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.

Effective: July 15, 1996

History: Amended 1996 Ky. Acts ch. 191, sec. 2, effective July 15, 1996. -- Created 1994 Ky. Acts ch. 396, sec. 15, effective July 15, 1994.