

MEMORANDUM

To: PCC

Re: **Discussion Draft: Statement of Solidarity – We Are NKU** (Proposed by Kirsten Schwarz (PCC Member). Co-sponsored by John Alberti, Sharmanthie Fernando, Yaw Frimpong-Mansoh, Miriam Kannan, Ihab Saad, Christopher Wilkey).

Date: February 10, 2017

The faculty members listed above respectfully request that PCC consider recommending to Faculty Senate that the following resolution be adopted:

On January 27, 2017, President Trump ordered that Syrian refugees be barred from entering the United States and that entry by nationals of seven Muslim-majority nations be suspended. President Trump’s order bars entry of students, faculty members, or visiting scholars and researchers from any of the eight named countries.

As a public institution committed to promoting the free and open expression of diverse perspectives and opinions, Northern Kentucky University ordinarily does not—and should not—adopt particular positions on contested political issues. However, as recently noted by [President Lee Bollinger of Columbia University](#), “it is also true that the University, as an institution in the society, must step forward to object when policies and state action conflict with its fundamental values, and especially when they bespeak purposes and a mentality that are at odds with our basic mission.” [Bard College President Leon Botstein](#) has similarly called upon “[t]he presidents of our colleges and universities [to] defend the principles that have enabled institutions of higher education to flourish. These are freedom and tolerance, and openness to individuals no matter their national origin or religion.”

On behalf of the General Faculty of Northern Kentucky University, the Faculty Senate resolves that President Trump’s travel ban conflicts with our university’s institutional values and is at odds with our basic mission. The [NKU Fuel The Flame \(2013-18\)](#) document, which sets forth our mission and values, identifies a key component of our mission as “preparing outstanding graduates for a global society.” To achieve this objective, we “promote a culture that fosters and celebrates . . . inclusiveness, diversity, and global awareness in all dimensions of our work.” We believe that “[d]iversity, inclusion, and equity are key components to achieving excellence.” To attain our primary goal of Student Success, we employ the following means to promote inclusive excellence and global awareness:

- *Infuse global and multicultural perspectives into the curriculum and co-curricular programs;*
- *Increase diversity among the students, faculty, and staff;*

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- *Expand international educational experiences; and*
- *Grow international student enrollment.*

The same themes of inclusion and non-discrimination are echoed in other policy documents at NKU. The [NKU Values & Ethical Responsibilities Statement \(2016\)](#), for example, reaffirms that “NKU is committed to tolerance, inclusion and respect for others, regardless of differences, [and] . . . seeks to foster positive campus change through greater diversity, equity, inclusion and accountability.” The same Statement also clarifies that “Northern Kentucky University does not discriminate based on national origin, race, color, age, gender, gender identity, gender expression, sexual orientation, religion, physical or mental disability, genetic information, pregnancy, and Uniform Service or veteran status. . . .” Similar statements appear in Section 16.11 of our [NKU FACULTY POLICIES AND PROCEDURES HANDBOOK](#); in the [NKU Harassment Avoidance Policy \(2012\)](#); and in the [NKU Affirmative Action/Equal Opportunity Policy \(PDF\)](#). On January 31, NKU President Geoffrey Mearns publicly reaffirmed our own university’s commitment to these long-held values and strategies.

Faculty bodies and administrators at many American universities have decried the travel ban for undermining the continuing commitment of American academia to remain open to the international exchange of people and ideas. Speaking on behalf of more than 600 universities, the [American Council on Education \(ACE\)](#) recently proclaimed that “[i]nternational exchange is a core value and strength of American higher education. Moreover, our nation’s welcoming stance to scholars and scientists has benefited the U.S. through goodwill and a long history of scientific and technological advances that have been essential to the economic growth our country has experienced for decades.” More pointedly, [the Association of American Universities \(AAU\)](#), on behalf of 62 leading research universities, recently “urged the Administration, as soon as possible, to make clear to the world that the United States continues to welcome the most talented individuals from all countries to study, teach, and carry out research and scholarship at our universities.”

Today, in accordance with Northern Kentucky University’s core values of inclusiveness and nondiscrimination, NKU faculty [and staff] resolve to stand with all members of the NKU community, of all backgrounds, including: race, gender identity, sexual orientation, religion, immigration status, and national origin.

We are committed to providing all our students, faculty and staff with a safe and welcoming environment, and ensure their continued ability to thrive on our campus.

We condemn Islamophobia and acts of violence and bias against Muslims. We also condemn any similar actions against other groups and stand in support of those of all faiths, races, ethnicities, nationalities, gender expressions or sexual orientation. In so doing, we reaffirm our deep commitment to the freedom of speech of all community members, including the freedom to express political or religious opinions of all varieties. We also resolve, however, never to tolerate acts of discrimination, violence, bias, or hate against any individual member of our university community.

APPENDIX
Documents Cited in Draft Resolution

[NKU Values & Ethical Responsibilities Statement \(2016\)](#)

CORE VALUES

The NKU community is committed to these core values:

- Excellence
- Integrity
- Inclusiveness
- Innovation
- Collegiality

As a reflection of these core values, NKU Community Members strive to behave ethically, and with integrity and common sense, at all times. University community members seek to fulfill obligations towards students, co-workers and other members of the university community with honesty and transparency, and to behave according to the highest ethical and professional standards of conduct. NKU is committed to tolerance, inclusion and respect for others, regardless of differences. All members of the NKU community strive to treat others with professional courtesy and civility, regardless of position or status, and to work cooperatively with others. University community members seek to promote equality and collaboration among faculty, staff and administrators. NKU provides equal access to programs, facilities and employment; and seeks to foster positive campus change through greater diversity, equity, inclusion and accountability.

Preserve Academic Freedom and Meet Academic Responsibilities

Academic freedom is essential to NKU's mission. University community members are expected to: Promote academic freedom, including the freedom to discuss relevant matters in the classroom, with fellow NKU community members, and with the public. Academic freedom includes the freedom to explore all avenues of scholarship, research and creative expression, to participate in the shared governance of the University, and to speak and write as a public citizen without institutional restraint.

NON-DISCRIMINATION STATEMENT

Northern Kentucky University does not discriminate based on national origin, race, color, age, gender, gender identity, gender expression, sexual orientation, religion, physical or mental disability, genetic information, pregnancy, and Uniform Service or veteran status in its education programs, activities, employment, daily operations or admissions policies, in accordance with all applicable federal, state and local laws. NKU will not tolerate retaliation against any individual who makes a good faith report of a violation.

[NKU FACULTY POLICIES AND PROCEDURES HANDBOOK](#) Sec 16.11.

EQUAL EMPLOYMENT OPPORTUNITY AND AFFIRMATIVE ACTION

Northern Kentucky University reaffirms its commitment to the principles of equal opportunity and affirmative action. In compliance with equal opportunity and affirmative action state and federal laws and as a matter of institutional policy, the University will not engage in or tolerate discrimination against individuals in any of its programs and activities on the bases of race, color, religion, gender, national origin, age, sexual orientation, disability, or veteran's status.

Further, where required by law, the University will take affirmative action in support of equal employment opportunity and to foster an intellectual and social atmosphere that reflects the broad range of human diversity.

[NKU Affirmative Action/Equal Opportunity Policy \(PDF\)](#)

A-2.1 Affirmative Action/Equal Opportunity

Northern Kentucky University is committed to building a diverse faculty and staff for employment and promotion to ensure the highest quality of work force and to foster an environment that embraces the broad range of human diversity.

The university is committed to equal employment opportunity, affirmative action, and eliminating discrimination. This commitment is consistent with an intellectual community that celebrates individual differences and diversity, as well as a matter of law.

Discrimination against any individual based upon protected status, which is defined as age, color, disability, gender, national origin, race, religion, sexual orientation, or veteran status, is prohibited. The university will provide equal opportunity to all employees in regard to salaries, promotions, benefits and working conditions and will monitor these areas to ensure that any differences which may exist are the result of bona fide policies and procedures and are not the result of illegal discrimination.

[DISCUSSION DRAFT ONLY---NOT VOTED OR ADOPTED]

NKU Harassment Avoidance Policy (2012)

POLICY STATEMENT:

Definitions:

Harassment is defined as the act of or instances of harassing, tormenting, pestering, troubling repeatedly or persecuting.

Harassment conduct includes, but is not limited to:

1. Epithets, slurs, negative stereotyping, and threatening, intimidating or hostile acts relating to race, color, religion, gender, sexual orientation, national origin, age, disability or veteran status.
2. Written or graphic material circulated in the workplace by any means that creates a hostile or offensive work environment toward an individual or group of individuals because of their race, color, religion, gender, sexual orientation, national origin, age, disability or veteran status.

Policy Statement:

Northern Kentucky University (NKU) is committed to providing a work environment free from all forms of discrimination including harassment on the basis of race, color, religion, gender, sexual orientation, national origin, age, disability and veteran status. Such harassment is prohibited and will not be tolerated.

Threats or acts of violence against employees, students, vendors and customers will not be tolerated. Any person who threatens to commit or engages in a violent act on university property, against a university employee or at a university event or function, may be removed from the premises as quickly and safely as possible, and must remain off university premises pending the outcome of an investigation. The Office of Human Resources and University Police will be notified and will investigate any incidences as needed.

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[AAU URGES QUICK END TO ADMINISTRATION ORDER BARRING RETURNING STUDENTS AND FACULTY](#)

Following is a statement by [Association of American Universities](#) President Mary Sue Coleman.

We recognize the importance of a strong visa process to our nation's security. However, the administration's new order barring the entry or return of individuals from certain countries is already causing damage and should end as quickly as possible. The order is stranding students who have been approved to study here and are trying to get back to campus, and threatens to disrupt the education and research of many others.

We also urge the Administration, as soon as possible, to make clear to the world that the United States continues to welcome the most talented individuals from all countries to study, teach, and carry out research and scholarship at our universities. It is vital to our economy and the national interest that we continue to attract the best students, scientists, engineers, and scholars. That is why we have worked closely with previous administrations, especially in the wake of 9/11, to ensure our visa system prevents entry by those who wish to harm us, while maintaining the inflow of talent that has contributed so much to our nation.

Other countries have set the goal of surpassing the United States as the global leader in higher education, research, and innovation. Allowing them to replace this country as the prime destination for the most talented students and researchers would cause irreparable damage, and help them to achieve their goal of global leadership

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Founded in 1900, the [Association of American Universities](#) comprises [62 distinguished institutions](#) that continually advance society through education, research, and discovery. Our universities earn the majority of competitively awarded funding for federal academic research, and are improving human life and wellbeing through research and by educating tomorrow's visionary leaders and global citizens. AAU members collectively help shape policy for higher education, science and innovation; promote best practices in undergraduate and graduate education; and strengthen the contributions of research universities to society.

[ACE Letter to Homeland Security Secretary on Maintaining the United States as the Destination of Choice for Students, Scholars](#)

January 31, 2017
The Honorable John F. Kelly
Secretary of Homeland Security
Washington, DC 20528

Dear Secretary Kelly,

I write on behalf of the undersigned higher education organizations to congratulate you on your confirmation as Secretary of the Department of Homeland Security (DHS) and to offer our assistance with challenges that the Department faces in connection with international students, faculty and scholars at U.S. institutions of higher education.

We support efforts to enhance the nation's security. We also believe that it is in our collective interest to ensure that the United States remains the destination of choice for the world's best and brightest students, faculty and scholars.

The roughly one million international students that attend U.S. colleges and universities add to this country's intellectual and cultural vibrancy, and they also yield an estimated economic impact of \$32.8 billion and support 400,000 U.S. jobs, according to recent estimates.

International students and scholars have served America well throughout our history. These individuals enrich our campuses and the country with their talents and skills. The overwhelming majority return home as ambassadors for American values, democracy and the free market.

Steps intended to protect national security may inadvertently hamper these exchanges. This would only deprive our nation of one of its best tools for global scientific and economic preeminence and extending democratic values and cultural understanding throughout the world, making us more susceptible to the distortions and myths of extremist organizations and movements.

Unfortunately, even temporary restrictions can be damaging. President Trump's executive order, "Protecting the Nation from Foreign Terrorist Entry into the United States," has created uncertainty and fear across the country and on our campuses, particularly among students, faculty and scholars from the affected countries, as well as others who worry the restrictions may expand to other countries.

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We are concerned about the problematic implementation of the 90-day freeze on visas, such as cases of people with valid visas being turned away. We fear the chilling effect this will have on the ability of international students and scholars to continue to see the U.S. as a welcoming place for study and research.

The executive order contains language indicating that DHS has some flexibility in implementing it. We thank you for exercising that authority in the case of lawful permanent residents (“green card” holders). We urge you to continue to use this discretion whenever possible for students and scholars who clearly pose no threat.

We are eager to meet with you and your staff at your earliest convenience to discuss our specific concerns and to help you and the Department as you carry out your important duties.

We are confident that it is possible to create policies that secure our nation from those who wish to harm us, while also welcoming those who seek to study, conduct research and scholarship, and contribute their knowledge and talents to our nation’s higher education institutions, economy and overall security. And that will be our goal in working with you and your team on this issue.

Sincerely,
Molly Corbett Broad
President, American Council on Education (ACE)

1 AN ACT relating to public protection.

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

3 ➔Section 1. KRS 527.070 is amended to read as follows:

4 (1) A person is guilty of unlawful possession of a weapon on school property when he
5 knowingly deposits, possesses, or carries, whether openly or concealed, for
6 purposes other than instructional or school-sanctioned ceremonial purposes, or the
7 purposes permitted in subsection (3) of this section, any firearm or other deadly
8 weapon, destructive device, or booby trap device in any public or private school
9 building or bus, on any public or private school campus, grounds, recreation area,
10 athletic field, or any other property owned, used, or operated by any board of
11 education, school, board of trustees, regents, or directors for the administration of
12 any public or private educational institution. The provisions of this section shall not
13 apply to institutions of postsecondary or higher education.

14 (2) Each chief administrator of a public or private school shall display about the school
15 in prominent locations, including, but not limited to, sports arenas, gymnasiums,
16 stadiums, and cafeterias, a sign at least six (6) inches high and fourteen (14) inches
17 wide stating:

18 UNLAWFUL POSSESSION OF A WEAPON ON SCHOOL
19 PROPERTY IN KENTUCKY IS A FELONY PUNISHABLE
20 BY A MAXIMUM OF FIVE (5) YEARS IN PRISON AND A
21 TEN THOUSAND DOLLAR (\$10,000) FINE.

22 Failure to post the sign shall not relieve any person of liability under this section.

23 (3) The provisions of this section prohibiting the unlawful possession of a weapon on
24 school property shall not apply to:

25 (a) An adult who possesses a firearm, if the firearm is contained within a vehicle
26 operated by the adult and is not removed from the vehicle, except for a
27 purpose permitted herein, or brandished by the adult, or by any other person

1 acting with expressed or implied consent of the adult, while the vehicle is on
2 school property;

3 (b) *An adult on property owned or controlled by a public school who holds a*
4 *license to carry a concealed deadly weapon pursuant to Section 3 of this Act*
5 *or KRS 237.138 to 237.142 or 403.754;*

6 (c) Any pupils who are members of the reserve officers training corps or pupils
7 enrolled in a course of instruction or members of a school club or team, to the
8 extent they are required to carry arms or weapons in the discharge of their
9 official class or team duties;

10 (d)~~(e)~~ Any peace officer or police officer authorized to carry a concealed
11 weapon pursuant to KRS 527.020;

12 (e)~~(d)~~ Persons employed by the Armed Forces of the United States or members
13 of the National Guard or militia when required in the discharge of their
14 official duties to carry arms or weapons;

15 (f)~~(e)~~ Civil officers of the United States in the discharge of their official
16 duties~~. Nothing in this section shall be construed as to allow any person to~~
17 ~~carry a concealed weapon into a public or private elementary or secondary~~
18 ~~school building];~~

19 (g)~~(f)~~ Any other persons, including, but not limited to, exhibitors of historical
20 displays, who have been authorized to carry a firearm by the board of
21 education or board of trustees of the public or private institution;

22 (h)~~(g)~~ A person hunting during the lawful hunting season on lands owned by
23 any public or private educational institution and designated as open to hunting
24 by the board of education or board of trustees of the educational institution;

25 (i)~~(h)~~ A person possessing unloaded hunting weapons while traversing the
26 grounds of any public or private educational institution for the purpose of
27 gaining access to public or private lands open to hunting with the intent to

1 hunt on the public or private lands, unless the lands of the educational
2 institution are posted prohibiting the entry; or

3 ~~(j)(i)~~ A person possessing guns or knives when conducting or attending a
4 "gun and knife show" when the program has been approved by the board of
5 education or board of trustees of the educational institution.

6 (4) Unlawful possession of a weapon on school property is a Class D felony.

7 ➔Section 2. KRS 237.115 is amended to read as follows:

8 (1) (a) Except as provided in KRS 527.020, nothing contained in KRS 237.110 shall
9 be construed to limit, restrict, or prohibit in any manner the right of a private
10 college, private university, or any private postsecondary education facility~~},~~
11 ~~including technical schools and community colleges,}~~ to control the
12 possession of deadly weapons on any property owned or controlled by them~~},~~
13 ~~or the right of a unit of state, city, county, urban county, or charter county~~
14 ~~government to prohibit the carrying of concealed deadly weapons by licensees~~
15 ~~in that portion of a building actually owned, leased, or occupied by that unit of~~
16 ~~government}.~~

17 *(b) A publicly funded college, university, or postsecondary education facility*
18 *shall not restrict the carrying or possession of a deadly weapon on any*
19 *property owned or controlled by the institution by a person who holds a*
20 *valid concealed deadly weapon license issued pursuant to Section 3 of this*
21 *Act or KRS 237.138 to 237.142 or 403.754.*

22 (2) Except as provided in KRS 527.020, the legislative body of a state, city, county, or
23 urban-county government shall not~~may~~, by statute, administrative regulation, or
24 ordinance, prohibit or limit the carrying of concealed deadly weapons by licensees
25 in that portion of a building owned, leased, or controlled by that unit of government.
26 ~~{That portion of a building in which the carrying of concealed deadly weapons is~~
27 ~~prohibited or limited shall be clearly identified by signs posted at the entrance to the~~

1 ~~restricted area. The statute or ordinance shall exempt any building used for public~~
 2 ~~housing by private persons, highway rest areas, firing ranges, and private dwellings~~
 3 ~~owned, leased, or controlled by that unit of government from any restriction on the~~
 4 ~~carrying or possession of deadly weapons. The statute, administrative regulation, or~~
 5 ~~ordinance shall not specify any criminal penalty for its violation but may specify~~
 6 ~~that persons violating the statute or ordinance may be denied entrance to the~~
 7 ~~building, ordered to leave the building, and if employees of the unit of government,~~
 8 ~~be subject to employee disciplinary measures for violation of the provisions of the~~
 9 ~~statute or ordinance. The provisions of this section shall not be deemed to be a~~
 10 ~~violation of KRS 65.870 if the requirements of this section are followed.]The~~
 11 provisions of this section shall not apply to any *Court of Justice courtroom or*
 12 *court proceeding, or to a detention facility as defined in KRS 520.010*~~[other unit~~
 13 ~~of government].~~

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

18 ➔Section 3. KRS 237.110 is amended to read as follows:

19 (1) The Department of Kentucky State Police is authorized to issue and renew licenses
 20 to carry concealed firearms or other deadly weapons, or a combination thereof, to
 21 persons qualified as provided in this section.

22 (2) An original or renewal license issued pursuant to this section shall:

23 (a) Be valid throughout the Commonwealth and, except as provided in this
 24 section or other specific section of the Kentucky Revised Statutes or federal
 25 law, permit the holder of the license to carry firearms, ammunition, or other
 26 deadly weapons, or a combination thereof, at any location in the
 27 Commonwealth;

- 1 (b) Unless revoked or suspended as provided by law, be valid for a period of five
2 (5) years from the date of issuance;
- 3 (c) Authorize the holder of the license to carry a concealed firearm or other
4 deadly weapon, or a combination thereof, on or about his or her person; and
- 5 (d) Authorize the holder of the license to carry ammunition for a firearm on or
6 about his or her person.
- 7 (3) Prior to the issuance of an original or renewal license to carry a concealed deadly
8 weapon, the Department of Kentucky State Police, upon receipt of a completed
9 application, applicable fees, and any documentation required by this section or
10 administrative regulation promulgated by the Department of Kentucky State Police,
11 shall conduct a background check to ascertain whether the applicant is eligible
12 under 18 U.S.C. sec. 922(g) and (n), any other applicable federal law, and state law
13 to purchase, receive, or possess a firearm or ammunition, or both. The background
14 check shall include:
- 15 (a) A state records check covering the items specified in this subsection, together
16 with any other requirements of this section;
- 17 (b) A federal records check, which shall include a National Instant Criminal
18 Background Check System (NICS) check;
- 19 (c) A federal Immigration Alien Query if the person is an alien who has been
20 lawfully admitted to the United States by the United States government or an
21 agency thereof; and
- 22 (d) In addition to the Immigration Alien Query, if the applicant has not been
23 lawfully admitted to the United States under permanent resident status, the
24 Department of Kentucky State Police shall, if a doubt exists relating to an
25 alien's eligibility to purchase a firearm, consult with the United States
26 Department of Homeland Security, United States Department of Justice,
27 United States Department of State, or other federal agency to confirm whether

1 the alien is eligible to purchase a firearm in the United States, bring a firearm
2 into the United States, or possess a firearm in the United States under federal
3 law.

4 (4) The Department of Kentucky State Police shall issue an original or renewal license
5 if the applicant:

6 (a) Is not prohibited from the purchase, receipt, or possession of firearms,
7 ammunition, or both pursuant to 18 U.S.C. 922(g), 18 U.S.C. 922(n), or
8 applicable federal or state law;

9 (b) 1. Is a citizen of the United States who is a resident of this Commonwealth;
10 2. Is a citizen of the United States who is a member of the Armed Forces of
11 the United States who is on active duty, who is at the time of application
12 assigned to a military posting in Kentucky;

13 3. Is lawfully admitted to the United States by the United States
14 government or an agency thereof, is permitted by federal law to purchase
15 a firearm, and is a resident of this Commonwealth; or

16 4. Is lawfully admitted to the United States by the United States
17 government or an agency thereof, is permitted by federal law to purchase
18 a firearm, is, at the time of the application, assigned to a military posting
19 in Kentucky, and has been assigned to a posting in the Commonwealth;

20 (c) Is twenty-one (21) years of age or older;

21 (d) Has not been committed to a state or federal facility for the abuse of a
22 controlled substance or been convicted of a misdemeanor violation of KRS
23 Chapter 218A or similar laws of any other state relating to controlled
24 substances, within a three (3) year period immediately preceding the date on
25 which the application is submitted;

26 (e) Does not chronically and habitually use alcoholic beverages as evidenced by
27 the applicant having two (2) or more convictions for violating KRS 189A.010

- 1 within the three (3) years immediately preceding the date on which the
2 application is submitted, or having been committed as an alcoholic pursuant to
3 KRS Chapter 222 or similar laws of another state within the three (3) year
4 period immediately preceding the date on which the application is submitted;
- 5 (f) Does not owe a child support arrearage which equals or exceeds the
6 cumulative amount which would be owed after one (1) year of nonpayment, if
7 the Department of Kentucky State Police has been notified of the arrearage by
8 the Cabinet for Health and Family Services;
- 9 (g) Has complied with any subpoena or warrant relating to child support or
10 paternity proceedings. If the Department of Kentucky State Police has not
11 been notified by the Cabinet for Health and Family Services that the applicant
12 has failed to meet this requirement, the Department of Kentucky State Police
13 shall assume that paternity and child support proceedings are not an issue;
- 14 (h) Has not been convicted of a violation of KRS 508.030 or 508.080 within the
15 three (3) years immediately preceding the date on which the application is
16 submitted. The commissioner of the Department of Kentucky State Police
17 may waive this requirement upon good cause shown and a determination that
18 the applicant is not a danger and that a waiver would not violate federal law;
- 19 (i) Demonstrates competence with a firearm by successful completion of a
20 firearms safety or training course that is conducted by a firearms instructor
21 who is certified by a national organization that certifies firearms instructors
22 and includes the use of written tests, in person instruction, and a component of
23 live-fire training or a firearms safety course offered or approved by the
24 Department of Criminal Justice Training. The firearms safety course offered
25 or approved by the Department of Criminal Justice Training shall:
- 26 1. Be not more than eight (8) hours in length;
- 27 2. Include instruction on handguns, the safe use of handguns, the care and

- 1 cleaning of handguns, and handgun marksmanship principles;
- 2 3. Include actual range firing of a handgun in a safe manner, and the firing
- 3 of not more than twenty (20) rounds at a full-size silhouette target,
- 4 during which firing, not less than eleven (11) rounds must hit the
- 5 silhouette portion of the target; and
- 6 4. Include information on and a copy of laws relating to possession and
- 7 carrying of firearms, as set forth in KRS Chapters 237 and 527, and the
- 8 laws relating to the use of force, as set forth in KRS Chapter 503; and
- 9 (j) Demonstrates knowledge of the law regarding the justifiable use of force by
- 10 including with the application a copy of the concealed carry deadly weapons
- 11 legal handout made available by the Department of Criminal Justice Training
- 12 and a signed statement that indicates that applicant has read and understands
- 13 the handout.
- 14 (5) (a) A legible photocopy or electronic copy of a certificate of completion issued by
- 15 a firearms instructor certified by a national organization or the Department of
- 16 Criminal Justice Training shall constitute evidence of qualification under
- 17 subsection (4)(i) of this section.
- 18 (b) Persons qualifying under subsection (6)(d) of this section may submit with
- 19 their application:
- 20 1. At least one (1) of the following paper or electronic forms or their
- 21 successor forms showing evidence of handgun training or handgun
- 22 qualifications:
- 23 a. Department of Defense Form DD 2586;
- 24 b. Department of Defense Form DD 214;
- 25 c. Coast Guard Form CG 3029;
- 26 d. Department of the Army Form DA 88-R;
- 27 e. Department of the Army Form DA 5704-R;

- 1 f. Department of the Navy Form OPNAV 3591-1; or
- 2 g. Department of the Air Force Form AF 522; or
- 3 2. a. Documentary evidence of an honorable discharge; and
- 4 b. A notarized affidavit on a form provided by the Department of
- 5 Kentucky State Police, signed under penalty of perjury, stating the
- 6 person has met the training requirements of subsection (6)(d) of
- 7 this section.
- 8 (6) (a) Peace officers who are currently certified as peace officers by the Kentucky
- 9 Law Enforcement Council pursuant to KRS 15.380 to 15.404 and peace
- 10 officers who are retired and are members of the Kentucky Employees
- 11 Retirement System, State Police Retirement System, or County Employees
- 12 Retirement System or other retirement system operated by or for a city,
- 13 county, or urban-county in Kentucky shall be deemed to have met the training
- 14 requirement.
- 15 (b) Current and retired peace officers of the following federal agencies shall be
- 16 deemed to have met the training requirement:
- 17 1. Any peace officer employed by a federal agency specified in KRS
- 18 61.365;
- 19 2. Any peace officer employed by a federal civilian law enforcement
- 20 agency not specified above who has successfully completed the basic
- 21 law enforcement training course required by that agency;
- 22 3. Any military peace officer of the United States Army, Navy, Marine
- 23 Corps, or Air Force, or a reserve component thereof, or of the Army
- 24 National Guard or Air National Guard who has successfully completed
- 25 the military law enforcement training course required by that branch of
- 26 the military;
- 27 4. Any member of the United States Coast Guard serving in a peace officer

1 role who has successfully completed the law enforcement training
2 course specified by the United States Coast Guard.

3 (c) Corrections officers who are currently employed by a consolidated local
4 government, an urban-county government, or the Department of Corrections
5 who have successfully completed a basic firearms training course required for
6 their employment, and corrections officers who were formerly employed by a
7 consolidated local government, an urban-county government, or the
8 Department of Corrections who are retired, and who successfully completed a
9 basic firearms training course required for their employment, and are members
10 of a state-administered retirement system or other retirement system operated
11 by or for a city, county, or urban-county government in Kentucky shall be
12 deemed to have met the training requirement.

13 (d) Active or honorably discharged service members in the United States Army,
14 Navy, Marine Corps, Air Force, or Coast Guard, or a reserve component
15 thereof, or of the Army National Guard or Air National Guard shall be
16 deemed to have met the training requirement if these persons:

17 1. Successfully completed handgun training which was conducted by the
18 United States Army, Navy, Marine Corps, Air Force, or Coast Guard, or
19 a reserve component thereof, or of the Army National Guard or Air
20 National Guard; or

21 2. Successfully completed handgun qualification within the United States
22 Army, Navy, Marine Corps, Air Force, or Coast Guard, or a reserve
23 component thereof, or of the Army Guard or Air Force National Guard.

24 (7) (a) 1. A paper application for a license, or renewal of a license, to carry a
25 concealed deadly weapon shall be obtained from and submitted to the
26 office of the sheriff in the county in which the person resides.

27 2. An applicant, in lieu of a paper application, may submit an electronic

1 application for a license, or renewal of a license, to carry a concealed
2 deadly weapon to the Department of Kentucky State Police.

3 3. Persons qualifying under subsection (6)(d) of this section shall be
4 supplied the information in subsection (4)(i)4. of this section upon
5 obtaining an application.

6 (b) 1. The completed paper application and any documentation required by this
7 section plus an application fee or renewal fee, as appropriate, of sixty
8 dollars (\$60) shall be presented to the office of the sheriff of the county
9 in which the applicant resides.

10 2. The sheriff shall transmit the paper application and accompanying
11 material to the Department of Kentucky State Police within five (5)
12 working days.

13 3. Twenty dollars (\$20) of the paper application fee shall be retained by the
14 office of the sheriff for official expenses of the office. Twenty dollars
15 (\$20) shall be sent to the Department of Kentucky State Police with the
16 application. Ten dollars (\$10) shall be transmitted by the sheriff to the
17 Administrative Office of the Courts to fund background checks for
18 youth leaders, and ten dollars (\$10) shall be transmitted to the
19 Administrative Office of the Courts to fund background checks for
20 applicants for concealed weapons.

21 (c) 1. A completed electronic application submitted in lieu of a paper
22 application, any documentation required by this section, and an
23 application fee or renewal fee, as appropriate, of seventy dollars (\$70)
24 shall be presented to the Department of Kentucky State Police.

25 2. If an electronic application is submitted in lieu of a paper application,
26 thirty dollars (\$30) of the electronic application fee shall be retained by
27 the Department of Kentucky State Police. Twenty dollars (\$20) shall be

1 sent to the office of the sheriff of the applicant's county of residence for
2 official expenses of the office. Ten dollars (\$10) shall be transmitted to
3 the Administrative Office of the Courts to fund background checks for
4 youth leaders, and ten dollars (\$10) shall be transmitted to the
5 Administrative Office of the Courts to fund background checks for
6 applicants for concealed weapon carry permits.

7 (d) A full-time or part-time peace officer who is currently certified as a peace
8 officer by the Kentucky Law Enforcement Council and who is authorized by
9 his or her employer or government authority to carry a concealed deadly
10 weapon at all times and all locations within the Commonwealth pursuant to
11 KRS 527.020, or a retired peace officer who is a member of the Kentucky
12 Employees Retirement System, State Police Retirement System, County
13 Employees Retirement System, or other retirement system operated by or for a
14 city, county, or urban-county government in Kentucky, shall be exempt from
15 paying the paper or electronic application or renewal fees.

16 (e) The application, whether paper or electronic, shall be completed, under oath,
17 on a form or in a manner promulgated by the Department of Kentucky State
18 Police by administrative regulation which shall include:

- 19 1. a. The name, address, place and date of birth, citizenship, gender,
20 Social Security number of the applicant; and
- 21 b. If not a citizen of the United States, alien registration number if
22 applicable, passport number, visa number, mother's maiden name,
23 and other information necessary to determine the immigration
24 status and eligibility to purchase a firearm under federal law of a
25 person who is not a citizen of the United States;
- 26 2. A statement that, to the best of his or her knowledge, the applicant is in
27 compliance with criteria contained within subsections (3) and (4) of this

- 1 section;
- 2 3. A statement that the applicant, if qualifying under subsection (6)(c) of
- 3 this section, has provided:
- 4 a. At least one (1) of the forms listed in subsection (5) of this section;
- 5 or
- 6 b. i. Documentary evidence of an honorable discharge; and
- 7 ii. A notarized affidavit on a form provided by the Department
- 8 of Kentucky State Police stating the person has met the
- 9 training requirements of subsection (6)(c) of this section;
- 10 4. A statement that the applicant has been furnished a copy of this section
- 11 and is knowledgeable about its provisions;
- 12 5. A statement that the applicant has been furnished a copy of, has read,
- 13 and understands KRS Chapter 503 as it pertains to the use of deadly
- 14 force for self-defense in Kentucky; and
- 15 6. A conspicuous warning that the application is executed under oath and
- 16 that a materially false answer to any question, or the submission of any
- 17 materially false document by the applicant, subjects the applicant to
- 18 criminal prosecution under KRS 523.030.
- 19 (8) The applicant shall submit to the sheriff of the applicant's county of residence or
- 20 county of military posting if submitting a paper application, or to the Department of
- 21 Kentucky State Police if submitting an electronic application:
- 22 (a) A completed application as described in subsection (7) of this section;
- 23 (b) A recent color photograph of the applicant, as prescribed by administrative
- 24 regulation;
- 25 (c) A paper or electronic certificate or an affidavit or document as described in
- 26 subsection (5) of this section;
- 27 (d) A paper or electronic document establishing the training exemption as

1 described in subsection (6) of this section; and

2 (e) For an applicant who is not a citizen of the United States and has been
3 lawfully admitted to the United States by the United States government or an
4 agency thereof, an affidavit as prescribed by administrative regulation
5 concerning his or her immigration status and his or her United States
6 government issued:

- 7 1. Permanent Resident Card I-551 or its equivalent successor
8 identification;
- 9 2. Other United States government issued evidence of lawful admission to
10 the United States which includes the category of admission, if admission
11 has not been granted as a permanent resident; and
- 12 3. Evidence of compliance with the provisions of 18 U.S.C. sec. 922(g)(5),
13 18 U.S.C. sec. 922(d)(5), or 18 U.S.C. sec. 922(y)(2), and 27 C.F.R. Part
14 178, including, as appropriate, but not limited to evidence of ninety (90)
15 day residence in the Commonwealth, a valid current Kentucky hunting
16 license if claiming exemption as a hunter, or other evidence of eligibility
17 to purchase a firearm by an alien which is required by federal law or
18 regulation.

19 If an applicant presents identification specified in this paragraph, the sheriff
20 shall examine the identification, may record information from the
21 identification presented, and shall return the identification to the applicant.

22 (9) The Department of Kentucky State Police shall, within sixty (60) days after the date
23 of receipt of the items listed in subsection (8) of this section if the applicant
24 submitted a paper application, or within fifteen (15) business days after the date of
25 receipt of the items listed in subsection (8) of this section if the applicant applied
26 electronically, either:

27 (a) Issue the license; or

1 (b) Deny the application based solely on the grounds that the applicant fails to
2 qualify under the criteria listed in subsection (3) or (4) of this section. If the
3 Department of Kentucky State Police denies the application, it shall notify the
4 applicant in writing, stating the grounds for denial and informing the applicant
5 of a right to submit, within thirty (30) days, any additional documentation
6 relating to the grounds of denial. Upon receiving any additional
7 documentation, the Department of Kentucky State Police shall reconsider its
8 decision and inform the applicant within twenty (20) days of the result of the
9 reconsideration. The applicant shall further be informed of the right to seek de
10 novo review of the denial in the District Court of his or her place of residence
11 within ninety (90) days from the date of the letter advising the applicant of the
12 denial.

13 (10) The Department of Kentucky State Police shall maintain an automated listing of
14 license holders and pertinent information, and this information shall be available
15 upon request, at all times to all Kentucky, federal, and other states' law enforcement
16 agencies. A request for the entire list of licensees, or for all licensees in a
17 geographic area, shall be denied. Only requests relating to a named licensee shall be
18 honored or available to law enforcement agencies. Information on applications for
19 licenses, names and addresses, or other identifying information relating to license
20 holders shall be confidential and shall not be made available except to law
21 enforcement agencies. No request for lists of local or statewide permit holders shall
22 be made to any state or local law enforcement agency, peace officer, or other agency
23 of government other than the Department of Kentucky State Police, and no state or
24 local law enforcement agency, peace officer, or agency of government, other than
25 the Department of Kentucky State Police, shall provide any information to any
26 requester not entitled to it by law.

27 (11) Within thirty (30) days after the changing of a permanent address, or within thirty

1 (30) days after the loss, theft, or destruction of a license, the licensee shall notify the
2 Department of Kentucky State Police of the loss, theft, or destruction. Failure to
3 notify the Department of Kentucky State Police shall constitute a noncriminal
4 violation with a penalty of twenty-five dollars (\$25) payable to the clerk of the
5 District Court. No court costs shall be assessed for a violation of this subsection.
6 When a licensee makes application to change his or her residence address or other
7 information on the license, neither the sheriff nor the Department of Kentucky State
8 Police shall require a surrender of the license until a new license is in the office of
9 the applicable sheriff and available for issuance. Upon the issuance of a new
10 license, the old license shall be destroyed by the sheriff.

11 (12) If a license is lost, stolen, or destroyed, the license shall be automatically invalid,
12 and the person to whom the same was issued may, upon payment of fifteen dollars
13 (\$15) for a paper request, or twenty-five dollars (\$25) for an electronic request
14 submitted in lieu of a paper request, to the Department of Kentucky State Police,
15 obtain a duplicate, upon furnishing a notarized statement to the Department of
16 Kentucky State Police that the license has been lost, stolen, or destroyed.

17 (13) (a) The commissioner of the Department of Kentucky State Police, or his or her
18 designee in writing, shall revoke the license of any person who becomes
19 permanently ineligible to be issued a license or have a license renewed under
20 the criteria set forth in this section.

21 (b) The commissioner of the Department of Kentucky State Police, or his or her
22 designee in writing, shall suspend the license of any person who becomes
23 temporarily ineligible to be issued a license or have a license renewed under
24 the criteria set forth in this section. The license shall remain suspended until
25 the person is again eligible for the issuance or renewal of a license.

26 (c) Upon the suspension or revocation of a license, the commissioner of the
27 Department of Kentucky State Police, or his or her designee in writing, shall:

- 1 1. Order any peace officer to seize the license from the person whose
- 2 license was suspended or revoked; or
- 3 2. Direct the person whose license was suspended or revoked to surrender
- 4 the license to the sheriff of the person's county of residence within two
- 5 (2) business days of the receipt of the notice.
- 6 (d) If the person whose license was suspended or revoked desires a hearing on the
- 7 matter, the person shall surrender the license as provided in paragraph (c)2. of
- 8 this subsection and petition the commissioner of the Department of Kentucky
- 9 State Police to hold a hearing on the issue of suspension or revocation of the
- 10 license.
- 11 (e) Upon receipt of the petition, the commissioner of the Department of Kentucky
- 12 State Police shall cause a hearing to be held in accordance with KRS Chapter
- 13 13B on the suspension or revocation of the license. If the license has not been
- 14 surrendered, no hearing shall be scheduled or held.
- 15 (f) If the hearing officer determines that the licensee's license was wrongly
- 16 suspended or revoked, the hearing officer shall order the commissioner of the
- 17 Department of Kentucky State Police to return the license and abrogate the
- 18 suspension or revocation of the license.
- 19 (g) Any party may appeal a decision pursuant to this subsection to the District
- 20 Court in the licensee's county of residence in the same manner as for the
- 21 denial of a license.
- 22 (h) If the license is not surrendered as ordered, the commissioner of the
- 23 Department of Kentucky State Police shall order a peace officer to seize the
- 24 license and deliver it to the commissioner.
- 25 (i) Failure to surrender a suspended or revoked license as ordered is a Class A
- 26 misdemeanor.
- 27 (j) The provisions of this subsection relating to surrender of a license shall not

1 apply if a court of competent jurisdiction has enjoined its surrender.

2 (k) When a domestic violence order or emergency protective order is issued
3 pursuant to the provisions of KRS Chapter 403 against a person holding a
4 license issued under this section, the holder of the permit shall surrender the
5 license to the court or to the officer serving the order. The officer to whom the
6 license is surrendered shall forthwith transmit the license to the court issuing
7 the order. The license shall be suspended until the order is terminated, or until
8 the judge who issued the order terminates the suspension prior to the
9 termination of the underlying domestic violence order or emergency protective
10 order, in writing and by return of the license, upon proper motion by the
11 license holder. Subject to the same conditions as above, a peace officer against
12 whom an emergency protective order or domestic violence order has been
13 issued shall not be permitted to carry a concealed deadly weapon when not on
14 duty, the provisions of KRS 527.020 to the contrary notwithstanding.

15 (14) (a) Not less than one hundred twenty (120) days prior to the expiration date of the
16 license, the Department of Kentucky State Police shall mail to each licensee a
17 written notice of the expiration and a renewal form prescribed by the
18 Department of Kentucky State Police. The outside of the envelope containing
19 the license renewal notice shall bear only the name and address of the
20 applicant. No other information relating to the applicant shall appear on the
21 outside of the envelope sent to the applicant. The licensee may renew his or
22 her license on or before the expiration date by filing with the sheriff of his or
23 her county of residence the paper renewal form, or by filing with the
24 Department of Kentucky State Police an electronic renewal form in lieu of a
25 paper renewal form, stating that the licensee remains qualified pursuant to the
26 criteria specified in subsections (3) and (4) of this section, and the required
27 renewal fee set forth in subsection (7) of this section. The sheriff shall issue to

1 the applicant a receipt for the paper application for renewal of the license and
2 shall date the receipt. The Department of Kentucky State Police shall issue to
3 the applicant a receipt for an electronic application for renewal of the license
4 submitted in lieu of a paper application for renewal and shall date the receipt.

5 (b) A license which has expired shall be void and shall not be valid for any
6 purpose other than surrender to the sheriff in exchange for a renewal license.

7 (c) The license shall be renewed to a qualified applicant upon receipt of the
8 completed renewal application, records check as specified in subsection (3) of
9 this section, determination that the renewal applicant is not ineligible for a
10 license as specified in subsection (4), and appropriate payment of fees. Upon
11 the issuance of a new license, the old license shall be destroyed by the sheriff.
12 A licensee who fails to file a renewal application on or before its expiration
13 date may renew his or her license by paying, in addition to the license fees, a
14 late fee of fifteen dollars (\$15). No license shall be renewed six (6) months or
15 more after its expiration date, and the license shall be deemed to be
16 permanently expired six (6) months after its expiration date. A person whose
17 license has permanently expired may reapply for licensure pursuant to
18 subsections (7), (8), and (9) of this section.

19 (15) The licensee shall carry the license at all times the licensee is carrying a concealed
20 firearm or other deadly weapon and shall display the license upon request of a law
21 enforcement officer. Violation of the provisions of this subsection shall constitute a
22 noncriminal violation with a penalty of twenty-five dollars (\$25), payable to the
23 clerk of the District Court, but no court costs shall be assessed.

24 (16) Except as provided in KRS 527.020, no license issued pursuant to this section shall
25 authorize any person to carry a concealed firearm into:

26 (a) Any police station or sheriff's office;

27 (b) Any detention facility, prison, or jail;

- 1 (c) Any ~~courthouse, solely occupied by the~~ Court of Justice courtroom~~,~~ or
2 court proceeding;
- 3 (d) ~~[Any meeting of the governing body of a county, municipality, or special~~
4 ~~district; or any meeting of the General Assembly or a committee of the~~
5 ~~General Assembly, except that nothing in this section shall preclude a member~~
6 ~~of the body, holding a concealed deadly weapon license, from carrying a~~
7 ~~concealed deadly weapon at a meeting of the body of which he or she is a~~
8 ~~member;~~
- 9 (e)~~—~~Any portion of an establishment licensed to dispense beer or alcoholic
10 beverages for consumption on the premises, which portion of the
11 establishment is primarily devoted to that purpose;
- 12 ~~(e)~~~~(f)~~ ~~[Any elementary or secondary school facility without the consent of~~
13 ~~school authorities as provided in KRS 527.070,]Any child-caring facility as~~
14 defined in KRS 199.011, any child~~[day]~~-care center as defined in KRS
15 199.894, or any certified family child-care home as defined in KRS
16 199.894~~[199.8982]~~, except however, any owner of a certified child-care home
17 may carry a concealed firearm into the owner's residence used as a certified
18 child-care home;
- 19 (g) An area of an airport to which access is controlled by the inspection of
20 persons and property; or
- 21 (h) Any place where the carrying of weapons~~[firearms]~~ is prohibited by federal
22 law.
- 23 (17) The owner, business or commercial lessee, or manager of a private business
24 enterprise~~,~~ ~~day care center as defined in KRS 199.894 or certified or licensed~~
25 ~~family child care home as defined in KRS 199.8982,~~ or a health-care facility
26 licensed under KRS Chapter 216B, except facilities renting or leasing housing, may
27 prohibit persons holding concealed deadly weapon licenses from carrying concealed

1 deadly weapons on the premises and may prohibit employees, not authorized by the
2 employer, holding concealed deadly weapons licenses from carrying concealed
3 deadly weapons on the property of the employer. If the building or the premises are
4 open to the public, the employer or business enterprise shall post **conspicuous** signs
5 **at each public entrance to**~~on or about~~ the premises if carrying concealed weapons
6 is prohibited. Possession of weapons, or ammunition, or both in a vehicle on the
7 premises shall not be a criminal offense so long as the weapons, or ammunition, or
8 both are not removed from the vehicle or brandished while the vehicle is on the
9 premises. A private but not a public employer may prohibit employees or other
10 persons holding a concealed deadly weapons license from carrying concealed
11 deadly weapons, or ammunition, or both in vehicles owned by the employer, but
12 may not prohibit employees or other persons holding a concealed deadly weapons
13 license from carrying concealed deadly weapons, or ammunition, or both in vehicles
14 owned by the employee, except that the Justice and Public Safety Cabinet may
15 prohibit an employee from carrying any weapons, or ammunition, or both other than
16 the weapons, or ammunition, or both issued or authorized to be used by the
17 employee of the cabinet, in a vehicle while transporting persons under the
18 employee's supervision or jurisdiction. Carrying of a concealed weapon, or
19 ammunition, or both in a location specified in this subsection by a license holder
20 shall not be a criminal act but may subject the person to denial from the premises or
21 removal from the premises, and, if an employee of an employer, disciplinary
22 measures by the employer.

23 (18) All moneys collected by the Department of Kentucky State Police pursuant to this
24 section shall be used to administer the provisions of this section and KRS 237.138
25 to 237.142. By March 1 of each year, the Department of Kentucky State Police and
26 the Administrative Office of the Courts shall submit reports to the Governor, the
27 President of the Senate, and the Speaker of the House of Representatives, indicating

1 the amounts of money collected and the expenditures related to this section, KRS
2 237.138 to 237.142, and KRS 237.115, 244.125, 527.020, and 527.070, and the
3 administration of the provisions of this section, KRS 237.138 to 237.142, and KRS
4 237.115, 244.125, 527.020, and 527.070.

5 (19) The General Assembly finds as a matter of public policy that it is necessary to
6 provide statewide uniform standards for issuing licenses to carry concealed firearms
7 and to occupy the field of regulation of the bearing of concealed firearms to ensure
8 that no person who qualifies under the provisions of this section is denied his rights.
9 The General Assembly does not delegate to the Department of Kentucky State
10 Police the authority to regulate or restrict the issuing of licenses provided for in this
11 section beyond those provisions contained in this section. This section shall be
12 liberally construed to carry out the constitutional right to bear arms for self-defense.

13 (20) (a) A person who is not a resident of Kentucky and who has a valid license issued
14 by another state of the United States to carry a concealed deadly weapon in
15 that state may, subject to provisions of Kentucky law, carry a concealed
16 deadly weapon in Kentucky, and his or her license shall be considered as valid
17 in Kentucky.

18 (b) If a person with a valid license to carry a concealed deadly weapon issued
19 from another state that has entered into a reciprocity agreement with the
20 Department of Kentucky State Police becomes a resident of Kentucky, the
21 license issued by the other state shall be considered as valid for the first one
22 hundred twenty (120) days of the person's residence in Kentucky, if within
23 sixty (60) days of moving to Kentucky, the person completes a form
24 promulgated by the Department of Kentucky State Police which shall include:

25 1. A signed and notarized statement averring that to the best of his or her
26 knowledge the person's license to carry a concealed deadly weapon is
27 valid and in compliance with applicable out-of-state law, and has not

- 1 been revoked or suspended for any reason except for valid forfeiture due
2 to departure from the issuing state;
- 3 2. The person's name, date of birth, citizenship, gender, Social Security
4 number if applicable, proof that he or she is a citizen of the United
5 States, a permanent resident of the United States, or otherwise lawfully
6 present in the United States, former out-of-state address, current address
7 within the state of Kentucky, date on which Kentucky residence began,
8 state which issued the concealed carry license, the issuing state's
9 concealed carry license number, and the state of issuance of license; and
- 10 3. A photocopy of the person's out-of-state license to carry a concealed
11 deadly weapon.
- 12 (c) Within sixty (60) days of moving to Kentucky, the person shall deliver the
13 form and accompanying documents by registered or certified mail, return
14 receipt requested, to the address indicated on the form provided by the
15 Department of Kentucky State Police pursuant to this subsection.
- 16 (d) The out-of-state concealed carry license shall become invalid in Kentucky
17 upon the earlier of:
- 18 1. The out-of-state person having resided in Kentucky for more than one
19 hundred twenty (120) days; or
- 20 2. The person being issued a Kentucky concealed deadly weapon license
21 pursuant to this section.
- 22 (e) The Department of Kentucky State Police shall, not later than thirty (30) days
23 after July 15, 1998, and not less than once every twelve (12) months
24 thereafter, make written inquiry of the concealed deadly weapon carrying
25 licensing authorities in each other state as to whether a Kentucky resident may
26 carry a concealed deadly weapon in their state based upon having a valid
27 Kentucky concealed deadly weapon license, or whether a Kentucky resident

1 may apply for a concealed deadly weapon carrying license in that state based
2 upon having a valid Kentucky concealed deadly weapon license. The
3 Department of Kentucky State Police shall attempt to secure from each other
4 state permission for Kentucky residents who hold a valid Kentucky concealed
5 deadly weapon license to carry concealed deadly weapons in that state, either
6 on the basis of the Kentucky license or on the basis that the Kentucky license
7 is sufficient to permit the issuance of a similar license by the other state. The
8 Department of Kentucky State Police shall enter into a written reciprocity
9 agreement with the appropriate agency in each state that agrees to permit
10 Kentucky residents to carry concealed deadly weapons in the other state on the
11 basis of a Kentucky-issued concealed deadly weapon license or that will issue
12 a license to carry concealed deadly weapons in the other state based upon a
13 Kentucky concealed deadly weapon license. If a reciprocity agreement is
14 reached, the requirement to recontact the other state each twelve (12) months
15 shall be eliminated as long as the reciprocity agreement is in force. The
16 information shall be a public record and shall be available to individual
17 requesters free of charge for the first copy and at the normal rate for open
18 records requests for additional copies.

19 (21) By March 1 of each year, the Department of Kentucky State Police shall submit a
20 statistical report to the Governor, the President of the Senate, and the Speaker of the
21 House of Representatives, indicating the number of licenses issued, revoked,
22 suspended, and denied since the previous report and in total and also the number of
23 licenses currently valid. The report shall also include the number of arrests,
24 convictions, and types of crimes committed since the previous report by individuals
25 licensed to carry concealed weapons.

26 (22) The following provisions shall apply to concealed deadly weapon training classes
27 conducted by the Department of Criminal Justice Training or any other agency

1 pursuant to this section:

- 2 (a) No concealed deadly weapon instructor trainer shall have his or her
3 certification as a concealed deadly weapon instructor trainer reduced to that of
4 instructor or revoked except after a hearing conducted pursuant to KRS
5 Chapter 13B in which the instructor is found to have committed an act in
6 violation of the applicable statutes or administrative regulations;
- 7 (b) No concealed deadly weapon instructor shall have his or her certification as a
8 concealed deadly weapon instructor license suspended or revoked except after
9 a hearing conducted pursuant to KRS Chapter 13B in which the instructor is
10 found to have committed an act in violation of the applicable statutes or
11 administrative regulations;
- 12 (c) The department shall not require prior notification that an applicant class or
13 instructor class will be conducted by a certified instructor or instructor trainer;
- 14 (d) Each concealed deadly weapon instructor or instructor trainer who teaches a
15 concealed deadly weapon applicant or concealed deadly weapon instructor
16 class shall supply the Department of Criminal Justice Training with a class
17 roster indicating which students enrolled and successfully completed the class,
18 and which contains the name and address of each student, within five (5)
19 working days of the completion of the class. The information may be sent by
20 mail, facsimile, e-mail, or other method which will result in the receipt of or
21 production of a hard copy of the information. The postmark, facsimile date, or
22 e-mail date shall be considered as the date on which the notice was sent.
23 Concealed deadly weapon class applicant, instructor, and instructor trainer
24 information and records shall be confidential. The department may release to
25 any person or organization the name, address, and telephone number of a
26 concealed deadly weapon instructor or instructor trainer if that instructor or
27 instructor trainer authorizes the release of the information in writing. The

- 1 department shall include on any application for an instructor or instructor
2 trainer certification a statement that the applicant either does or does not
3 desire the applicant's name, address, and telephone number to be made public;
- 4 (e) An instructor trainer who assists in the conduct of a concealed deadly weapon
5 instructor class or concealed deadly weapon applicant class for more than two
6 (2) hours shall be considered as to have taught a class for the purpose of
7 maintaining his or her certification. All class record forms shall include spaces
8 for assistant instructors to sign and certify that they have assisted in the
9 conduct of a concealed deadly weapon instructor or concealed deadly weapon
10 class;
- 11 (f) An instructor who assists in the conduct of a concealed deadly weapon
12 applicant class for more than two (2) hours shall be considered as to have
13 taught a class for the purpose of maintaining his or her license. All class
14 record forms shall include spaces for assistant instructors to sign and certify
15 that they have assisted in the conduct of a concealed deadly weapon class;
- 16 (g) If the Department of Criminal Justice Training believes that a firearms
17 instructor trainer or certified firearms instructor has not in fact complied with
18 the requirements for teaching a certified firearms instructor or applicant class
19 by not teaching the class as specified in KRS 237.126, or who has taught an
20 insufficient class as specified in KRS 237.128, the department shall send to
21 each person who has been listed as successfully completing the concealed
22 deadly weapon applicant class or concealed deadly weapon instructor class a
23 verification form on which the time, date, date of range firing if different from
24 the date on which the class was conducted, location, and instructor of the class
25 is listed by the department and which requires the person to answer "yes" or
26 "no" to specific questions regarding the conduct of the training class. The
27 form shall be completed under oath and shall be returned to the Department of

1 Criminal Justice Training not later than forty-five (45) days after its receipt. A
2 person who fails to complete the form, to sign the form, or to return the form
3 to the Department of Criminal Justice Training within the time frame
4 specified in this section or who, as a result of information on the returned
5 form, is determined by the Department of Criminal Justice Training, following
6 a hearing pursuant to KRS Chapter 13B, to not have received the training
7 required by law shall have his or her concealed deadly weapon license
8 revoked by the Department of Kentucky State Police, following a hearing
9 conducted by the Department of Criminal Justice Training pursuant to KRS
10 Chapter 13B, at which hearing the person is found to have violated the
11 provisions of this section or who has been found not to have received the
12 training required by law;

13 (h) The department shall annually, not later than December 31 of each year, report
14 to the Legislative Research Commission:

- 15 1. The number of firearms instructor trainers and certified firearms
16 instructors whose certifications were suspended, revoked, denied, or
17 who were otherwise disciplined;
- 18 2. The reasons for the imposition of suspensions, revocations, denials, or
19 other discipline; and
- 20 3. Suggestions for improvement of the concealed deadly weapon applicant
21 training program and instructor process;

22 (i) If a concealed deadly weapon license holder is convicted of, pleads guilty to,
23 or enters an Alford plea to a felony offense, then his or her concealed deadly
24 weapon license shall be forthwith revoked by the Department of Kentucky
25 State Police as a matter of law;

26 (j) If a concealed deadly weapon instructor or instructor trainer is convicted of,
27 pleads guilty to, or enters an Alford plea to a felony offense, then his or her

1 concealed deadly weapon instructor certification or concealed deadly weapon
2 instructor trainer certification shall be revoked by the Department of Criminal
3 Justice Training as a matter of law; and

4 (k) The following shall be in effect:

5 1. Action to eliminate the firearms instructor trainer program is prohibited.
6 The program shall remain in effect, and no firearms instructor trainer
7 shall have his or her certification reduced to that of certified firearms
8 instructor;

9 2. The Department of Kentucky State Police shall revoke the concealed
10 deadly weapon license of any person who received no firearms training
11 as required by KRS 237.126 and administrative regulations, or who
12 received insufficient training as required by KRS 237.128 and
13 administrative regulations, if the person voluntarily admits nonreceipt of
14 training or admits receipt of insufficient training, or if either nonreceipt
15 of training or receipt of insufficient training is proven following a
16 hearing conducted by the Department of Criminal Justice Training
17 pursuant to KRS Chapter 13B.

1 AN ACT relating to firearms.

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

3 ➔Section 1. KRS 527.020 is amended to read as follows:

- 4 (1) A person is guilty of carrying a concealed weapon when he or she carries concealed
5 a firearm or other deadly weapon on or about his or her person.
- 6 (2) ***The criminal provisions of this section shall not apply to a person who carries a***
7 ***concealed deadly weapon on or about his or her person without a license issued***
8 ***pursuant to KRS 237.110 if the person is not prohibited from carrying the***
9 ***weapon by other law applicable to the person, the weapon, or the location in***
10 ***which the weapon is carried.***
- 11 (3) ***Except as otherwise specifically provided in this section, nothing in this section***
12 ***authorizes any person to carry a concealed firearm into:***
- 13 ***(a) Any police station or sheriff's office;***
- 14 ***(b) Any detention facility, prison, or jail;***
- 15 ***(c) Any courthouse, solely occupied by the Court of Justice courtroom, or court***
16 ***proceeding;***
- 17 ***(d) Any meeting of the governing body of a county, municipality, or special***
18 ***district; or any meeting of the General Assembly or a committee of the***
19 ***General Assembly, except that nothing in this section shall preclude a***
20 ***member of the body, holding a concealed deadly weapon license, from***
21 ***carrying a concealed deadly weapon at a meeting of the body of which he or***
22 ***she is a member;***
- 23 ***(e) Any portion of an establishment licensed to dispense beer or alcoholic***
24 ***beverages for consumption on the premises, which portion of the***
25 ***establishment is primarily devoted to that purpose;***
- 26 ***(f) Any elementary or secondary school facility without the consent of school***
27 ***authorities as provided in KRS 527.070, any child-caring facility as defined***

1 *in KRS 199.011, any child-care center as defined in KRS 199.894, or any*
2 *certified family child-care home as defined in KRS 199.894, except however,*
3 *any owner of a certified family child-care home may carry a concealed*
4 *firearm into the owner's residence used as a certified family child-care*
5 *home;*

6 *(g) An area of an airport to which access is controlled by the inspection of*
7 *persons and property; or*

8 *(h) Any place where the carrying of firearms is prohibited by federal law.*

9 (4) Peace officers and certified court security officers, when necessary for their
10 protection in the discharge of their official duties; United States mail carriers when
11 actually engaged in their duties; and agents and messengers of express companies,
12 when necessary for their protection in the discharge of their official duties, may
13 carry concealed weapons on or about their person.

14 ~~(5)~~~~(3)~~ The director of the Division of Law Enforcement in the Department of Fish
15 and Wildlife Resources, conservation officers of the Department of Fish and
16 Wildlife Resources, and policemen directly employed by state, county, city, or
17 urban-county governments may carry concealed deadly weapons on or about their
18 person at all times within the Commonwealth of Kentucky, when expressly
19 authorized to do so by law or by the government employing the officer.

20 ~~(6)~~~~(4)~~ Persons, except those specified in subsection ~~(7)~~~~(5)~~ of this section, licensed
21 to carry a concealed deadly weapon pursuant to KRS 237.110 may carry a firearm
22 or other concealed deadly weapon on or about their persons at all times within the
23 Commonwealth of Kentucky, if the firearm or concealed deadly weapon is carried
24 in conformity with the requirements of that section. Unless otherwise specifically
25 provided by the Kentucky Revised Statutes or applicable federal law, no criminal
26 penalty shall attach to carrying a concealed firearm or other deadly weapon with a
27 permit at any location at which an unconcealed firearm or other deadly weapon may

1 be constitutionally carried. No person or organization, public or private, shall
2 prohibit a person licensed to carry a concealed deadly weapon from possessing a
3 firearm, ammunition, or both, or other deadly weapon in his or her vehicle in
4 compliance with the provisions of KRS 237.110 and 237.115. Any attempt by a
5 person or organization, public or private, to violate the provisions of this subsection
6 may be the subject of an action for appropriate relief or for damages in a Circuit
7 Court or District Court of competent jurisdiction.

8 ~~(Z)~~~~(5)~~ (a) The following persons, if they hold a license to carry a concealed deadly
9 weapon pursuant to KRS 237.110 or 237.138 to 237.142, may carry a firearm
10 or other concealed deadly weapon on or about their persons at all times and at
11 all locations within the Commonwealth of Kentucky, without any limitation
12 other than as provided in this subsection:

- 13 1. A Commonwealth's attorney or assistant Commonwealth's attorney;
- 14 2. A retired Commonwealth's attorney or retired assistant Commonwealth's
15 attorney;
- 16 3. A county attorney or assistant county attorney;
- 17 4. A retired county attorney or retired assistant county attorney;
- 18 5. A justice or judge of the Court of Justice;
- 19 6. A retired or senior status justice or judge of the Court of Justice; and
- 20 7. A retired peace officer who holds a concealed deadly weapon license
21 issued pursuant to the federal Law Enforcement Officers Safety Act, 18
22 U.S.C. sec. 926C, and KRS 237.138 to 237.142.

23 (b) The provisions of this subsection shall not authorize a person specified in this
24 subsection to carry a concealed deadly weapon in a detention facility as
25 defined in KRS 520.010 or on the premises of a detention facility without the
26 permission of the warden, jailer, or other person in charge of the facility, or
27 the permission of a person authorized by the warden, jailer, or other person in

1 charge of the detention facility to give such permission. As used in this
 2 section, "detention facility" does not include courtrooms, facilities, or other
 3 premises used by the Court of Justice or administered by the Administrative
 4 Office of the Courts.

5 (c) A person specified in this section who is issued a concealed deadly weapon
 6 license shall be issued a license which bears on its face the statement that it is
 7 valid at all locations within the Commonwealth of Kentucky and may have
 8 such other identifying characteristics as determined by the Department of
 9 Kentucky State Police.

10 ~~(8)(6)~~ (a) Except provided in this subsection, the following persons may carry
 11 concealed deadly weapons on or about their person at all times and at all
 12 locations within the Commonwealth of Kentucky:

- 13 1. An elected sheriff and full-time and part-time deputy sheriffs certified
 14 pursuant to KRS 15.380 to 15.404 when expressly authorized to do so
 15 by the unit of government employing the officer;
- 16 2. An elected jailer and a deputy jailer who has successfully completed
 17 Department of Corrections basic training and maintains his or her
 18 current in-service training when expressly authorized to do so by the
 19 jailer; and
- 20 3. The department head or any employee of a corrections department in any
 21 jurisdiction where the office of elected jailer has been merged with the
 22 office of sheriff who has successfully completed Department of
 23 Corrections basic training and maintains his or her current in-service
 24 training when expressly authorized to do so by the unit of government
 25 by which he or she is employed.

26 (b) The provisions of this subsection shall not authorize a person specified in this
 27 subsection to carry a concealed deadly weapon in a detention facility as

1 defined in KRS 520.010 or on the premises of a detention facility without the
2 permission of the warden, jailer, or other person in charge of the facility, or
3 the permission of a person authorized by the warden, jailer, or other person in
4 charge of the detention facility to give such permission. As used in this
5 section, "detention facility" does not include courtrooms, facilities, or other
6 premises used by the Court of Justice or administered by the Administrative
7 Office of the Courts.

8 ~~(9)~~~~(7)~~ (a) A full-time paid peace officer of a government agency from another
9 state or territory of the United States or an elected sheriff from another
10 territory of the United States may carry a concealed deadly weapon in
11 Kentucky, on or off duty, if the other state or territory accords a Kentucky full-
12 time paid peace officer and a Kentucky elected sheriff the same rights by law.
13 If the other state or territory limits a Kentucky full-time paid peace officer or
14 elected sheriff to carrying a concealed deadly weapon while on duty, then that
15 same restriction shall apply to a full-time paid peace officer or elected sheriff
16 from that state or territory.

17 (b) The provisions of this subsection shall not authorize a person specified in this
18 subsection to carry a concealed deadly weapon in a detention facility as
19 defined in KRS 520.010 or on the premises of a detention facility without the
20 permission of the warden, jailer, or other person in charge of the facility, or
21 the permission of a person authorized by the warden, jailer, or other person in
22 charge of the detention facility to give such permission. As used in this
23 section, "detention facility" does not include courtrooms, facilities, or other
24 premises used by the Court of Justice or administered by the Administrative
25 Office of the Courts.

26 ~~(10)~~~~(8)~~ A loaded or unloaded firearm or other deadly weapon shall not be deemed
27 concealed on or about the person if it is located in any enclosed container,

1 compartment, or storage space installed as original equipment in a motor vehicle by
 2 its manufacturer, including but not limited to a glove compartment, center console,
 3 or seat pocket, regardless of whether said enclosed container, storage space, or
 4 compartment is locked, unlocked, or does not have a locking mechanism. No person
 5 or organization, public or private, shall prohibit a person from keeping a loaded or
 6 unloaded firearm or ammunition, or both, or other deadly weapon in a vehicle in
 7 accordance with the provisions of this subsection. Any attempt by a person or
 8 organization, public or private, to violate the provisions of this subsection may be
 9 the subject of an action for appropriate relief or for damages in a Circuit Court or
 10 District Court of competent jurisdiction. This subsection shall not apply to any
 11 person prohibited from possessing a firearm pursuant to KRS 527.040.

12 ~~(11)~~⁽⁹⁾ The provisions of this section shall not apply to a person who carries a
 13 concealed deadly weapon on or about his or her person without a license issued
 14 pursuant to KRS 237.110:

- 15 (a) If he or she is the owner of the property or has the permission of the owner of
 16 the property, on real property which he or she or his or her spouse, parent,
 17 grandparent, or child owns;
- 18 (b) If he or she is the lessee of the property or has the permission of the lessee of
 19 the property, on real property which he or she or his or her spouse, parent,
 20 grandparent, or child occupies pursuant to a lease; or
- 21 (c) If he or she is the sole proprietor of the business, on real property owned or
 22 leased by the business.

23 (12) (a) Except for facilities renting or leasing housing, the owner, business or
 24 commercial lessee, or manager of:
 25 1. A private business enterprise;
 26 2. A child-care center as defined in KRS 199.894 or a certified family
 27 child-care home as defined in KRS 199.894; or

1 3. A health facility as defined in KRS 216B.015;
2 may prohibit persons from carrying concealed deadly weapons on the
3 premises and may prohibit employees from carrying concealed deadly
4 weapons on the property of the employer.

5 (b) If the building or the premises are open to the public, the employer or
6 business enterprise shall post signs on or about the premises if carrying
7 concealed weapons is prohibited.

8 (c) 1. Possession of weapons, ammunition, or both in a vehicle on the
9 premises shall not be prohibited so long as the weapons, ammunition,
10 or both are not removed from the vehicle or brandished while the
11 vehicle is on the premises.

12 2. A private but not a public employer may prohibit employees or other
13 persons from carrying concealed deadly weapons, ammunition, or
14 both in vehicles owned by the employer, but may not prohibit
15 employees from carrying concealed deadly weapons, ammunition, or
16 both in vehicles owned by the employee, except that the Justice and
17 Public Safety Cabinet may prohibit an employee from carrying any
18 weapons, ammunition, or both other than the weapons, ammunition,
19 or both issued or authorized to be used by the employee of the cabinet,
20 in a vehicle while transporting persons under the employee's
21 supervision or jurisdiction.

22 (d) Carrying of a concealed weapon, ammunition, or both in a location
23 specified in this subsection shall not be a criminal act, but may subject the
24 person to denial from the premises or removal from the premises, and, if an
25 employee of an employer, disciplinary measures by the employer.

26 (13)~~(10)~~ Carrying a concealed weapon is a Class A misdemeanor, unless the defendant
27 has been previously convicted of a felony in which a deadly weapon was possessed,

1 used, or displayed, in which case it is a Class D felony.

2 ➔Section 2. KRS 237.115 is amended to read as follows:

3 (1) Except as provided in KRS 527.020, nothing contained in KRS 237.110 **or Section**
4 **1 of this Act** shall be construed to limit, restrict, or prohibit in any manner the right
5 of a college, university, or any postsecondary education facility, including technical
6 schools and community colleges, to control the possession of deadly weapons on
7 any property owned or controlled by them or the right of a unit of state, city, county,
8 urban-county, or charter county government to prohibit the carrying of concealed
9 deadly weapons~~[by licensees]~~ in that portion of a building actually owned, leased,
10 or occupied by that unit of government.

11 (2) Except as provided in KRS 527.020, the legislative body of a state, city, county, or
12 urban-county government may, by statute, administrative regulation, or ordinance,
13 prohibit or limit the carrying of concealed deadly weapons~~[by licensees]~~ in that
14 portion of a building owned, leased, or controlled by that unit of government. That
15 portion of a building in which the carrying of concealed deadly weapons is
16 prohibited or limited shall be clearly identified by signs posted at the entrance to the
17 restricted area. The statute or ordinance shall exempt any building used for public
18 housing by private persons, highway rest areas, firing ranges, and private dwellings
19 owned, leased, or controlled by that unit of government from any restriction on the
20 carrying or possession of deadly weapons. The statute, administrative regulation, or
21 ordinance shall not specify any criminal penalty for its violation but may specify
22 that persons violating the statute or ordinance may be denied entrance to the
23 building, ordered to leave the building, and if employees of the unit of government,
24 be subject to employee disciplinary measures for violation of the provisions of the
25 statute or ordinance. The provisions of this section shall not be deemed to be a
26 violation of KRS 65.870 if the requirements of this section are followed. The
27 provisions of this section shall not apply to any other unit of government.

1 (3) Unless otherwise specifically provided by the Kentucky Revised Statutes or
2 applicable federal law, no criminal penalty shall attach to carrying a concealed
3 firearm or other deadly weapon~~[with a permit]~~ at any location at which an
4 unconcealed firearm or other deadly weapon may be constitutionally carried.

5 ➔Section 3. The following KRS section is repealed:

6 403.754 Petitioner for protective order may apply for temporary permit to carry
7 concealed deadly weapon -- Criteria -- Denial of application final -- Conversion to
8 concealed carry license -- Automated listing of temporary permit holders.