

1 AN ACT relating to background checks on the sale or transfer of 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 (1) In addition to any other requirement of state or federal law, all sales, exchanges,
6 or transfers of firearms shall be conducted in accordance with this section unless
7 the sale, exchange, or transfer is:

8 (a) Conducted by a licensed importer, licensed manufacturer, or licensed
9 dealer, as those terms are defined in 18 U.S.C. secs. 921 and 922, when the
10 sale, exchange, or transfer is conducted pursuant to that person's federal
11 firearms license; or

12 (b) Between spouses, parents, children, and stepchildren in the same immediate
13 family.

14 (2) Before any sale, exchange, or transfer pursuant to this section, a national instant
15 background check shall be completed by a dealer who consents to conduct the
16 check, and upon completion of the background check, the dealer shall complete a
17 form developed by the Department of Kentucky State Police, and available for
18 download through the department's website, that identifies and confirms that the
19 check was performed.

20 (3) All dealers shall maintain a record of transactions and background checks
21 conducted pursuant to this section, and the records shall be maintained on the
22 premises identified and described in the dealer's license, and shall be available at
23 all reasonable hours for inspection by any peace officer acting within the scope of
24 his or her duties.

25 (4) A dealer may require that any background check conducted pursuant to this
26 section be subject to a fee not to exceed ten dollars (\$10) per transaction.

27 (5) Any record produced pursuant to this section and any transmission thereof to any

1 *government agency shall not be considered a public record for purposes of the*
2 *Kentucky Open Records Act, KRS 61.870 to 61.884.*

3 ➔Section 2. KRS 237.990 is amended to read as follows:

4 (1) Any person who violates any of the provisions of KRS 237.030 to 237.050 shall be
5 guilty of a Class D felony.

6 (2) Any person who violates any of the provisions of KRS 237.030 to 237.050, and in
7 so doing uses any destructive device or booby trap device to avoid detection by law
8 enforcement or other government personnel or to avoid theft or detection by any
9 other person, of any controlled substance as set forth in KRS Chapter 218A and
10 held in violation of KRS 218A.140, shall be guilty of a Class C felony.

11 *(3) Any person who knowingly violates Section 1 of this Act shall be guilty of a Class*
12 *A misdemeanor.*