execution of the following acknowledgment prominently displayed
11 before the signature:

12 "ACKNOWLEDGMENT

13 By presenting this completed form to a law enforcement agency or the
 14 Department of Kentucky State Police, I understand that I am requesting that my
 15 name be placed on a list that temporarily restricts my constitutional right to
 16 purchase or possess a firearm. I understand that by voluntarily making myself a
 17 temporarily restricted person, I may not purchase or possess a firearm and any
 18 attempt to purchase a firearm while I am on the restricted list will be declined. I
 19 also understand my name will be removed from the restricted list one hundred
 20 eighty (180) days after being placed on the list unless I request to be removed
 21 after ninety (90) days or I request that my name remain on the list. In addition, if
 22 I am in possession of a valid license to carry concealed weapons, my license will
 23 be suspended during the time I am on the list, but will be reinstated upon my
 24 removal, unless the license has expired, been revoked, been suspended for
 25 another reason, or I become ineligible to possess a firearm. I acknowledge that if
 26 I possess a firearm or attempt to purchase a firearm while on the list I may be
 27 charged with and found guilty of a Class B misdemeanor that carries a potential

1 penalty of a term of imprisonment not to exceed ninety (90) days, or a fine not to
2 exceed two hundred fifty dollars (\$250), or both. Additionally, I acknowledge that
3 if I possess a firearm or attempt to purchase a firearm while outside of Kentucky,
4 I will be subject to the law of that jurisdiction regarding restricted persons.'; and

5 (c) Develop a secure internet-based platform that allows a person to request
6 inclusion on or removal from the list. The secure internet-based platform
7 shall:

8 1. Verify the identity of any person who requests inclusion on or removal
9 from the list;

10 2. Prevent the unauthorized disclosure of a person's identity or any
11 sensitive, personal identifying information; and

12 3. Inform the person requesting inclusion on or removal from the list of
13 the legal effects of that request.

14 (3) Any person requesting inclusion on the list shall:

15 (a) Deliver the completed form, described in subsection (2)(b) of this section, in
16 person to a law enforcement agency or the Department of Kentucky State
17 Police;

18 (b) Mail the completed form, described in subsection (2)(b) of this section, to
19 the Department of Kentucky State Police along with a copy of the person's
20 proof of identification;

21 (c) Electronically request inclusion on the list through the secure internet-
22 based platform developed under subsection (2)(c) of this section; or

23 (d) Direct the person's health care provider to submit the completed form to the
24 Department of Kentucky State Police as described in Section 3 of this Act.

25 (4) If the form is delivered to:

26 (a) A law enforcement agency under subsection (3)(a) of this section, the law
27 enforcement agency shall:

- 1 1. Verify the person's identity before accepting the form;
- 2 2. Only accept the form from the person whose information is on the
- 3 form; and
- 4 3. Transmit the form to the Department of Kentucky State Police
- 5 through Criminal Justice Information Services within three (3) days;
- 6 or
- 7 (b) The Department of Kentucky State Police under subsection (3)(a) of this
- 8 section, the Department of Kentucky State Police shall:
- 9 1. Verify the person's identity before accepting the form; and
- 10 2. Only accept the form from the person whose information is on the
- 11 form.
- 12 (5) (a) Upon receipt of a request from a person seeking inclusion on the list under
- 13 this section, or from the person's health care provider under Section 3 of
- 14 this Act, the Department of Kentucky State Police shall add the person to
- 15 the list and transmit the information to NICS within two (2) business days.
- 16 (b) Within three business (3) days of adding a person to the list and
- 17 transmitting the information to NICS, the Department of Kentucky State
- 18 Police shall send a notice in a sealed envelope by postage prepaid certified
- 19 mail, return receipt requested, or by email, if available, to the person
- 20 confirming that he or she has been placed on the list.
- 21 (6) The Department of Kentucky State Police shall automatically remove a person
- 22 from the list one hundred eighty (180) days after the person was added to the list,
- 23 unless the person requests to:
- 24 (a) Be removed from the list after ninety (90) days;
- 25 (b) Remain on the list for an additional one hundred eighty (180) days; or
- 26 (c) Remain on the list indefinitely.
- 27 (7) Any person who requests to remain on the list under subsection (6)(b) or (c) of

- 1 *this section may request to be removed from the list after ninety (90) days.*
- 2 *(8) Any request to be removed or remain on the list shall be submitted in a manner*
- 3 *described under subsection (3) of this section.*
- 4 *(9) If a person restricted from purchasing or possessing a firearm under this section*
- 5 *has a license to carry a concealed deadly weapon under KRS 237.110, the*
- 6 *person's license shall be:*
- 7 *(a) Suspended upon inclusion to the list; and*
- 8 *(b) Reinstated upon removal from the list, unless:*
- 9 *1. The license has been revoked or suspended for another reason not*
- 10 *described in this section;*
- 11 *2. The license has expired; or*
- 12 *3. The person has otherwise been restricted from possessing a firearm*
- 13 *under state or federal law.*
- 14 *(10) (a) It shall be unlawful for any person on the list to purchase, attempt to*
- 15 *purchase, or possess a firearm.*
- 16 *(b) Any person who violates this subsection is guilty of a Class B misdemeanor.*
- 17 *(11) (a) It shall be unlawful for any person or entity required to perform a*
- 18 *background check prior to transferring a firearm to transfer a firearm,*
- 19 *either knowingly or due to a failure to perform the required background*
- 20 *check, to any person on the list.*
- 21 *(b) Any person who violates this subsection is guilty of a Class A misdemeanor*
- 22 *for the first offense, and a Class D felony for a second or subsequent*
- 23 *offense.*
- 24 *(12) (a) It shall be unlawful for any person to knowingly make a false statement or*
- 25 *representation regarding his or her identity in any request for inclusion on*
- 26 *or removal from the list under this section.*
- 27 *(b) Any person who violates this subsection is guilty of a Class A misdemeanor.*

1 ➔SECTION 3. A NEW SECTION OF KRS CHAPTER 237 IS CREATED TO
2 READ AS FOLLOWS:

3 (1) Any person seeking inclusion on the list under Section 2 of this Act may direct
4 the person's health care provider to submit the person's request to the
5 Department of Kentucky State Police by mail or electronically through the secure
6 internet-based platform developed by the Department of Kentucky State Police
7 under Section 2 of this Act.

8 (2) In addition to the form for inclusion on the list established under Section 2 of this
9 Act, the Department of Kentucky State Police shall provide a form, available
10 through the department's website, that requires the following information from a
11 person's health care provider:

12 (a) The name of the health care provider;

13 (b) The name of the health care provider's organization;

14 (c) The health care provider's license or certification, including the license or
15 certification number;

16 (d) An acknowledgment prominently displayed before the signature of the
17 health care provider with the following language:

18 "ACKNOWLEDGMENT

19 By presenting this completed form to the Department of Kentucky State Police, I
20 understand that I am acknowledging that I have verified the identity of [name of
21 person seeking inclusion on the list] and have witnessed [name of person] sign
22 the form required under Section 2 of this Act in my presence, or confirmed in
23 person through [name of person] that the signature affixed to the form is [name
24 of person]'s signature, requesting that [name of person] be placed on the list that
25 restricts [name of person]'s right to purchase or possess firearms. I acknowledge
26 that [name of person] has requested that I present the completed form to the
27 Department of Kentucky State Police on [name of person]'s behalf. I affirm that

1 [name of person] is currently my patient, and I am a licensed health care provider
2 acting within the scope of my license and certification."; and

3 (e) An acknowledgment prominently displayed before the signature of the
4 person requesting to be placed on the list with the following language:

5 "ACKNOWLEDGMENT

6 By signing this form, I acknowledge that I am requesting inclusion on the list
7 knowingly and voluntarily, and that the signature affixed to the form required
8 under Section 2 of this Act is my signature. I further acknowledge that I have
9 requested my health care provider transmit the inclusion form I have signed to
10 the Department of Kentucky State Police on my behalf."

11 ➔SECTION 4. A NEW SECTION OF KRS CHAPTER 237 IS CREATED TO
12 READ AS FOLLOWS:

13 (1) Any person who is on the list established under Section 2 of this Act may
14 voluntarily commit his or her firearm or firearms to a law enforcement agency or
15 the Department of Kentucky State Police while the person is on the list.

16 (2) The Department of Kentucky State Police shall develop and provide a form for
17 the temporary, voluntary commitment of any firearm or firearms that shall
18 include:

19 (a) The information required under subsection (2)(b)1. to 6. of Section 2 of this
20 Act;

21 (b) A section for listing the firearm or firearms being committed by serial
22 number and make and model of each firearm; and

23 (c) Execution of the following acknowledgment prominently displayed before
24 the signature of the person:

25 "ACKNOWLEDGMENT

26 By signing this form, I acknowledge that I am knowingly and voluntarily
27 committing the firearm or firearms identified above on a temporary basis,

1 acknowledge that I am waiving any and all rights to reclaim the identified
2 firearm or firearms while I am on the list established under Section 2 of this Act,
3 and certify that I am the owner of the firearm or firearms identified above. I
4 further acknowledge that I am committing the identified firearm or firearms of
5 my own free will and if I do not retrieve the firearm or firearms within one (1)
6 year they will be given to a person I authorize to receive them on my behalf."

7 (3) If a law enforcement agency or the Department of Kentucky State Police receives
8 a firearm under this section, the law enforcement agency or Department of
9 Kentucky State Police shall:

10 (a) Require the person committing his or her firearm to provide the names and
11 addresses of two (2) people who are authorized to receive the firearm in the
12 event the person committing his or her firearm does not retrieve the firearm
13 within one (1) year of commitment;

14 (b) Verify proof of identification of the person committing his or her firearm;

15 (c) Verify that the person committing his or her firearm is on the list
16 established under Section 2 of this Act;

17 (d) Hold the firearm while the person is on the list, but for no longer than one
18 (1) year; and

19 (e) Return the firearm:

20 1. To the person who committed the firearm or firearms after verifying
21 that the person is no longer on the list or prohibited from possessing a
22 firearm under state or federal law; or

23 2. To a person authorized to receive the firearm under paragraph (a) of
24 this subsection if the firearm has been held for one (1) year.

25 (4) A law enforcement agency or the Department of Kentucky State Police shall not
26 be held liable for damages that occur to any firearm or firearms committed under
27 this section, unless the damage occurs as a result of willful misconduct.

1 →SECTION 5. A NEW SECTION OF KRS CHAPTER 237 IS CREATED TO
2 READ AS FOLLOWS:

3 (1) Any person who owns a firearm or firearms and believes he or she is an
4 immediate threat to himself or herself or others, may voluntarily surrender that
5 firearm or firearms to a law enforcement agency or the Department of Kentucky
6 State Police for disposal in accordance with KRS 16.220.

7 (2) The Department of Kentucky State Police shall develop and provide a form for
8 the permanent, voluntary surrender of any firearm under this section that shall
9 include:

10 (a) The information required under subsection (2)(b)1. to 6. of Section 2 of this
11 Act;

12 (b) A section for listing the firearm or firearms being surrendered by serial
13 number and make and model of each firearm; and

14 (c) Execution of the following acknowledgment prominently displayed before
15 the signature of the person:

16 **"ACKNOWLEDGMENT**

17 By signing this form, I acknowledge that I am knowingly and voluntarily
18 surrendering the firearm or firearms identified above on a permanent basis,
19 acknowledge that I am waiving any and all rights to reclaim the identified
20 firearm or firearms at any time in the future, and certify that I am the owner of
21 the firearm or firearms identified above. I further acknowledge that I am
22 surrendering the identified firearm or firearms of my own free will and
23 understand that this surrender shall not restrict my right to purchase or possess
24 any other firearm unless otherwise prohibited by law."

25 →SECTION 6. A NEW SECTION OF KRS CHAPTER 237 IS CREATED TO
26 READ AS FOLLOWS:

27 The information, forms, and records received by the Department of Kentucky State

1 Police or a law enforcement agency under Sections 1 to 8 of this Act shall not be:

2 (1) Subject to disclosure under the Open Records Act, KRS 61.870 to 61.884; or

3 (2) Used for any purpose other than to determine the eligibility of a person to
4 purchase or possess firearms.

5 ➔SECTION 7. A NEW SECTION OF KRS CHAPTER 237 IS CREATED TO
6 READ AS FOLLOWS:

7 No later than June 1, 2025, the:

8 (1) Justice and Public Safety Cabinet shall develop and implement a publicity and
9 advertising campaign that provides the public with information about the list,
10 how a person may request inclusion on the list, and contacts for additional
11 information about the list; and

12 (2) Cabinet for Health and Family Services shall develop and implement an
13 awareness campaign that provides health care providers with information about
14 the list, how a patient may request inclusion on the list, and how health care
15 providers may submit a request for a patient to be included on the list.

16 ➔SECTION 8. A NEW SECTION OF KRS CHAPTER 237 IS CREATED TO
17 READ AS FOLLOWS:

18 The Department of Kentucky State Police shall promulgate administrative regulations
19 in accordance with KRS Chapter 13A to establish the process and forms necessary to
20 implement the requirements of Sections 1 to 8 of this Act.