

1 AN ACT relating to civil liability of a parent or guardian.

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

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 411 IS CREATED TO
4 READ AS FOLLOWS:

5 *(1) As used in this section:*

6 *(a) "Destructive device" has the same meaning as in KRS 237.030; and*

7 *(b) "Firearm" has the same meaning as in KRS 237.060.*

8 *(2) Any negligence or willful misconduct of a minor shall be imputed to a parent,*
9 *guardian, or other person legally responsible for the minor in his or her care and*
10 *custody for civil damages for any injury to the person of another proximately*
11 *caused by the use of a destructive device, explosive, firearm, or other deadly*
12 *weapon by the minor if the parent, guardian, or other person legally responsible:*

13 *(a) Permitted the minor to have the destructive device, explosive, firearm, or*
14 *other deadly weapon;*

15 *(b) Knows that the minor has previously been adjudicated delinquent of an*
16 *offense that would be a felony if the minor had been an adult;*

17 *(c) Knows that the minor has a propensity to commit violent acts; or*

18 *(d) Knows or has reason to know that the minor intends to use the destructive*
19 *device, explosive, firearm, or other deadly weapon for unlawful purposes.*

20 *(3) The parent, guardian, or other person legally responsible for the minor shall be*
21 *jointly and severally liable with the minor for any and all damages caused by the*
22 *minor's negligence or willful misconduct.*

23 *(4) Civil liability under this section shall not be limited by any other law that limits*
24 *liability of a parent, guardian, or other person legally responsible for the minor.*

25 *(5) Nothing in this section is intended to or shall limit any civil or criminal action*
26 *otherwise provided by law.*

27 *(6) This section shall not apply to:*

1 (a) An emancipated minor; or

2 (b) Any government entity, private agency, or foster parents assigned
3 responsibility for the minor child pursuant to a court order or action of the
4 Cabinet for Health and Family Services, or any agency thereunder.

5 ➔Section 2. KRS 411.155 is amended to read as follows:

6 (1) Except as provided in Section 1 of this Act, a person or entity shall not be held
7 liable for damages of any kind resulting from injuries to another person sustained as
8 a result of the criminal use of any firearm by a third person, unless the person or
9 entity conspired with the third person to commit, or willfully aided, abetted, or
10 caused the commission of, the criminal act in which the firearm was used.

11 (2) This section shall not be construed to negate, limit, or modify the doctrine of
12 negligence or strict liability relating to abnormally dangerous products or activities
13 and defective products.