

KRS CHAPTER 525
RIOT, DISORDERLY CONDUCT AND RELATED OFFENSES

KRS 525.010 Definitions

The following definitions apply in this chapter unless the context otherwise requires:

- (1) "**Desecrate**" means defacing, damaging, polluting or otherwise physically mistreating in a way that the actor knows will outrage the sensibilities of persons likely to observe or discover his action.
- (2) "**Public**" means affecting or likely to affect a substantial group of persons.
- (3) "**Public place**" means a place to which the public or a substantial group of persons has access and includes but is not limited to highways, transportation facilities, schools, places of amusements, parks, places of business, playgrounds and hallways, lobbies and other portions of apartment houses and hotels not constituting rooms or apartments designed for actual residence. An act is deemed to occur in a public place if it produces its offensive or proscribed consequences in a public place.
- (4) "**Transportation facility**" means any conveyance, premises, or place used for or in connection with public passenger transportation by air, railroad, motor vehicle, or any other method. It includes aircraft, watercraft, railroad cars, buses, and air, boat, railroad, and bus terminals and stations and all appurtenances thereto.
- (5) "**Riot**" means a public disturbance involving an assemblage of five (5) or more persons which by tumultuous and violent conduct creates grave danger of damage or injury to property or persons or substantially obstructs law enforcement or other government function.
- (6) "**Service animal**" includes a:
 - (a) "**Bomb detection dog**," which means a dog that is trained to locate bombs or explosives by scent;
 - (b) "**Narcotic detection dog**," which means a dog that is trained to locate narcotics by scent;
 - (c) "**Patrol dog**," which means a dog that is trained to protect a peace officer and to apprehend a person;
 - (d) "**Tracking dog**," which means a dog that is trained to track and find a missing person, escaped inmate, or fleeing felon;
 - (e) "**Search and rescue dog**," which means a dog that is trained to locate lost or missing persons, victims of natural or man-made disasters, and human bodies;
 - (f) "**Accelerant detection dog**," which means a dog that is trained for accelerant detection, commonly referred to as arson canines;
 - (g) "**Cadaver dog**," which means a dog that is trained to find human remains;
 - (h) "**Assistance dog**," which means any dog that is trained to meet the requirements of KRS 258.500;
 - (i) Any dog that is trained in more than one (1) of the disciplines specified in paragraphs (a) to (h) of this subsection; or
 - (j) "**Police horse**," which means any horse that is owned, or the service of which is employed, by a law enforcement agency for the principal purpose of aiding in detection of criminal activity, enforcement of laws, and apprehension of offenders.

KRS 525.020 Riot in the first degree

- (1) A person is guilty of riot in the first degree when:
 - (a) He knowingly participates in a riot; and
 - (b) In the course of and as a result of such riot a person other than one of the participants suffers physical injury or substantial property damage occurs.
- (2) Riot in the first degree is a Class D felony.

KRS 525.030 Riot in the second degree

- (1) A person is guilty of riot in the second degree when he knowingly participates in a riot.
- (2) Riot in the second degree is a Class A misdemeanor.

KRS 525.040 Inciting to riot

- (1) A person is guilty of inciting to riot when he incites or urges five or more persons to create or engage in a riot.
- (2) Inciting to riot is a Class A misdemeanor.

KRS 525.050 Unlawful assembly

- (1) A person is guilty of unlawful assembly when:
 - (a) He assembles with five or more persons for the purpose of engaging or preparing to engage with them in a riot; or
 - (b) Being present at an assembly which either has or develops such a purpose, he remains there with intent to advance that purpose.
- (2) Unlawful assembly is a Class B misdemeanor.

KRS 525.055 Disorderly Conduct in the first degree

- (1) A person is guilty of disorderly conduct in the first degree when he or she:
 - (a) In a public place and with intent to cause public inconvenience, annoyance, or alarm, or wantonly creating a risk thereof:
 1. Engages in fighting or in violent, tumultuous, or threatening behavior;
 2. Makes unreasonable noise; or
 3. Creates a hazardous or physically offensive condition by any act that serves no legitimate purpose; and
 - (b) Acts in a way described in paragraph (a) of this subsection within three hundred (300) feet of a:
 1. Cemetery during a funeral or burial;
 2. Funeral home during the viewing of a deceased person;
 3. Funeral procession;
 4. Funeral or memorial service; or
 5. Building in which a funeral or memorial service is being conducted; and
 - (c) Acts in a way described in paragraph (a) of this subsection at any point in time between one (1) hour prior to the commencement of an event specified in paragraph (b) of this subsection and one (1) hour following its conclusion; and
 - (d) Knows that he or she is within three hundred (300) feet of an occasion described in paragraph (b) of this subsection.
- (2) Disorderly conduct in the first degree is a Class A misdemeanor.

KRS 525.060 Disorderly conduct in the second degree

- (1) A person is guilty of disorderly conduct in the second degree when in a public place and with intent to cause public inconvenience, annoyance, or alarm, or wantonly creating a risk thereof, he:
 - (a) Engages in fighting or in violent, tumultuous, or threatening behavior;
 - (b) Makes unreasonable noise;
 - (c) Refuses to obey an official order to disperse issued to maintain public safety in dangerous proximity to a fire, hazard, or other emergency; or
 - (d) Creates a hazardous or physically offensive condition by any act that serves no legitimate purpose.
- (2) Disorderly conduct in the second degree is a Class B misdemeanor.

KRS 525.070 Harassment

- (1) A person is guilty of harassment when with intent to intimidate, harass, annoy or alarm another person he or she:
 - (a) Strikes, shoves, kicks or otherwise subjects him to physical contact; or
 - (b) Attempts or threatens to strike, shove, kick, or otherwise subject the person to physical contact; or

- (c) In a public place, makes an offensively coarse utterance, gesture or display, or addresses abusive language to any person present; or

EDITOR'S NOTE: The Kentucky Supreme Court ruled subsection (1) (c) to be too broad and vague, thus unconstitutional. Musselman v. Com., 705 S.W.2d 476 (Ky. 1986).

- (d) Follows a person in or about a public place or places; or
 - (e) Engages in a course of conduct or repeatedly commits acts which alarm or seriously annoy such other person and which serve no legitimate purpose; or
 - (f) Being enrolled as a student in a local school district, and while on school premises, on school-sponsored transportation, or at a school-sponsored event:
 1. Damages or commits a theft of the property of another student;
 2. Substantially disrupts the operation of the school; or
 3. Creates a hostile environment by means of any gestures, written communications, oral statements, or physical acts that a reasonable person under the circumstances should know would cause another student to suffer fear of physical harm, intimidation, humiliation, or embarrassment.
- (2) (a) Except as provided in paragraph (b) of this subsection, harassment is a violation.
 (b) Harassment, as defined in paragraph (a) of subsection (1) of this section, is a Class B misdemeanor

KRS 525.080 Harassing communications

- (1) A person is guilty of harassing communications when with intent to intimidate, harass, annoy or alarm another person he or she:
 - (a) Communicates with a person, anonymously or otherwise, by telephone, telegraph, mail or any other form of electronic or written communication in a manner which causes annoyance or alarm and serves no purpose of legitimate communication;
 - (b) Makes a telephone call, whether or not conversation ensues, with no purpose of legitimate communication; or
 - (c) Communicates, while enrolled as a student in a local school district, with or about another school student, anonymously or otherwise, by telephone, the Internet, telegraph, mail, or any other form of electronic or written communication in a manner which a reasonable person under the circumstances should know would cause the other student to suffer fear of physical harm, intimidation, humiliation, or embarrassment and which serves no purpose of legitimate communication.
- (2) Harassing communications is a Class B misdemeanor.

KRS 525.090 Loitering

- (1) A person is guilty of loitering when he:
 - (a) Loiters or remains in a public place for the purpose of gambling with cards, dice or other gambling paraphernalia, except that the provisions of this section shall not apply if the person is participating in charitable gaming defined by KRS 238.505; or
 - (b) Loiters or remains in a public place for the purpose of unlawfully using a controlled substance: or
 - (c) Loiters or remains in or about a school, college or university building or grounds, not having any reason or relationship involving custody of or responsibility for a pupil or student or any other specific legitimate reason for being there and not having written permission from anyone authorized to grant the same; or
 - (d) Loiters or remains in any transportation facility, unless specifically authorized to do so, for the purpose of soliciting or engaging in any business, trade or commercial transactions involving the sale of merchandise or services.
- (2) Loitering is a violation.

KRS 525.100 Public intoxication

- (1) A person is guilty of public intoxication when he appears in a public place manifestly under the influence of a controlled substance, or other intoxicating substance, excluding alcohol (unless the alcohol is present in combination with any of the above), not therapeutically administered, to the degree that he may endanger himself or other persons or property, or unreasonably annoy persons in his vicinity.
- (2) Public intoxication is a Class B misdemeanor.

EDITOR'S NOTE: If alcohol is the only intoxicating substance involved, charge with violation of KRS 222.202(1) – Alcohol Intoxication; KRS 222.202(2) – Drinking Alcoholic Beverage in a Public Place; or KRS 189.530(2) – Possession of Alcoholic Beverages in an Open Container on a Highway.

KRS 525.105 Desecration of venerated objects in the first degree

- (1) A person is guilty of desecration of venerated objects in the first degree when, other than authorized by law, he intentionally excavates or disinters human remains for the purpose of commercial sale or exploitation of the remains themselves or of objects buried contemporaneously with the remains.
- (2) Desecration of venerated objects in the first degree is a Class C felony.

KRS 525.110 Desecration of venerated objects in the second degree

- (1) A person is guilty of desecration of venerated objects in the second degree when he intentionally:
 - (a) Desecrates any public monument or object or place of worship; or
 - (b) Desecrates in a public place the national or state flag or other patriotic or religious symbol which is an object of veneration by the public or a substantial segment thereof.
- (2) Desecration of venerated objects in the second degree is a Class A misdemeanor.

KRS 525.113 Institutional vandalism

- (1) A person is guilty of institutional vandalism when he, because of race, color, religion, sexual orientation, or national origin of another individual or group of individuals, knowingly vandalizes, defaces, damages, or desecrates objects defined in KRS 525.110.
- (2) Institutional vandalism is a Class D felony.

KRS 525.115 Violating graves

- (1) A person is guilty of violating graves when he intentionally:
 - (a) Mutilates the graves, monuments, fences, shrubbery, ornaments, grounds, or buildings in or enclosing any cemetery or place of sepulchre; or
 - (b) Violates the grave of any person by destroying, removing, or damaging the headstone or footstone, or the tomb over the enclosure protecting any grave; or
 - (c) Digs into or plows over or removes any ornament, shrubbery, or flower placed upon any grave or lot.
- (2) The provisions of subsection (1) of this section shall not apply to ordinary maintenance and care of a cemetery nor the removal and relocation of graves pursuant to procedures authorized by and in accordance with applicable statutes.
- (3) Violating graves is a Class D felony.
- (4) The court shall order the defendant to restore the cemetery to its pre-damage condition.

KRS 525.120 Abuse of a corpse

- (1) A person is guilty of abuse of a corpse when except as authorized by law he intentionally treats a corpse in a way that would outrage ordinary family sensibilities. A person shall also be guilty of abuse of a corpse if that person enters into a contract and accepts remuneration for the preparation of a corpse for burial or the burial or cremation of a corpse and then deliberately fails to prepare, bury, or cremate that corpse in accordance with that contract.
- (2) Abuse of a corpse is a Class A misdemeanor, unless the act attempted or committed involved

sexual intercourse or deviate sexual intercourse with the corpse or the deliberate failure to prepare, bury, or cremate a corpse after the acceptance of remuneration in accordance with any contract negotiated, in which case it is a Class D felony.

KRS 525.125 Cruelty to animals in the first degree

- (1) As used in this section:
 - (a) "Dog" means a domesticated canid of the genus *canis lupus familiaris*; and
 - (b) "Dog fight" or "dog fighting" means any event that involves a fight conducted or to be conducted between at least two (2) dogs for purposes of sport, wagering, or entertainment, except that the term "dog fight" or "dog fighting" shall not be deemed to include any activity the purpose of which involves the use of one (1) or more dogs in hunting or taking another animal.
- (2) The following persons are guilty of cruelty to animals in the first degree:
 - (a) Whenever a dog is knowingly caused to dog fight for pleasure or profit:
 1. The owner of the dog;
 2. The owner of the property on which the fight is conducted if the owner knows of the dog fight; and
 3. Anyone who participates in the organization of the fight; and
 - (b) Any person who knowingly owns, possesses, keeps, trains, sells, or otherwise transfers a dog for the purpose of dog fighting.
- (3) Activities of dogs engaged in hunting, field trials, dog training, and other activities authorized either by a hunting license or by the Department of Fish and Wildlife Resources shall not constitute a violation of this section.
- (4) Activities of dogs engaged in working or guarding livestock shall not constitute a violation of this section.
- (5) Cruelty to animals in the first degree is a Class D felony.

KRS 525.130 Cruelty to animals in the second degree

- (1) A person is guilty of cruelty to animals in the second degree when except as authorized by law he intentionally or wantonly:
 - (a) Subjects any animal to or causes cruel or injurious mistreatment through abandonment, participates other than as provided in KRS 525.125 in causing it to fight for pleasure or profit (including, but not limited to being, a spectator or vendor at an event where a four-legged animal is caused to fight for pleasure or profit), mutilation, beating, torturing, tormenting, failing to provide adequate food, drink, space or health care, or by any other means; or
 - (b) Subjects any animal in his custody to cruel neglect; or
 - (c) Kills any animal.
- (2) Nothing in this section shall apply to the killing of animals:
 - (a) Pursuant to a license to hunt, fish or trap;
 - (b) Incident to the processing as food or for other commercial purposes;
 - (c) For humane purposes;
 - (d) For any other purpose authorized by law.
- (3) Activities of animals engaged in hunting, field trials, dog training, and other activities authorized either by a hunting license or by the Department of Fish and Wildlife shall not constitute a violation of this section.
- (4) Cruelty to animals in the second degree is a Class A misdemeanor.

KRS 525.135 Torture of dog or cat.

- (1) As used in this section, unless the context otherwise requires, "**torture**" means the intentional infliction of or subjection to extreme physical pain or injury, motivated by an intent to increase or prolong the pain of the animal.
- (2) A person is guilty of torture of a dog or cat when he or she without legal justification intentionally tortures a domestic dog or cat.

- (3) Torture of a dog or cat is a Class A misdemeanor for the first offense and a Class D felony for each subsequent offense if the dog or cat suffers physical injury as a result of torture, and a Class D felony if the dog or cat suffers serious physical injury or death as a result of the torture.
- (4) Nothing in this section shall apply to the killing or injuring of a dog or cat:
 - (a) In accordance with a license to hunt, fish, or trap;
 - (b) For humane purposes;
 - (c) For veterinary, agricultural, spaying or neutering, or cosmetic purposes;
 - (d) For purposes relating to sporting activities including but not limited to training for organized dog or cat shows, or other animal shows in which a dog or a cat, or both, participate;
 - (e) For bona fide animal research activities, using dogs or cats, of institutions of higher education; or a business entity registered with the United States Department of Agriculture under the Animal Welfare Act or subject to other federal laws governing animal research;
 - (f) In defense of self or another person against an aggressive or diseased dog or cat;
 - (g) In defense of a domestic animal against an aggressive or diseased dog or cat;
 - (h) For animal or pest control; or
 - (i) For any other purpose authorized by law.
- (5) Activities of animals engaged in hunting, field trials, dog training other than training a dog to fight for pleasure or profit, and other activities authorized either by a hunting license or by the Department of Fish and Wildlife Resources shall not constitute a violation of this section.
- (6) The acts specified in this section shall not constitute cruelty to animals under KRS 525.125 or 525.130.

KRS 525.140 Obstructing a highway or other public passage

- (1) A person is guilty of obstructing a highway or other public passage when having no legal privilege to do so he, alone or with other persons, intentionally or wantonly renders any highway or public passage impassable without unreasonable inconvenience or hazard.
- (2) No person shall be convicted under this section solely because of a gathering of persons to hear him speak or otherwise communicate or solely because of being a member of such a gathering.
- (3) An order to disperse issued by a peace officer or other public servant engaged in executing or enforcing the law and addressed to a person whose speech or other lawful behavior attracts an obstructing audience shall not be deemed lawful if the obstruction can be readily remedied by police control of the size or location of the gathering.
- (4) Obstructing a highway or other public passage is a Class B misdemeanor.

KRS 525.145 Disrupting meetings and processions in the first degree

- (1) A person is guilty of disrupting meetings and processions in the first degree when, with intent to prevent or disrupt a funeral or burial, funeral home viewing of a deceased person, funeral procession, or funeral or memorial service for a deceased person, he or she does any act tending to obstruct or interfere with it physically or makes any utterance, gesture, or display designed to outrage the sensibilities of the group attending the occasion.
- (2) Disrupting meetings and processions in the first degree is a Class A misdemeanor.

KRS 525.150 Disrupting meetings and processions in the second degree

- (1) A person is guilty of disrupting meetings and processions in the second degree when, with intent to prevent or disrupt a lawful meeting, procession, or gathering, he or she does any act tending to obstruct or interfere with it physically or makes any utterance, gesture, or display designed to outrage the sensibilities of the group.
- (2) Disrupting meetings and processions in the second degree is a Class B misdemeanor.

KRS 525.160 Failure to disperse

- (1) A person is guilty of failure to disperse if he participates with two or more persons in a course of disorderly conduct likely to cause substantial harm or serious inconvenience, annoyance or alarm, and intentionally refuses to disperse when ordered to do so by a peace officer or other public servant engaged in executing or enforcing the law.
- (2) Failure to disperse is a Class B misdemeanor.

KRS 525.200 Assault on a service animal in the first degree

- (1) A person is guilty of assault on a service animal in the first degree when he intentionally and without legal justification or lawful authority kills or causes physical injury to a service animal to the extent that a service animal becomes physically incapable of ever returning to service.
- (2) Assault on a service animal in the first degree is a Class D felony.

KRS 525.205 Assault on a service animal in the second degree

- (1) A person is guilty of assault on a service animal in the second degree when he intentionally and without legal justification or lawful authority causes physical injury to a service animal.
- (2) Assault on a service animal in the second degree is a Class B misdemeanor.

KRS 525.210 Duty status of service animal not a factor in application of KRS 525.200 and 525.205

KRS 525.200 and 525.205 shall apply whether or not the service animal is on duty or off duty.

KRS 525.215 Defendant's liability for damages upon conviction of assault on a service animal

In any case in which a defendant is convicted of a violation of the provisions of KRS 525.200 or 525.205, the defendant may be ordered to make restitution to the person or agency owning the animal for any veterinary bills, replacement costs of the animal if it is disabled or killed, and the salary of the animal handler for the period of time his services are lost to the agency or self-employment.

KRS 525.220 Bars and defenses to conviction of assault on a service animal

No person shall be convicted of assault on a service animal when:

- (1) He has been convicted of a violation of KRS 525.125, 525.130, 512.020, 512.030, or 512.040 arising out of the same incident; or
- (2) He has destroyed or treated a service animal that is injured, diseased, or suffering or which constitutes a hazard to public safety if not destroyed; or
- (3) He has used physical force against the service animal in protection of himself or a third person; or
- (4) He has used physical force without knowledge that the animal was a service animal.

**KRS CHAPTER 526
EAVESDROPPING**

KRS 526.010 Definition

The following definition applies in this chapter, unless the context otherwise requires:

"**Eavesdrop**" means to overhear, record, amplify or transmit any part of a wire or oral communication of others without the consent of at least one (1) party thereto by means of any electronic, mechanical or other device.

KRS 526.020 Eavesdropping

- (1) A person is guilty of eavesdropping when he intentionally uses any device to eavesdrop, whether or not he is present at the time.
- (2) Eavesdropping is a Class D felony.

KRS 526.030 Installing eavesdropping device

- (1) A person is guilty of installing an eavesdropping device when he intentionally installs or places such a device in any place with the knowledge that it is to be used for eavesdropping.
- (2) Installing an eavesdropping device is a Class D felony.

KRS 526.040 Possession of eavesdropping device

- (1) A person is guilty of possession of an eavesdropping device when he possesses any electronic, mechanical or other device designed or commonly used for eavesdropping with intent to use that device to eavesdrop or knowing that another intends to use that device to eavesdrop.
- (2) Possession of an eavesdropping device is a Class A misdemeanor.

KRS 526.050 Tampering with private communications

- (1) A person is guilty of tampering with private communications when knowing that he does not have the consent of the sender or receiver, he unlawfully:
 - (a) Opens or reads a sealed letter or other sealed private communication; or
 - (b) Obtains in any manner from an employee, officer or representative of a communications common carrier information with respect to the contents or nature of a communication.
- (2) The provisions of this section do not apply to the censoring of sealed letters or sealed communications for security purposes in official detention or penal facilities.
- (3) Tampering with private communications is a Class A misdemeanor.

KRS 526.060 Divulging illegally obtained information

- (1) A person is guilty of divulging illegally obtained information when he knowingly uses or divulges information obtained through eavesdropping or tampering with private communications or learned in the course of employment with a communications common carrier engaged in transmitting the message.
- (2) Divulging illegally obtained information is a Class A misdemeanor.

KRS 526.070 Eavesdropping - Exceptions

A person is not guilty under this chapter when he:

- (1) Inadvertently overhears the communication through a regularly installed telephone party line or on a telephone extension but does not divulge it; or
- (2) Is an employee of a communications common carrier who while acting in the course of his employment, intercepts, discloses or uses a communication transmitted through the facilities of his employer for a purpose which is a necessary incident to the rendition of the service or to the protection of the rights of the property of the carrier of such communication, provided however

that communications common carriers shall not utilize service observing or random monitoring except for mechanical or service quality control checks.

KRS 526.080 Forfeiture

Any electronic, mechanical or other device designed or commonly used for eavesdropping which is possessed or used in violation of this chapter, is forfeited to the state and shall be disposed of in accordance with KRS 500.090.

KRS CHAPTER 527
OFFENSES RELATING TO FIREARMS AND WEAPONS

KRS 527.010 Definitions for chapter

The following definitions apply in this chapter unless the context otherwise requires:

- (1) "**Booby trap device**" shall have the same meaning as set forth in KRS 237.030.
- (2) "**Deface**" means to remove, deface, cover, alter, or destroy the manufacturer's serial number or any other distinguishing number or identification mark.
- (3) "**Destructive device**" shall have the same meaning as set forth in KRS 237.030.
- (4) "**Firearm**" means any weapon which will expel a projectile by the action of an explosive.
- (5) "**Handgun**" means any pistol or revolver originally designed to be fired by the use of a single hand, or any other firearm originally designed to be fired by the use of a single hand.

KRS 527.020 Carrying concealed deadly weapon

- (1) A person is guilty of carrying a concealed weapon when he carries concealed a firearm or other deadly weapon on or about his person.
- (2) Peace officers and certified court security officers, when necessary for their protection in the discharge of their official duties; United States mail carriers when actually engaged in their duties; and agents and messengers of express companies, when necessary for their protection in the discharge of their official duties, may carry concealed weapons on or about their person.
- (3) The director of the Division of Law Enforcement in the Department of Fish and Wildlife Resources, conservation officers of the Department of Fish and Wildlife Resources, and policemen directly employed by state, county, city, or urban-county governments may carry concealed deadly weapons on or about their person at all times within the Commonwealth of Kentucky, when expressly authorized to do so by law or by the government employing the officer.
- (4) Persons, except those specified in subsection (5) of this section, licensed to carry a concealed deadly weapon pursuant to KRS 237.110 may carry a firearm or other concealed deadly weapon on or about their persons at all times within the Commonwealth of Kentucky, if the firearm or concealed deadly weapon is carried in conformity with the requirements of that section. Unless otherwise specifically provided by the Kentucky Revised Statutes or applicable federal law, no criminal penalty shall attach to carrying a concealed firearm or other deadly weapon with a permit at any location at which an unconcealed firearm or other deadly weapon may be constitutionally carried. No person or organization, public or private, shall prohibit a person licensed to carry a concealed deadly weapon from possessing a firearm, ammunition, or both, or other deadly weapon in his or her vehicle in compliance with the provisions of KRS 237.110 and 237.115. Any attempt by a person or organization, public or private, to violate the provisions of this subsection may be the subject of an action for appropriate relief or for damages in a Circuit Court or District Court of competent jurisdiction.
- (5) (a) The following persons, if they hold a license to carry a concealed deadly weapon pursuant to KRS 237.110 or 237.138 to 237.142, may carry a firearm or other concealed deadly weapon on or about their persons at all times and at all locations within the Commonwealth of Kentucky, without limitation other than as provided in this subsection:
 1. A Commonwealth's attorney or assistant Commonwealth's attorney;
 2. A retired Commonwealth's attorney or retired assistant Commonwealth's attorney;
 3. A county attorney or assistant county attorney;
 4. A retired county attorney or retired assistant county attorney;
 5. A justice or judge of the Court of Justice;
 6. A retired or senior status justice or judge of the Court of Justice; and
 7. A retired peace officer who holds a concealed deadly weapon license issued pursuant to the federal Law Enforcement Officers Safety Act, 18 U.S.C. sec. 926C, and KRS 237.138 to 237.142.
- (b) The provisions of this subsection shall not authorize a person specified in this subsection to carry a concealed deadly weapon in a detention facility as defined in KRS 520.010 or on the premises of a detention facility without the permission of the warden, jailer, or other person in charge of the facility, or the permission of a person authorized by the warden, jailer, or other

- person in charge of the detention facility to give such permission. As used in this section, “detention facility” does not include courtrooms, facilities, or other premises used by the Court of Justice or administered by the Administrative Office of the Courts.
- (c) A person specified in this section who is issued a concealed deadly weapon license shall be issued a license which bears on its face the statement that it is valid at all locations within the Commonwealth of Kentucky and may have such other identifying characteristics as determined by the Kentucky State Police.
- (6) (a) Except provided in this subsection, the following persons may carry concealed deadly weapons on or about their person at all times and at all locations within the Commonwealth of Kentucky:
1. An elected sheriff and full-time and part-time deputy sheriffs certified pursuant to KRS 15.380 to 15.404 when expressly authorized to do so by the unit of government employing the officer;
 2. An elected jailer and a deputy jailer who has successfully completed Department of Corrections basic training and maintains his or her current in-service training when expressly authorized to do so by the jailer;
 3. The department head or any employee of a corrections department in any jurisdiction where the office of elected jailer has been merged with the office of sheriff who has successfully completed Department of Corrections basic training and maintains his or her current in-service training when expressly authorized to do so by the unit of government by which he or she is employed.
- (b) The provisions of this subsection shall not authorize a person specified in this subsection to carry a concealed deadly weapon in a detention facility as defined in KRS 520.010 or on the premises of a detention facility without the permission of the warden, jailer, or other person in charge of the facility, or the permission of a person authorized by the warden, jailer, or other person in charge of the detention facility to give such permission. As used in this section, “detention facility” does not include courtrooms, facilities, or other premises used by the Court of Justice or administered by the Administrative Office of the Courts.
- (7) (a) A full-time paid peace officer of a government agency from another state or territory of the United States or an elected sheriff from another territory of the United States may carry a concealed deadly weapon in Kentucky, on or off duty, if the other state or territory accords a Kentucky full-time paid peace officer and a Kentucky elected sheriff the same rights by law. If the other state or territory limits a Kentucky full-time paid peace officer or elected sheriff to carrying a concealed deadly weapon while on duty, then that same restriction shall apply to a full-time paid peace officer or elected sheriff from that state or territory.
- (b) The provisions of this subsection shall not authorize a person specified in this subsection to carry a concealed deadly weapon in a detention facility as defined in KRS 520.010 or on the premises of a detention facility without the permission of the warden, jailer, or other person in charge of the facility, or the permission of a person authorized by the warden, jailer, or other person in charge of the detention facility to give such permission. As used in this section, “detention facility” does not include courtrooms, facilities, or other premises used by the Court of Justice or administered by the Administrative Office of the Courts.
- (8) A loaded or unloaded firearm or other deadly weapon shall not be deemed concealed on or about the person if it is located in any enclosed container, compartment, or storage space installed as original equipment in a motor vehicle by its manufacturer, including but not limited to a glove compartment, center console, or seat pocket, regardless of whether said enclosed container, storage space, or compartment is locked, unlocked, or does not have a locking mechanism. No person or organization, public or private, shall prohibit a person from keeping a loaded or unloaded firearm or ammunition, or both, or other deadly weapon in a vehicle in accordance with the provisions of this subsection. Any attempt by a person or organization, public or private, to violate the provisions of this subsection may be the subject of an action for appropriate relief or for damages in a Circuit Court or District Court of competent jurisdiction. This subsection shall not apply to any person prohibited from possessing a firearm pursuant to KRS 527.040.
- (9) The provisions of this section shall not apply to a person who carries a concealed deadly weapon on or about his or her person without a license issued pursuant to KRS 237.110:
- (a) If he or she is the owner of the property or has the permission of the owner of the property, on real property which he or she or his or her spouse, parent, grandparent, or child owns;

- (b) If he or she is the lessee of the property or has the permission of the lessee of the property, on real property which he or she or his or her spouse, parent, grandparent, or child occupies pursuant to a lease; or
 - (c) If he or she is the sole proprietor of the business, on real property owned or leased by the business.
- (10) Carrying a concealed weapon is a Class A misdemeanor unless the defendant has been previously convicted of a felony in which a deadly weapon was possessed, used or displayed in which case it is a Class D felony.

KRS 527.030 Defacing a firearm

- (1) A person is guilty of defacing a firearm when he intentionally defaces a firearm.
- (2) Defacing a firearm is a Class A misdemeanor.

KRS 527.040 Possession of firearm by convicted felon - Exceptions

- (1) A person is guilty of possession of a firearm by a convicted felon when he possesses, manufactures, or transports a firearm when he has been convicted of a felony, as defined by the laws of the jurisdiction in which he was convicted, in any state or federal court and has not:
 - (a) Been granted a full pardon by the Governor or by the President of the United States;
 - (b) Been granted relief by the United States Secretary of the Treasury pursuant to the Federal Gun Control Act of 1968 as amended.
- (2) Possession of a firearm by a convicted felon is a Class D felony unless the firearm possessed is a handgun in which case it is a Class C felony.
- (3) The provisions of this section shall apply to any youthful offender convicted of a felony offense under the laws of this Commonwealth. The exceptions contained in KRS 527.100 prohibiting possession of a handgun by a minor shall not apply to this section.
- (4) The provisions of this section with respect to handguns shall apply only to persons convicted after January 1, 1975, and with respect to other firearms, to persons convicted after July 15, 1994.

KRS 527.050 Possession of a defaced firearm

- (1) A person is guilty of possession of a defaced firearm when he knowingly possesses a defaced firearm unless he makes a report to the police or other appropriate government agency of such possession prior to arrest or authorization of a warrant by a court.
- (2) Possession of a defaced firearm is a Class A misdemeanor.

KRS 527.060 Forfeiture

Upon the conviction of any person for the violation of any law of this Commonwealth in which a deadly weapon was used, displayed or unlawfully possessed by such person the court shall order the weapon forfeited to the state and sold, destroyed or otherwise disposed of in accordance with KRS 500.090.

KRS 527.070 Unlawful possession of a weapon on school property – Posting of sign - Exemptions

- (1) A person is guilty of unlawful possession of a weapon on school property when he knowingly deposits, possesses, or carries, whether openly or concealed, for purposes other than instructional or school-sanctioned ceremonial purposes, or the purposes permitted in subsection (3) of this section, any firearm or other deadly weapon, destructive device, or booby trap device in any public or private school building or bus, on any public or private school campus, grounds, recreation area, athletic field or any other property owned, used, or operated by any board of education, school, board of trustees, regents, or directors for the administration of any public or private educational institution. The provisions of this section shall not apply to institutions of postsecondary or higher education.
- (2) Each chief administrator of a public or private school shall display about the school in prominent locations, including, but not limited to, sports arenas, gymnasiums, stadiums, and cafeterias, a sign at least six (6) inches high and fourteen (14) inches wide stating:

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

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

- (3) The provisions of this section prohibiting the unlawful possession of a weapon on school property shall not apply to:
- (a) An adult who possesses a firearm, if the firearm is contained within a vehicle operated by the adult and is not removed from the vehicle, except for a purpose permitted herein, or brandished by the adult, or by any other person acting with expressed or implied consent of the adult, while the vehicle is on school property;
 - (b) Any pupils who are members of the reserve officers training corps or pupils enrolled in a course of instruction or members of a school club or team, to the extent they are required to carry arms or weapons in the discharge of their official class or team duties;
 - (c) Any peace officer or police officer authorized to carry a concealed weapon pursuant to KRS 527.020;
 - (d) Persons employed by the Armed Forces of the United States or members of the National Guard or militia when required in the discharge of their official duties to carry arms or weapons;
 - (e) Civil officers of the United States in the discharge of their official duties. Nothing in this section shall be construed as to allow any person to carry a concealed weapon into a public or private elementary or secondary school building;
 - (f) Any other persons, including, but not limited to, exhibitors of historical displays, who have been authorized to carry a firearm by the board of education or board of trustees of the public or private institution;
 - (g) A person hunting during the lawful hunting season on lands owned by any public or private educational institution and designated as open to hunting by the board of education or board of trustees of the educational institution;
 - (h) A person possessing unloaded hunting weapons while traversing the grounds of any public or private educational institution for the purpose of gaining access to public or private lands open to hunting with the intent to hunt on the public or private lands, unless the lands of the educational institution are posted prohibiting the entry; or
 - (i) A person possessing guns or knives when conducting or attending a "gun and knife show" when the program has been approved by the board of education or board of trustees of the educational institution.
- (4) Unlawful possession of a weapon on school property is a Class D felony.

KRS 527.080 Using restricted ammunition during the commission of a crime - Exception

- (1) A person is guilty of using restricted ammunition during the commission of a crime when he commits any felony offense under this code and is armed at the time of the commission of the offense or in the immediate flight therefrom with a firearm loaded, as defined in KRS 237.060, with armor-piercing ammunition as defined in KRS 237.060 or flanged ammunition as defined in KRS 237.060.
- (2) Using restricted ammunition during the commission of a crime is:
- (a) A Class D felony if no shot is fired;
 - (b) A Class C felony if a shot is fired and no person is killed or wounded thereby;
 - (c) A Class B felony if a shot is fired and a person other than the defendant or an accomplice of the defendant is wounded by the shot; and
 - (d) A Class A felony if a shot is fired and a person other than the defendant or an accomplice of the defendant is killed by the shot.
- (3) The provisions of this section are intended to be a separate offense from the underlying crime, which shall be punished separately. If a person is convicted of this offense, his sentence shall be served consecutively to the sentence for the underlying offense.
- (4) The provisions of this section shall not apply to any person who is justified in acting pursuant to the provisions of KRS Chapter 503.

KRS 527.090 Fraudulent firearm transaction

- (1) As used in this section:
 - (a) "Licensed dealer" means a person who is licensed pursuant to 18 U.S.C. sec. 923 and pursuant to any laws of this Commonwealth and engages in the business of dealing in firearms;
 - (b) "Materially false information" means information that portrays an illegal transaction as legal or a legal transaction as illegal; and
 - (c) "Private seller" means a person who sells or offers for sale any firearm.
- (2) A person is guilty of fraudulent firearm transaction when he or she knowingly:
 - (a) Solicits, persuades, encourages, or entices a licensed dealer or private seller of firearms to transfer a firearm under circumstances which the person knows would violate the laws of this Commonwealth or the United States;
 - (b) Provides to a licensed dealer or private seller of firearms what the person knows to be materially false information with intent to deceive the dealer or seller about the legality of a transfer of a firearm; or
 - (c) Procures another to engage in conduct prohibited by this section.
- (3) Fraudulent firearm transaction is a Class D felony.

KRS 527.100 Possession of a handgun by a minor

- (1) A person is guilty of possession of a handgun by a minor when, being under the age of eighteen (18) years, he possesses, manufactures, or transports a handgun as defined by KRS 527.010, except when the person is:
 - (a) In attendance at a hunter's safety course or a firearms safety course;
 - (b) Engaging in practice in the use of a firearm, or target shooting at an established firing range, or any other area where the discharge of a firearm is not prohibited;
 - (c) Engaging in an organized competition involving the use of a firearm, or participating in or practicing for a performance by a group organized under Section 501(c)(3) of the Internal Revenue Code or any successor thereto which uses firearms as a part of the performance;
 - (d) Hunting or trapping pursuant to a valid license issued to him pursuant to the statutes or administrative regulations of this Commonwealth;
 - (e) Traveling to or from any activity described in paragraphs (a) to (d) of this subsection with any unloaded handgun in his possession;
 - (f) On real property which is under the control of an adult and has the permission of that adult and his parent or legal guardian to possess a handgun; or
 - (g) At his residence and with the permission of his parent or legal guardian possesses a handgun and is justified under the principles of justification set forth in KRS Chapter 503 in using physical force or deadly physical force.
- (2) For the purposes of subsection (1) of this section, a handgun is "loaded" if:
 - (a) There is a cartridge in the chamber of the handgun; or
 - (b) There is a cartridge in the cylinder of the handgun, if the handgun is a revolver; or
 - (c) There is a cartridge in the magazine of a semiautomatic handgun, if the magazine is attached to the handgun; or
 - (d) The handgun and the ammunition for the handgun, are carried on the person of one under the age of eighteen (18) years or are in such close proximity to him that he could readily gain access to the handgun and the ammunition and load the handgun.
- (3) Possession of a handgun by a minor is a Class A misdemeanor for the first offense and a Class D felony for each subsequent offense.

KRS 527.110 Unlawfully providing a handgun to a juvenile or permitting a juvenile to possess a handgun

- (1) A person is guilty of unlawfully providing a handgun to a juvenile or permitting a juvenile to possess a handgun when he:

- (a) Intentionally, knowingly, or recklessly provides a handgun, with or without remuneration, in violation of KRS 527.040, 527.100, or 600.020 to any person he knows or has reason to believe is under the age of eighteen (18) years; or
 - (b) Is the parent or legal guardian of a juvenile and intentionally, knowingly, or recklessly provides a handgun to the juvenile or permits the juvenile to possess a handgun knowing that there is a substantial risk that the juvenile will use a handgun to commit a felony offense; or, with knowledge that the juvenile has been convicted of a crime of violence as defined in KRS 439.3401 or has been adjudicated a public offender of an offense which would constitute a crime of violence as defined in KRS 439.3401, provides a handgun to that juvenile.
- (2) Unlawfully providing a handgun to a juvenile or permitting a juvenile to possess a handgun is a Class D felony.

KRS 527.200 Use of a weapon of mass destruction in the first degree

- (1) A person is guilty of use of a weapon of mass destruction in the first degree when he or she intentionally, without lawful authority, places a weapon of mass destruction at any location in the Commonwealth and, as a result, any person other than the defendant is killed or receives serious physical injury.
- (2) A weapon of mass destruction is used with lawful authority if it is used with the written permission of an agency of the Commonwealth or of a city, county, charter county, or urban-county government having jurisdiction over the use of destructive devices as defined in KRS 237.030 or the use of explosives.
- (3) Use of a weapon of mass destruction in the first degree is a Class A felony unless a person other than the defendant is killed as a result, in which case it is a capital offense.

KRS 527.205 Use of a weapon of mass destruction in the second degree

- (1) A person is guilty of use of a weapon of mass destruction in the second degree when intentionally, without lawful authority, he or she:
 - (a) Places a weapon of mass destruction at any location in the Commonwealth and, as a result, any person other than the defendant receives physical injury; or
 - (b) Places a weapon of mass destruction on:
 - (1) The real property or any building of any public or private elementary or secondary school, vocational school, or institution of postsecondary education;
 - (2) A school bus or other vehicle owned, operated, or leased by a school;
 - (3) The real property or any building, public or private, that is the site of an official school-sanctioned function: or
 - (4) The real property or any building owned or licensed by a government agency. and no person dies or receives any physical injury.
- (2) A weapon of mass destruction is used with lawful authority if it is used with the written permission of an agency of the Commonwealth or of a city, county, charter county, or urban-county government having jurisdiction over the use of destructive devices as defined in KRS 237.030 or the use of explosives.
- (3) Use of a weapon of mass destruction in the second degree is a Class B felony.

KRS 527.210 Use of a weapon of mass destruction in the third degree

- (1) Except as provided in KRS 527.205, a person is guilty of use of a weapon of mass destruction in the third degree when intentionally, without lawful authority, he or she places a weapon of mass destruction at any location in the Commonwealth.
- (2) A weapon of mass destruction is used with lawful authority if it is used with the written permission of an agency of the Commonwealth or of a city, county, charter county, or urban-county government having jurisdiction over the use of destructive devices as defined in KRS 237.030 or the use of explosives.
- (3) Use of a weapon of mass destruction in the third degree is a Class C felony.

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