

1 AN ACT relating to the prevention of physical harm.

2 WHEREAS, certain people seeking treatment for mental health illnesses may
3 understand that they are at a higher risk for self-harm or harm to others as an impulsive
4 event; and

5 WHEREAS, the General Assembly recognizes the need to encourage individuals to
6 embrace measures to help prevent self-harm or harm to others while preserving the right
7 to possess firearms; and

8 WHEREAS, to assist in deescalating the overwhelming flood of emotions of
9 individuals, it is the intent of the General Assembly to establish a voluntary program
10 through this Act that allows an individual to temporarily place himself or herself on a list
11 maintained by the Department of Kentucky State Police that will prohibit the individual
12 from purchasing and possessing firearms and provide the individual with a temporary
13 safe harbor by voluntarily placing his or her firearms with a law enforcement agency; and

14 WHEREAS, individuals who voluntarily place themselves on a temporary list, or
15 temporarily have law enforcement hold their firearms, will have the option to remove
16 themselves from the list or reclaim their firearms after a specified period; and

17 WHEREAS, the Second Amendment to the Constitution of the United States
18 establishes the right of the people to keep and bear arms, and Section 1 of the
19 Constitution of Kentucky establishes the right to bear arms in defense of themselves and
20 of the State, and the voluntary program created in this Act will provide individuals with
21 assistance while still protecting their constitutional rights;

22 NOW, THEREFORE,

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

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

26 ***As used in Sections 1 to 8 of this Act:***

27 ***(1) "Department" means the Department of Kentucky State Police;***

- 1 (2) "Firearm" has the same meaning as in KRS 237.060;
2 (3) "Health care provider" means a person who:
3 (a) Provides health care or professional services related to health care; and
4 (b) Is acting within the scope of the person's license or certification;
5 (4) "Illegal firearm" means a firearm that a person is prohibited from owning or
6 possessing under state or federal law;
7 (5) "Law enforcement agency" has the same meaning as in KRS 61.298;
8 (6) "Law enforcement officer" has the same meaning as in KRS 15.310;
9 (7) "List" means the voluntary restriction list established under Section 2 of this Act;
10 (8) "Owner-possessor" means someone who is the registered owner or possessor of a
11 firearm; and
12 (9) "Proof of identification" means:
13 (a) A driver's license;
14 (b) A personal identification card issued under KRS 186.4102; or
15 (c) Any other document qualifying as proof of identification as defined in KRS
16 117.001.

17 ➔SECTION 2. A NEW SECTION OF KRS CHAPTER 237 IS CREATED TO
18 READ AS FOLLOWS:

- 19 (1) Any person may voluntarily request to be placed on the list established under this
20 section and be restricted from purchasing or possessing firearms.
21 (2) (a) 1. By June 1, 2025, the department shall develop a process and provide
22 forms for a person to be included on or removed from the list and that
23 information shall be entered into the National Instant Criminal
24 Background Check System (NICS).
25 2. Inclusion on the list is intended by the General Assembly to operate as
26 a state prohibitor for purposes of NICS.
27 3. The list shall not be:

- 1 a. Subject to any open records request under KRS 61.870 to 61.884;
- 2 b. Combined with any other database; or
- 3 c. Used for any purpose other than to determine the eligibility of
- 4 the person to purchase or receive a firearm.

5 (b) By June 1, 2025, the department shall develop a secure internet-based
 6 platform that allows a person to request inclusion on or removal from the
 7 list. The secure internet-based platform shall have the capacity to:

- 8 1. Verify the identity of any person who requests inclusion on or removal
- 9 from the list;
- 10 2. Prevent the unauthorized disclosure of a person's identity or any
- 11 sensitive, personal identifying information; and
- 12 3. Inform the person requesting inclusion on or removal from the list of
- 13 the legal effects of that request.

14 (c) The list shall be maintained by the department in compliance with the
 15 requirements of this section and federal law.

16 (3) The department shall make the forms for inclusion on and removal from the list
 17 available for download through the department's website and shall require the
 18 following information from any person seeking inclusion on the list:

- 19 (a) Name;
- 20 (b) Address;
- 21 (c) Email address, if available;
- 22 (d) Date of birth;
- 23 (e) Phone number;
- 24 (f) Signature; and
- 25 (g) Execution of the following acknowledgment prominently displayed before
- 26 the signature:

27 "ACKNOWLEDGMENT

1 By presenting this completed form to a law enforcement agency or the
2 department, I understand that I am requesting that my name be placed on a
3 list that temporarily restricts my constitutional right to purchase or possess
4 firearms. I understand that by voluntarily making myself a temporarily
5 restricted person, I may not purchase or receive a firearm and any attempt
6 to purchase a firearm while I am on the restricted list will be declined. I also
7 understand my name will be removed from the restricted list ninety (90)
8 days after being placed on the list or upon my submission of a removal
9 request form to the Department of Kentucky State Police, unless I request
10 my name remain on the list for no more than one (1) year or I am granted
11 an order of protection and request removal. Additionally, I acknowledge
12 that if I receive a firearm or attempt to purchase a firearm while on the list,
13 I may be assessed a civil penalty of two hundred fifty dollars (\$250)."

14 (4) A person requesting inclusion on the list under subsection (3) of this section
15 shall:

16 (a) Deliver the completed form described in subsection (3) of this section in
17 person to a law enforcement agency or the department;

18 (b) Mail the completed form described in subsection (3) of this section to the
19 department along with a copy of the person's proof of identification;

20 (c) Electronically submit the completed form to the department along with a
21 copy of the person's proof of identification through the secure internet-
22 based platform developed under subsection (2) of this section; or

23 (d) Direct the person's health care provider to submit the person's completed
24 form to the department pursuant to Section 3 of this Act.

25 (5) If the form is delivered to a law enforcement agency or the department under
26 subsection (4)(a) of this section, the law enforcement agency or department shall:

27 (a) Verify the person's identity before accepting the form;

- 1 (b) Only accept the form from the person named on the form; and
- 2 (c) Transmit the form to the department through Criminal Justice Information
- 3 Services within three (3) days.
- 4 (6) (a) Upon receipt of a request from a person seeking inclusion on the list under
- 5 this section, or from the person's health care provider under Section 3 of
- 6 this Act, the department shall add the person to the list and transmit the
- 7 information to NICS within two (2) business days.
- 8 (b) Within three (3) business days of adding a person to the list, the department
- 9 shall send a notice in a sealed envelope by postage prepaid certified mail,
- 10 return receipt requested, or by email if available, to the person confirming
- 11 that he or she has been placed on the list.
- 12 (7) The department shall remove a person from the list ninety (90) days after the
- 13 person was added to the list if:
- 14 (a) The department has received the person's completed removal request form;
- 15 (b) Prior to the expiration of the ninety (90) days, the person has not:
- 16 1. Requested to remain on the restricted list in the same manner as the
- 17 original request; or
- 18 2. Directed his or her health care provider to request that the person
- 19 remain on the list under Section 3 of this Act; and
- 20 (c) The person's name has not been previously removed under subsection (9) of
- 21 this section.
- 22 (8) Any person requesting to remain on the list for a period longer than the initial
- 23 ninety (90) days established in this section shall be removed upon receipt of the
- 24 person's removal request form at any time following expiration of the initial
- 25 ninety (90) day period.
- 26 (9) (a) An individual may request his or her name be removed from the list before
- 27 expiration of the initial ninety (90) day period by delivering a certified copy

1 of an order of protection as defined in KRS 403.720 or 456.010 to the
2 department and completing the removal request form.

3 (b) Upon receipt of the order of protection and the removal request form, the
4 department shall immediately remove the individual from the list.

5 (10) The information, forms, and records received by the department or a law
6 enforcement agency under this section shall not be public records as defined in
7 KRS 61.870, shall not be subject to any open records request under KRS 61.870
8 to 61.884, and shall:

9 (a) Remain confidential in accordance with subsection (2) of this section; and

10 (b) Be destroyed by the department and law enforcement agency immediately
11 upon removal from the list, but no later than five (5) business days after the
12 removal under this section unless otherwise required by federal law.

13 (11) (a) Any person whose name is on the list and who purchases, attempts to
14 purchase, or possesses a firearm in violation of this section shall be subject
15 to a civil penalty of two hundred fifty dollars (\$250).

16 (b) All moneys collected under this subsection shall be paid into the State
17 Treasury and credited to the Kentucky mental health first aid training fund
18 established in KRS 210.054 to support suicide prevention programs in
19 Kentucky.

20 (12) (a) It shall be unlawful for any person or entity required to perform a
21 background check prior to transferring a firearm to transfer a firearm,
22 either knowingly or due to a failure to perform the required background
23 check, to any person on the list.

24 (b) Any person who violates this subsection is guilty of a Class A misdemeanor.

25 (c) Any firearm transferred in violation of this subsection shall be subject to
26 forfeiture and shall be disposed of pursuant to KRS 237.090.

27 (13) (a) It shall be unlawful for any person to knowingly make a false statement or

1 representation regarding his or her identity in any request for inclusion on
2 or removal from the list under this section.

3 (b) Any person who violates this subsection is guilty of a Class A misdemeanor.

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

6 (1) Any person seeking inclusion on the list under Section 2 of this Act may direct
7 the person's health care provider to submit the person's request to the department
8 by mail or electronically through the secure internet-based platform developed by
9 the department under Section 2 of this Act.

10 (2) In addition to the form for inclusion on the list established under Section 2 of this
11 Act, the department shall provide a form, available through the department's
12 website, that requires the following information from a person's health care
13 provider:

14 (a) The name of the health care provider;

15 (b) The name of the health care provider's organization;

16 (c) The health care provider's license or certification, including the license or
17 certification number;

18 (d) An acknowledgment prominently displayed before the signature of the
19 health care provider with the following language:

20 "ACKNOWLEDGMENT

21 By presenting this completed form to the Department of Kentucky State
22 Police, I understand that I am acknowledging that I have verified the
23 identity of [name of person seeking inclusion on a restricted list] and have
24 witnessed [name of person] sign the form required under Section 2 of this
25 Act in my presence, or confirmed in person through [name of person] that
26 the signature affixed to the form is [name of person]'s signature, requesting
27 that [name of person] be placed on a restricted list that restricts [name of

1 person]'s right to purchase or possess firearms. I acknowledge that [name
 2 of person] has requested that I present the completed form to the
 3 department on [name of person]'s behalf. I affirm that [name of person] is
 4 currently my patient, and I am a licensed health care provider acting within
 5 the scope of my license and certification.'"; and

6 (e) An acknowledgment prominently displayed before the signature of the
 7 person requesting to be placed on the restricted firearms list with the
 8 following language:

9 "ACKNOWLEDGMENT

10 By signing this form, I acknowledge that I am requesting inclusion on the
 11 restricted firearms list knowingly and voluntarily, and that the signature
 12 affixed to the form required under Section 2 of this Act is my signature. I
 13 further acknowledge that I have requested my health care provider transmit
 14 the inclusion form I have signed to the department on my behalf."

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

17 (1) An owner-possessor may voluntarily commit a firearm to a law enforcement
 18 agency or request that a law enforcement officer receive a firearm for
 19 safekeeping if the owner-possessor believes he or she is an immediate threat to
 20 himself or herself, or to another person.

21 (2) A law enforcement agency that receives a legal firearm under this section shall:

22 (a) Record the:

23 1. Owner-possessor's name, address, and phone number;

24 2. Firearm serial number and the make and model of each firearm
 25 committed; and

26 3. Date that the firearm was voluntarily committed;

27 (b) Verify proof of identification of the owner-possessor;

- 1 (c) Hold the firearm for at least sixty (60) days after the firearm is voluntarily
2 committed; and
- 3 (d) At any time after the initial sixty (60) day period, return the firearm to the
4 owner-possessor upon the:
- 5 1. Completion and submission by the owner-possessor of a request for
6 return form provided by the department and made available on its
7 website;
- 8 2. Submission of owner-possessor's proof of identification; and
- 9 3. Verification that the return of the firearm to the owner-possessor is
10 not prohibited under subsection (3) of this section.
- 11 (3) Before returning any firearm to an owner-possessor under this section, the
12 agency shall ensure that the owner-possessor is not prohibited from possessing a
13 firearm under federal law, KRS 527.040, or Section 2 of this Act.
- 14 (4) If the owner-possessor has not requested return of the committed firearm within
15 one (1) year of the date of voluntary commitment the law enforcement agency
16 shall:
- 17 (a) Verify that the return of the firearm is not prohibited under subsection (3)
18 of this section; and
- 19 (b) Send a notice to the owner-possessor at the last known address stating that
20 if the firearm is not reclaimed within thirty (30) days of the date of the
21 notice the firearm will be disposed of pursuant to KRS 16.220.
- 22 (5) Unless otherwise required by federal law, a law enforcement agency accepting a
23 committed firearm under this section shall destroy all records created under this
24 section as soon as practicable after the earlier of the:
- 25 (a) Return of a firearm in accordance with subsection (2) of this section; or
26 (b) Disposal of the firearm under KRS 16.220.
- 27 (6) (a) A law enforcement agency shall adopt a written policy for the safe storage

1 of firearms committed under this section, which may include a transfer of
 2 the firearm to another law enforcement agency.

3 (b) A law enforcement agency shall not be required to provide for the safe
 4 storage of firearms committed under this section, provided the agency has:

5 1. Filed written notice of the decision not to accept the voluntary
 6 surrender of firearms with the department; and

7 2. Posted a conspicuous notice accessible to the public that the agency is
 8 not an agency that accepts the voluntary surrender of firearms under
 9 this section or Section 4 of this Act.

10 ➔SECTION 5. A NEW SECTION OF KRS CHAPTER 237 IS CREATED TO
 11 READ AS FOLLOWS:

12 (1) If the department or a law enforcement agency receives a firearm that is an
 13 illegal firearm, the firearm shall be forfeited under the procedure established in
 14 KRS 500.090 and disposed of in accordance with KRS 16.220.

15 (2) (a) If a law enforcement agency cannot, after a reasonable attempt, locate an
 16 owner to return a committed firearm, the law enforcement agency shall
 17 dispose of the firearm pursuant to KRS 16.220.

18 (b) A law enforcement agency may not dispose of a firearm under paragraph
 19 (a) of this subsection less than one (1) year after the day the owner-
 20 possessor initially voluntarily committed the firearm.

21 ➔SECTION 6. A NEW SECTION OF KRS CHAPTER 237 IS CREATED TO
 22 READ AS FOLLOWS:

23 (1) Nothing in Sections 1 to 8 of this Act shall prohibit the permanent, voluntary
 24 surrender of any firearm by an owner-possessor to a participating law
 25 enforcement agency.

26 (2) The department shall provide a form for the permanent, voluntary surrender of
 27 any firearm by an owner-possessor that includes:

- 1 (a) The information required under subsection (3)(a) to (f) of Section 2 of this
- 2 Act;
- 3 (b) A section for listing the firearm or firearms being surrendered by serial
- 4 number and make and model of each firearm; and
- 5 (c) Execution of the following acknowledgment prominently displayed before
- 6 the signature of the owner-possessor:

"ACKNOWLEDGMENT

8 By signing this form, I acknowledge that I am knowingly and voluntarily
 9 surrendering the firearm or firearms identified above on a permanent basis
 10 and acknowledge that I am waiving any and all rights to reclaim the
 11 identified firearm or firearms at any time in the future. I further
 12 acknowledge that I am surrendering the identified firearm or firearms of
 13 my own free will and understand that this surrender shall not restrict my
 14 possession or purchase of any other firearm unless otherwise prohibited by
 15 law."

16 (3) The information and acknowledgment received from any owner-possessor under
 17 this section shall not be subject to any open records request under KRS 61.870 to
 18 61.884.

19 (4) Any firearm surrendered under this section shall be disposed of pursuant to KRS
 20 16.220.

21 ➔SECTION 7. A NEW SECTION OF KRS CHAPTER 237 IS CREATED TO
 22 READ AS FOLLOWS:

23 (1) The department shall promulgate administrative regulations in accordance with
 24 KRS Chapter 13A to establish the process and forms necessary to implement the
 25 requirements of Sections 1 to 8 of this Act.

26 (2) By August 1 of each year, the department shall submit a report to the Legislative
 27 Research Commission for referral to the Interim Joint Committee on Judiciary

1 and the Interim Joint Committee on Health Services, which shall contain for
 2 each county:

3 (a) The number of individuals who requested their name be placed on the list;

4 (b) The number of individuals who remained on the list for longer than the
 5 initial ninety (90) day period;

6 (c) The number of individuals who voluntarily surrendered a firearm to a law
 7 enforcement agency or the department on a temporary basis;

8 (d) The number of firearms that were permanently surrendered; and

9 (e) The number of firearms that were returned to the owner-possessor.

10 ➔SECTION 8. A NEW SECTION OF KRS CHAPTER 237 IS CREATED TO
 11 READ AS FOLLOWS:

12 (1) The following shall be immune from suit for good-faith conduct under Sections 1
 13 to 8 of this Act:

14 (a) Law enforcement agencies;

15 (b) Law enforcement officers;

16 (c) Independent contractors acting under the direction of law enforcement
 17 agencies; and

18 (d) Health care providers.

19 (2) Any individual not identified in subsection (1) of this section who, in good faith,
 20 accepts a firearm for safe storage upon the request of another person or returns a
 21 firearm to the requesting person shall be immune from any criminal and civil
 22 liability alleged to have arisen from the acceptance or return of the firearm.

23 ➔Section 9. The Justice and Public Safety Cabinet and the Cabinet for Health and
 24 Family Services shall seek grant funding to provide a statewide public education and
 25 awareness campaign on the voluntary restriction list and voluntary firearm surrender
 26 program established in Sections 1 to 8 of this Act, and shall utilize electronic and print
 27 media to inform the public about the opportunities and protections afforded to curb gun

- 1 violence under this Act while protecting the rights of individuals to bear arms.