

Henderson County Public Library

Firearms Policy

The Henderson County Public Library is supported by the taxes of the people of Henderson County Kentucky and the Commonwealth of Kentucky who expect library facilities to be safe places for selecting materials, reading, researching, studying, writing, and attending library or community sponsored programs and meetings. To this end, the library is responsible for establishing rules of conduct to protect the rights and safety of library patrons, volunteers, and staff.

According to Kentucky Revised Statue (KRS 65.870) no type of city or county government, including public libraries, may regulate firearms. The library will not restrict the rights granted under this statute and will allow concealed and openly displayed firearms. However, in order to provide a relaxing and comfortable environment for all patrons, we request that patrons refrain from carrying a firearm onto library property.

If a person carrying an openly displayed firearm causes a public inconvenience, annoyance, or alarm, the staff will contact law enforcement officials immediately.

Juveniles under the age of eighteen are prohibited from carrying a handgun under Kentucky Revised Statue 527.100. Police will be contacted immediately if the staff knows or suspects a juvenile is carrying a firearm. Such behavior may result in permanent banishment from library property.

Procedure

If a patron enters the library with a firearm displayed, the staff member who sees the firearm should alert other staff so that everyone is aware there is a gun in the library. All staff should be on alert and watch the individual, but not approach him/her. A supervisor should notify the Director and/or Assistant Director immediately.

If patrons are expressing concern or fear, a supervisor may calmly approach the individual and politely ask that they take the firearm out of the building (e.g. to their car or give to a friend outside the building). Library staff must never touch a problem patron. Patrons carrying firearms are not required to remove the weapon from the building.

If a patron with a firearm causes a public inconvenience, annoyance, or alarm a supervisor should call the police immediately.

If the police are contacted, a supervisor should file an Incident Report. The report should be filed no later than the end of the staff member's shift in which the incident occurred.

KRS 65.870 Local firearms control ordinances prohibited -- Exemption from immunity -- Declaratory and injunctive relief.

- (1) No existing or future city, county, urban-county government, charter county, consolidated local government, unified local government, special district, local or regional public or quasi-public agency, board, commission, department, public corporation, or any person acting under the authority of any of these organizations may occupy any part of the field of regulation of the manufacture, sale, purchase, taxation, transfer, ownership, possession, carrying, storage, or transportation of firearms, ammunition, components of firearms, components of ammunition, firearms accessories, or combination thereof.
- (2) Any existing or future ordinance, executive order, administrative regulation, policy, procedure, rule, or any other form of executive or legislative action in violation of this section or the spirit thereof is hereby declared null, void, and unenforceable.
- (3) Any person or organization specified in subsection (1) of this section shall repeal, rescind, or amend to conform, any ordinance, administrative regulation, executive order, policy, procedure, rule, or other form of executive or legislative action in violation of this section or the spirit thereof within six (6) months after July 12, 2012.
- (4) Pursuant to Section 231 of the Constitution of Kentucky, insofar as any person or organization specified in subsection (1) of this section is considered an agent of the Commonwealth, it is the intent of the General Assembly to exempt them from any immunity provided in Section 231 of the Constitution of Kentucky to the extent provided in this section. A person or an organization whose membership is adversely affected by any ordinance, administrative regulation, executive order, policy, procedure, rule, or any other form of executive or legislative action promulgated or caused to be enforced in violation of this section or the spirit thereof may file suit against any person or organization specified in subsection (1) of this section in any court of this state having jurisdiction over any defendant to the suit for declaratory and injunctive relief. A court shall award the prevailing party in any such suit:
 - (a) Reasonable attorney's fees and costs in accordance with the laws of this state; and
 - (b) Expert witness fees and expenses.
- (5) If any person or organization specified in subsection (1) of this section violates this section or the spirit thereof, the court shall declare the improper ordinance, administrative regulation, executive order, policy, procedure, rule, or other form of executive or legislative action specified in subsection (1) of this section null, void, and unenforceable, and issue a permanent injunction against the person or organization specified in subsection (1) of this section prohibiting the enforcement of such ordinance, administrative regulation, executive order, policy, procedure, rule, or any other form of executive or legislative action specified in subsection (1) of this section.
- (6) A violation of this section by a public servant shall be a violation of either KRS 522.020 or 522.030, depending on the circumstances of the violation.
- (7) The provisions of this section shall not apply where a statute specifically authorizes or directs an agency or person specified in subsection (1) of this section to regulate a subject specified in subsection (1) of this section.

Effective: July 12, 2012 History: Amended 2012 Ky. Acts ch. 117, sec. 1, effective July 12, 2012. --Created 1984 Ky. Acts ch.42, sec.1, effective July 13, 1984.

KRS 527.100

Possession of handgun by 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.

Effective: July 15, 1994

History: Created 1994 Ky. Acts ch.30, sec.1, effective July 15, 1994.

Adopted by the Henderson County Public Library Board of Trustees: July 11, 2013

Reviewed and amended: Oct. 9, 2014