

1 AN ACT relating to local firearms control ordinances.

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

3 ➔Section 1. KRS 65.870 is amended to read as follows:

4 ~~A[(1)No existing or future]~~ city, county, urban-county government, charter county,
5 consolidated local government, **or** unified local government~~[- special district, local~~
6 ~~or regional public or quasi-public agency, board, commission, department, public~~
7 ~~corporation, or any person acting under the authority of any of these organizations]~~
8 may **enact ordinances regulating**~~[occupy any part of the field of regulation of]~~ the
9 manufacture, sale, purchase, taxation, transfer, ownership, possession, carrying,
10 storage, or transportation of firearms, ammunition, components of firearms,
11 components of ammunition, firearms accessories, or combination thereof.}

12 ~~(2) Any existing or future ordinance, executive order, administrative regulation, policy,~~
13 ~~procedure, rule, or any other form of executive or legislative action in violation of~~
14 ~~this section or the spirit thereof is hereby declared null, void, and unenforceable.~~

15 ~~(3) Any person or organization specified in subsection (1) of this section shall repeal,~~
16 ~~rescind, or amend to conform, any ordinance, administrative regulation, executive~~
17 ~~order, policy, procedure, rule, or other form of executive or legislative action in~~
18 ~~violation of this section or the spirit thereof within six (6) months after July 12,~~
19 ~~2012.~~

20 ~~(4) Pursuant to Section 231 of the Constitution of Kentucky, insofar as any person or~~
21 ~~organization specified in subsection (1) of this section is considered an agent of the~~
22 ~~Commonwealth, it is the intent of the General Assembly to exempt them from any~~
23 ~~immunity provided in Section 231 of the Constitution of Kentucky to the extent~~
24 ~~provided in this section. A person or an organization whose membership is~~
25 ~~adversely affected by any ordinance, administrative regulation, executive order,~~
26 ~~policy, procedure, rule, or any other form of executive or legislative action~~
27 ~~promulgated or caused to be enforced in violation of this section or the spirit thereof~~

1 ~~may file suit against any person or organization specified in subsection (1) of this~~
2 ~~section in any court of this state having jurisdiction over any defendant to the suit~~
3 ~~for declaratory and injunctive relief. A court shall award the prevailing party in any~~
4 ~~such suit:~~

5 ~~(a) Reasonable attorney's fees and costs in accordance with the laws of this state; and~~

6 ~~(b) Expert witness fees and expenses.~~

7 ~~(5) If any person or organization specified in subsection (1) of this section violates this~~
8 ~~section or the spirit thereof, the court shall declare the improper ordinance,~~
9 ~~administrative regulation, executive order, policy, procedure, rule, or other form of~~
10 ~~executive or legislative action specified in subsection (1) of this section null, void,~~
11 ~~and unenforceable, and issue a permanent injunction against the person or~~
12 ~~organization specified in subsection (1) of this section prohibiting the enforcement~~
13 ~~of such ordinance, administrative regulation, executive order, policy, procedure,~~
14 ~~rule, or any other form of executive or legislative action specified in subsection (1)~~
15 ~~of this section.~~

16 ~~(6) A violation of this section by a public servant shall be a violation of either KRS~~
17 ~~522.020 or 522.030, depending on the circumstances of the violation.~~

18 ~~(7) The provisions of this section shall not apply where a statute specifically authorizes~~
19 ~~or directs an agency or person specified in subsection (1) of this section to regulate~~
20 ~~a subject specified in subsection (1) of this section.]~~

21 ➔Section 2. KRS 65.1591 is amended to read as follows:

22 (1) As used in this section:

23 (a) "Peer support communication" means any oral or written communication
24 made in the course of, or application for, a peer support counseling session or
25 any communication by a peer support participant regarding the contents of a
26 peer support counseling session to another peer support specialist, staff
27 member of a peer support counseling program, or the supervisor of a peer

1 support specialist;

2 (b) "Peer support counseling program" means a program provided by a public
3 agency to provide counseling services from a peer support specialist to a
4 public safety employee;

5 (c) "Peer support counseling session" means any counseling formally provided
6 through a peer support counseling program between a peer support specialist
7 and one (1) or more public safety employees;

8 (d) "Peer support participant" means a public safety employee who receives
9 counseling services from a peer support specialist;

10 (e) "Peer support specialist" means a public safety employee designated by the
11 public agency to provide peer support counseling who has received training in
12 both peer support counseling and in providing emotional and moral support to
13 public safety employees who have been in or exposed to an emotionally
14 traumatic experience in the course of employment;

15 (f) "Public agency" **means any city, county, urban-county government, charter**
16 **county government, consolidated local government, unified local**
17 **government, special district, local or regional public or quasi-public agency,**
18 **board, commission, department, or public corporation** ~~has the same meaning~~
19 ~~as the entities listed in KRS 65.870 (1)~~; and

20 (g) "Public safety employee" means an individual employed by a public agency
21 who:

- 22 1. Serves as a police officer as defined by KRS 15.420(2)(a)1.;
- 23 2. Serves in a position that is primarily engaged in firefighting activities,
24 whether paid or unpaid;
- 25 3. Serves as a certified telecommunicator as provided by KRS 15.560 to
26 15.565; or
- 27 4. Is licensed to provide emergency medical services as provided by KRS

1 Chapter 311A.

- 2 (2) Any public agency may create and design a peer support counseling program to
3 provide support to public safety employees who have been in or exposed to an
4 emotionally traumatic experience in the course of employment.
- 5 (3) The content of any peer support communication shall remain confidential and shall
6 not be disclosed to any individual who was not party to the peer support counseling
7 session or peer support communication, except when the peer support
8 communication contains:
- 9 (a) An explicit threat of suicide by a participant in which the participant shares an
10 intent to die by suicide, a plan to carry out a suicide attempt, or discloses the
11 means by which the participant intends to carry out a suicide attempt. This
12 paragraph shall not apply to any peer support communication where the
13 participant solely shares that the participant is experiencing suicidal thoughts;
- 14 (b) An explicit threat by a participant of imminent and serious physical and
15 bodily harm or death to a clearly identified or reasonably identifiable victim;
- 16 (c) Information related to the abuse or neglect of a child or an older adult or
17 vulnerable individual that is required by law to be reported;
- 18 (d) An admission of criminal conduct; or
- 19 (e) Information which is required by law to be disclosed.
- 20 (4) A peer support participant shall hold a privilege from disclosure of any peer support
21 communication in any disciplinary proceeding or any civil or criminal proceeding
22 unless it contains information exempted under subsection (3)(b), (c), (d), or (e) of
23 this section. Under this privilege, the peer support communication shall be subject
24 to the same protections as any counselor-client privilege provided under the
25 Kentucky Rules of Evidence in any criminal or civil proceeding.
- 26 (5) Nothing in subsection (3) or (4) of this section shall be interpreted or construed to
27 prohibit:

- 1 (a) The use of or sharing by the public agency of anonymous data for research,
2 statistical analysis, or educational purposes;
- 3 (b) The disclosure of an observation by an employee of the public agency of a
4 peer support participant outside of a peer support counseling session and not
5 contained in peer support communication; or
- 6 (c) The disclosure of knowledge of a law enforcement officer of the public
7 agency about a peer support participant not gained from peer support
8 communication.

9 ➔Section 3. KRS 237.115 is amended to read as follows:

- 10 (1) Except as provided in KRS 527.020, nothing contained in KRS 237.109 or 237.110
11 shall be construed to limit, restrict, or prohibit in any manner the right of a college,
12 university, or any postsecondary education facility, including technical schools and
13 community colleges, to control the possession of deadly weapons on any property
14 owned or controlled by them or the right of a unit of state, city, county, urban-
15 county, or charter county government to prohibit the carrying of concealed deadly
16 weapons in that portion of a building actually owned, leased, or occupied by that
17 unit of government.
- 18 (2) (a) Except as provided in KRS 527.020, the legislative body of a state, city,
19 county, or urban-county government may, by statute, administrative
20 regulation, or ordinance, prohibit or limit the carrying of concealed deadly
21 weapons in that portion of a building owned, leased, or controlled by that unit
22 of government. That portion of a building in which the carrying of concealed
23 deadly weapons is prohibited or limited shall be clearly identified by signs
24 posted at the entrance to the restricted area.
- 25 (b) The statute or ordinance shall exempt any building used for public housing by
26 private persons, highway rest areas, firing ranges, and private dwellings
27 owned, leased, or controlled by that unit of government from any restriction

1 on the carrying or possession of deadly weapons. The statute, administrative
2 regulation, or ordinance shall not specify any criminal penalty for its violation
3 but may specify that persons violating the statute or ordinance may be denied
4 entrance to the building, ordered to leave the building, and if employees of the
5 unit of government, be subject to employee disciplinary measures for
6 violation of the provisions of the statute or ordinance. ~~[The provisions of this~~
7 ~~section shall not be deemed to be a violation of KRS 65.870 if the~~
8 ~~requirements of this section are followed.]~~

9 (c) The provisions of this section shall not apply to any other unit of government.

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