

1 AN ACT relating to federal firearm restrictions.

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

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

5 (1) (a) *The General Assembly hereby recognizes and reaffirms that the right to*
6 *keep and bear arms is a natural, God-given right that is recognized by the*
7 *Constitution of the United States and the Constitution of Kentucky.*

8 (b) *It is the intent of the General Assembly to stand as a bulwark against any*
9 *future federal or state infringement of the inherent and inalienable right to*
10 *keep and bear arms.*

11 (2) *As used in this section, "federal firearm restriction" means any provision of the:*

12 (a) *National Firearms Act, 26 U.S.C. sec. 5801 et seq., as amended;*

13 (b) *Gun Control Act, 18 U.S.C. sec. 921 et seq., as amended; or*

14 (c) *Firearms Owners' Protection Act, Pub. L. No. 99-308.*

15 (3) *This section shall become effective immediately upon, and to the extent permitted*
16 *by:*

17 (a) *The repeal by the United States Congress of; or*

18 (b) *Any decision of the Supreme Court of the United States, the United States*
19 *Court of Appeals for the Sixth Circuit, or other federal court with the*
20 *authority to enforce an order against the Commonwealth which declares*
21 *unconstitutional;*

22 *a federal firearm restriction, and shall apply with respect to a federal firearm*
23 *restriction that is no longer in effect.*

24 (4) *A federal firearm restriction that is repealed or declared unconstitutional shall*
25 *have no force or effect in the Commonwealth. The Commonwealth and its*
26 *departments, commissions, agencies, and political subdivisions shall not enact or*
27 *enforce any law, rule, or regulation that mirrors, replaces, or imposes a*

1 restriction similar to that federal firearm restriction.

2 (5) (a) A person shall not be prosecuted, fined, or otherwise subject to other
3 penalties or enforcement action for any activity that was regulated or
4 prohibited by a federal firearm restriction that is repealed or declared
5 unconstitutional.

6 (b) A law enforcement agency, law enforcement officer, employee of a law
7 enforcement agency, public agency, public official, employee of a public
8 agency, or employee of a local government shall not enforce, assist in the
9 enforcement of, or otherwise cooperate in the enforcement of a federal
10 firearm restriction that is repealed or declared unconstitutional.

11 (c) A person aggrieved by a violation of this subsection may file a civil action
12 against any person or organization responsible for the violation in a court
13 of competent jurisdiction for compensatory damages, punitive damages,
14 costs, and attorney's fees.

15 (d) Sovereign, governmental, and qualified immunity, including but not limited
16 to immunity under the Eleventh Amendment to the Constitution of the
17 United States, are waived to the extent of liability created under this
18 subsection.

19 (6) (a) A person commits an offense under subsection (5)(b) of this section when,
20 while acting in his or her official capacity under color of law, he or she
21 knowingly violates subsection (5)(b) of this section.

22 (b) A person who knowingly commits an offense under subsection (5)(b) of this
23 section shall be subject to a fine not to exceed two hundred fifty dollars
24 (\$250) and termination from employment to the extent allowable under state
25 law.

26 (7) A manufacturer of firearms or federally licensed firearms dealer has the right to
27 manufacture, sell, or possess firearms and accessories that are no longer

1 *restricted under federal law.*