GENERAL ASSEMBLY
COMMONWEALTH OF KENTUCKY

2016 REGULAR SESSION

HOUSE BILL NO. 124

TUESDAY, FEBRUARY 16, 2016

The following bill was reported to the Senate from the House and ordered to be printed.

RECEIVED AND FILED
DATE April 13, 2016
10:49 am
ALISON LUNDERGAN GRIMES
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
BY K. Adler

1 AN ACT relating to law enforcement.

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

3 ➔Section 1. KRS 16.220 is amended to read as follows:

4 (1) Subject to the duty to return confiscated firearms to innocent owners pursuant to
5 KRS 500.090, all firearms confiscated by the Department of Kentucky State Police
6 and not retained for official use pursuant to KRS 500.090 shall be sold at public
7 auction to federally licensed firearms dealers holding a license appropriate for the
8 type of firearm sold. Any provision of KRS Chapter 45 or 45A relating to
9 disposition of property to the contrary notwithstanding, the Department of Kentucky
10 State Police shall:

11 (a) Conduct any auction specified by this section;

12 (b) Retain for departmental use twenty percent (20%) of the gross proceeds from
13 any auction specified by this section; and

14 (c) Transfer remaining proceeds of the sale to the account of the Kentucky Office
15 of Homeland Security for use as provided in subsection (4) of this section.

16 (2) Prior to the sale of any firearm, the Department of Kentucky State Police shall make
17 an attempt to determine if the firearm to be sold has been stolen or otherwise
18 unlawfully obtained from an innocent owner and return the firearm to its lawful
19 innocent owner, unless that person is ineligible to purchase a firearm under federal
20 law.

21 (3) The Department of Kentucky State Police shall receive firearms and ammunition
22 confiscated by or abandoned to every law enforcement agency in Kentucky. The
23 department shall dispose of the firearms received in the manner specified in
24 subsection (1) of this section. However, firearms which are not retained for official
25 use, returned to an innocent lawful owner, or transferred to another government
26 agency or public museum shall be sold as provided in subsections (1) and (3) of this
27 section.

1 (4) The proceeds of firearms sales shall be utilized by the Kentucky Office of
2 Homeland Security to provide grants to city, county, charter county, unified local
3 government, urban-county government, and consolidated local government police
4 departments; university safety and security departments organized pursuant to KRS
5 164.950; school districts that employ special law enforcement officers as defined in
6 KRS 61.900; and sheriff's departments for the purchase of:
7 (a) Body armor for sworn peace officers of those departments and service
8 animals, as defined in KRS 525.010, of those departments;
9 (b) Firearms or ammunition;~~[and]~~
10 (c) Electronic control devices, electronic control weapons, or electro-muscular
11 disruption technology***; and***
12 ***(d) Body-worn cameras***.
13 In awarding grants under this section, the Kentucky Office of Homeland Security
14 shall give first priority to providing and replacing body armor and second priority to
15 providing firearms and ammunition, with residual funds available for the purchase
16 of ***body-worn cameras,*** electronic control devices, electronic control weapons, or
17 electro-muscular disruption technology. Body armor purchased by the department
18 receiving grant funds shall meet or exceed the standards issued by the National
19 Institute of Justice for body armor. No police or sheriff's department shall apply for
20 a grant to replace existing body armor unless that body armor has been in actual use
21 for a period of five (5) years or longer. ***Any department applying for grant funds***
22 ***for body-worn cameras shall develop a policy for their use and shall submit that***
23 ***policy with its application for the grant funds to the Office of Homeland Security***
24 ***as part of the application process.***
25 (5) The Department of Kentucky State Police may transfer a machine gun, short-
26 barreled shotgun, short-barreled rifle, silencer, pistol with a shoulder stock, any
27 other weapon, or destructive device as defined by the National Firearms Act which

1 is subject to registration under the National Firearms Act and is not properly
2 registered in the national firearms transfer records for those types of weapons, to the
3 Bureau of Alcohol, Tobacco, and Firearms of the United States Department of
4 Justice, after a reasonable attempt has been made to transfer the firearm to an
5 eligible state or local law enforcement agency or to an eligible museum and no
6 eligible recipient will take the firearm or weapon. National Firearms Act firearms
7 and weapons which are properly registered and not returned to an innocent lawful
8 owner or retained for official use as provided in this section shall be sold to properly
9 licensed dealers under subsection (3) of this section.

Speaker-House of Representatives

President of Senate

Attest: Chief Clerk of House of Representatives

Approved Governor

Date 13 APRIL 2016