

The Right To Keep And Bear Arms In Kentucky

Universal

The right to keep and bear arms is an innate and unalienable right of all free people. Slaves and serfs are disarmed by their lords and masters.

Federal

The right to keep and bear arms is recognized by the second amendment to our United States Constitution, which clearly states, "A well regulated militia, being necessary to the security of a free state, the right of the people to keep and bear arms, shall not be infringed."

State

Section One of the Kentucky Constitution

All men are, by nature, free and equal, and have certain inherent and inalienable rights, among which may be reckoned:

First: The right of enjoying and defending their lives and liberties.

Seventh: The right to bear arms in defense of themselves and of the State, subject to the power of the General Assembly to enact laws to prevent persons from carrying concealed weapons.

Text as Ratified on: August 3, 1891, and revised September 28, 1891.

History: Not yet amended.

Local

The state of Kentucky has a preemption law which prohibits counties or municipalities from creating more restrictive gun laws than those created by the state.

KRS 65.870 Local firearms control ordinances prohibited.

No city, county or urban-county government may occupy any part of the field of regulation of the transfer, ownership, possession, carrying or transportation of firearms, ammunition, or components of firearms or combination thereof.

Effective: July 13, 1984

History: Created 1984 Kentucky Acts ch. 42, sec. 1, effective July 13, 1984

The only exception to Kentucky's preemption law is KRS 237.115, which does allow local governments to restrict the carry of concealed deadly weapons in the buildings owned or leased by the local government (other than residences, highway rest areas, and shooting ranges). The statute further states that while the carry of deadly weapons can be prohibited in these few government owned or leased areas, unless a federal or Kentucky state law is violated, there can be no additional criminal penalties enforced.

Created October 1, 1996. Amended March 31, 2005.

Court Opinions In Kentucky

Office of the Attorney General 93 - 71

"It is the opinion of [the office of the KY Attorney General] that current law does not authorize a city of the first class to enact a local ordinance regulating the registration of firearms and requiring notification to the local governing body of all firearms sales. KRS 65.870 prohibits local governments from enacting firearms control ordinances."

Office of the Attorney General 96 - 39

"A county may not ban or regulate the open or concealed carry of firearms in public parks it controls, except a fiscal court may by ordinance prohibit or limit the carrying of concealed firearms in the buildings, or portions of buildings, the county controls located in such parks."

Office of the Attorney General 99 - 10

"Louisville Ordinance 135.05 [regulating concealable firearms] is invalid under KRS 82.082, because KRS 65.870 expressly prohibits this legislation."

Court Opinion - Holland v Commonwealth

"In our state the legislature is empowered only to deny to citizens the right to carry concealed weapons. The constitutional provision is an affirmation of the faith that all men have the inherent right to arm themselves for the defense of themselves and of the state. The only limitation concerns the mode of carrying such instruments. We observe, via obiter dicta, that although a person is granted the right to carry a weapon openly, a severe penalty is imposed for carrying it concealed. If the gun is worn outside the jacket or shirt in full view, no one may question the wearer's right so to do..."

Complete List of Kentucky Firearms Laws:

<http://www.lrc.ky.gov/krs/237-00/chapter.htm>

Actively support our right to keep and bear arms.

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