

**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.