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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1030 Session of  
2015

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INTRODUCED BY DEAN, SANTARSIERO, W. KELLER, THOMAS, V. BROWN,  
O'BRIEN, DAVIS, ROZZI, M. DALEY, SIMS, GAINNEY, ACOSTA,  
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AUGUST 10, 2015

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REFERRED TO COMMITTEE ON JUDICIARY, AUGUST 10, 2015

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AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania  
2 Consolidated Statutes, in firearms and other dangerous  
3 articles, further providing for persons not to possess, use,  
4 manufacture, control, sell or transfer firearms and for  
5 licenses; and providing for firearm restraining order.

6 The General Assembly of the Commonwealth of Pennsylvania  
7 hereby enacts as follows:

8 Section 1. Sections 6105 and 6109(i.1) and (m.1) of Title 18  
9 of the Pennsylvania Consolidated Statutes are amended to read:

10 § 6105. Persons not to possess, use, manufacture, control, sell  
11 or transfer firearms.

12 (a) Offense defined.--

13 (1) A person who has been convicted of an offense  
14 enumerated in subsection (b), within or without this  
15 Commonwealth, regardless of the length of sentence or whose  
16 conduct meets the criteria in subsection (c) shall not  
17 possess, use, control, sell, transfer or manufacture or  
18 obtain a license to possess, use, control, sell, transfer or

1 manufacture a firearm in this Commonwealth.

2 (2) (i) A person who is prohibited from possessing,  
3 using, controlling, selling, transferring or  
4 manufacturing a firearm under paragraph (1) or subsection  
5 (b) or (c) shall have a reasonable period of time, not to  
6 exceed 60 days from the date of the imposition of the  
7 disability under this subsection, in which to sell or  
8 transfer that person's firearms to another eligible  
9 person who is not a member of the prohibited person's  
10 household.

11 (ii) This paragraph shall not apply to any person  
12 whose disability is imposed pursuant to subsection (c) (6)  
13 or (6.1).

14 (a.1) Penalty.--

15 (1) A person convicted of a felony enumerated under  
16 subsection (b) or a felony under the act of April 14, 1972  
17 (P.L.233, No.64), known as The Controlled Substance, Drug,  
18 Device and Cosmetic Act, or any equivalent Federal statute or  
19 equivalent statute of any other state, who violates  
20 subsection (a) commits a felony of the second degree.

21 (2) A person who is the subject of an active protection  
22 from abuse order issued pursuant to 23 Pa.C.S. § 6108  
23 (relating to relief) or an active firearm restraining order  
24 under section 6190.5 (relating to relief), which order  
25 provided for the relinquishment of firearms, other weapons or  
26 ammunition during the period of time the order is in effect,  
27 commits a misdemeanor of the first degree if he intentionally  
28 or knowingly fails to relinquish a firearm, other weapon or  
29 ammunition to the sheriff as required by the order unless, in  
30 lieu of relinquishment, he provides an affidavit which lists

1 the firearms, other weapons or ammunition to the sheriff in  
2 accordance with either 23 Pa.C.S. § 6108(a)(7)(i)(B), 6108.2  
3 (relating to relinquishment for consignment sale, lawful  
4 transfer or safekeeping) or 6108.3 (relating to  
5 relinquishment to third party for safekeeping)[.] or in  
6 accordance with either section 6190.5(a)(2) or (3)(i), 6190.8  
7 (relating to relinquishment for consignment sale, lawful  
8 transfers and safekeeping).

9 (3) (i) A person commits a misdemeanor of the third  
10 degree if he intentionally or knowingly accepts  
11 possession of a firearm, other weapon or ammunition from  
12 a person he knows is the subject of an active protection  
13 from abuse order issued pursuant to 23 Pa.C.S. § 6108 or  
14 an active firearm restraining order issued under section  
15 6190.5, which order provided for the relinquishment of  
16 the firearm, other weapon or ammunition during the period  
17 of time the order is in effect.

18 (ii) This paragraph shall not apply to:

19 (A) a third party who accepts possession of a  
20 firearm, other weapon or ammunition relinquished  
21 pursuant to 23 Pa.C.S. § 6108.3; or

22 (B) a dealer licensed pursuant to section 6113  
23 (relating to licensing of dealers) or subsequent  
24 purchaser from a dealer licensed pursuant to section  
25 6113, who accepts possession of a firearm, other  
26 weapon or ammunition relinquished pursuant to 23  
27 Pa.C.S. § 6108.2 or under section 6190.8.

28 (4) It shall be an affirmative defense to any  
29 prosecution under paragraph (3) that the person accepting  
30 possession of a firearm, other weapon or ammunition in

1 violation of paragraph (3):

2 (i) notified the sheriff as soon as practicable that  
3 he has taken possession; and

4 (ii) relinquished possession of any firearm, other  
5 weapon or ammunition possessed in violation of paragraph  
6 (3) as directed by the sheriff.

7 (5) A person who has accepted possession of a firearm,  
8 other weapon or ammunition pursuant to 23 Pa.C.S. § 6108.3 or  
9 section 6190.3 (relating to commencement of proceedings)  
10 commits a misdemeanor of the first degree if he intentionally  
11 or knowingly returns a firearm, other weapon or ammunition to  
12 a defendant or intentionally or knowingly allows a defendant  
13 to have access to the firearm, other weapon or ammunition  
14 prior to either of the following:

15 (i) The sheriff accepts return of the safekeeping  
16 permit issued to the party pursuant to 23 Pa.C.S. §  
17 6108.3(d) (1) (i).

18 (ii) The issuance of a court order pursuant to  
19 subsection (f) (2) or 23 Pa.C.S. § 6108.1(b) (relating to  
20 return of relinquished firearms, other weapons and  
21 ammunition and additional relief) or section 6190.7(b)  
22 (relating to return of relinquished firearms, other  
23 weapons and ammunition, and additional relief) which  
24 modifies a valid protection from abuse order issued  
25 pursuant to 23 Pa.C.S. § 6108 or a valid firearm  
26 restraining order under section 6190.5, which order  
27 provided for the relinquishment of the firearm, other  
28 weapon or ammunition by allowing the defendant to take  
29 possession of the firearm, other weapon or ammunition  
30 that had previously been ordered relinquished.

1 (b) Enumerated offenses.--The following offenses shall apply  
2 to subsection (a):

3 Section 908 (relating to prohibited offensive weapons).  
4 Section 911 (relating to corrupt organizations).  
5 Section 912 (relating to possession of weapon on school  
6 property).

7 Section 2502 (relating to murder).  
8 Section 2503 (relating to voluntary manslaughter).  
9 Section 2504 (relating to involuntary manslaughter) if  
10 the offense is based on the reckless use of a firearm.

11 Section 2702 (relating to aggravated assault).  
12 Section 2703 (relating to assault by prisoner).  
13 Section 2704 (relating to assault by life prisoner).  
14 Section 2709.1 (relating to stalking).  
15 Section 2716 (relating to weapons of mass destruction).  
16 Section 2901 (relating to kidnapping).  
17 Section 2902 (relating to unlawful restraint).  
18 Section 2910 (relating to luring a child into a motor  
19 vehicle or structure).

20 Section 3121 (relating to rape).  
21 Section 3123 (relating to involuntary deviate sexual  
22 intercourse).

23 Section 3125 (relating to aggravated indecent assault).  
24 Section 3301 (relating to arson and related offenses).  
25 Section 3302 (relating to causing or risking  
26 catastrophe).

27 Section 3502 (relating to burglary).  
28 Section 3503 (relating to criminal trespass) if the  
29 offense is graded a felony of the second degree or higher.

30 Section 3701 (relating to robbery).

1 Section 3702 (relating to robbery of motor vehicle).

2 Section 3921 (relating to theft by unlawful taking or  
3 disposition) upon conviction of the second felony offense.

4 Section 3923 (relating to theft by extortion) when the  
5 offense is accompanied by threats of violence.

6 Section 3925 (relating to receiving stolen property) upon  
7 conviction of the second felony offense.

8 Section 4906 (relating to false reports to law  
9 enforcement authorities) if the fictitious report involved  
10 the theft of a firearm as provided in section 4906(c)(2).

11 Section 4912 (relating to impersonating a public servant)  
12 if the person is impersonating a law enforcement officer.

13 Section 4952 (relating to intimidation of witnesses or  
14 victims).

15 Section 4953 (relating to retaliation against witness,  
16 victim or party).

17 Section 5121 (relating to escape).

18 Section 5122 (relating to weapons or implements for  
19 escape).

20 Section 5501(3) (relating to riot).

21 Section 5515 (relating to prohibiting of paramilitary  
22 training).

23 Section 5516 (relating to facsimile weapons of mass  
24 destruction).

25 Section 6110.1 (relating to possession of firearm by  
26 minor).

27 Section 6301 (relating to corruption of minors).

28 Section 6302 (relating to sale or lease of weapons and  
29 explosives).

30 Any offense equivalent to any of the above-enumerated

1 offenses under the prior laws of this Commonwealth or any  
2 offense equivalent to any of the above-enumerated offenses  
3 under the statutes of any other state or of the United  
4 States.

5 (c) Other persons.--In addition to any person who has been  
6 convicted of any offense listed under subsection (b), the  
7 following persons shall be subject to the prohibition of  
8 subsection (a):

9 (1) A person who is a fugitive from justice. This  
10 paragraph does not apply to an individual whose fugitive  
11 status is based upon a nonmoving or moving summary offense  
12 under Title 75 (relating to vehicles).

13 (2) A person who has been convicted of an offense under  
14 the act of April 14, 1972 (P.L.233, No.64), known as The  
15 Controlled Substance, Drug, Device and Cosmetic Act, or any  
16 equivalent Federal statute or equivalent statute of any other  
17 state, that may be punishable by a term of imprisonment  
18 exceeding two years.

19 (3) A person who has been convicted of driving under the  
20 influence of alcohol or controlled substance as provided in  
21 75 Pa.C.S. § 3802 (relating to driving under influence of  
22 alcohol or controlled substance) or the former 75 Pa.C.S. §  
23 3731, on three or more separate occasions within a five-year  
24 period. For the purposes of this paragraph only, the  
25 prohibition of subsection (a) shall only apply to transfers  
26 or purchases of firearms after the third conviction.

27 (4) A person who has been adjudicated as an incompetent  
28 or who has been involuntarily committed to a mental  
29 institution for inpatient care and treatment under section  
30 302, 303 or 304 of the provisions of the act of July 9, 1976

1 (P.L.817, No.143), known as the Mental Health Procedures Act.  
2 This paragraph shall not apply to any proceeding under  
3 section 302 of the Mental Health Procedures Act unless the  
4 examining physician has issued a certification that inpatient  
5 care was necessary or that the person was committable.

6 (5) A person who, being an alien, is illegally or  
7 unlawfully in the United States.

8 (6) A person who is the subject of an active protection  
9 from abuse order issued pursuant to 23 Pa.C.S. § 6108, which  
10 order provided for the relinquishment of firearms during the  
11 period of time the order is in effect. This prohibition shall  
12 terminate upon the expiration or vacation of an active  
13 protection from abuse order or portion thereof relating to  
14 the relinquishment of firearms.

15 (6.1) A person who is the subject of an active firearm  
16 restraining order issued under section 6190.5, which order  
17 provided for the relinquishment of firearms during the period  
18 of time the order is in effect. The prohibition under this  
19 paragraph shall terminate upon the expiration or vacation of  
20 an active firearm restraining order or upon the expiration or  
21 vacation of any provision of a firearm restraining order  
22 relating to the relinquishment of firearms.

23 (7) A person who was adjudicated delinquent by a court  
24 pursuant to 42 Pa.C.S. § 6341 (relating to adjudication) or  
25 under any equivalent Federal statute or statute of any other  
26 state as a result of conduct which if committed by an adult  
27 would constitute an offense under sections 2502, 2503, 2702,  
28 2703 (relating to assault by prisoner), 2704, 2901, 3121,  
29 3123, 3301, 3502, 3701 and 3923.

30 (8) A person who was adjudicated delinquent by a court

1 pursuant to 42 Pa.C.S. § 6341 or under any equivalent Federal  
2 statute or statute of any other state as a result of conduct  
3 which if committed by an adult would constitute an offense  
4 enumerated in subsection (b) with the exception of those  
5 crimes set forth in paragraph (7). This prohibition shall  
6 terminate 15 years after the last applicable delinquent  
7 adjudication or upon the person reaching the age of 30,  
8 whichever is earlier.

9 (9) A person who is prohibited from possessing or  
10 acquiring a firearm under 18 U.S.C. § 922(g)(9) (relating to  
11 unlawful acts). If the offense which resulted in the  
12 prohibition under 18 U.S.C. § 922(g)(9) was committed, as  
13 provided in 18 U.S.C. § 921(a)(33)(A)(ii) (relating to  
14 definitions), by a person in any of the following  
15 relationships:

16 (i) the current or former spouse, parent or guardian  
17 of the victim;

18 (ii) a person with whom the victim shares a child in  
19 common;

20 (iii) a person who cohabits with or has cohabited  
21 with the victim as a spouse, parent or guardian; or

22 (iv) a person similarly situated to a spouse, parent  
23 or guardian of the victim;

24 then the relationship need not be an element of the offense  
25 to meet the requirements of this paragraph.

26 (d) Exemption.--A person who has been convicted of a crime  
27 specified in subsection (a) or (b) or a person whose conduct  
28 meets the criteria in subsection (c)(1), (2), (5), (7) or (9)  
29 may make application to the court of common pleas of the county  
30 where the principal residence of the applicant is situated for

1 relief from the disability imposed by this section upon the  
2 possession, transfer or control of a firearm. The court shall  
3 grant such relief if it determines that any of the following  
4 apply:

5 (1) The conviction has been vacated under circumstances  
6 where all appeals have been exhausted or where the right to  
7 appeal has expired.

8 (2) The conviction has been the subject of a full pardon  
9 by the Governor.

10 (3) Each of the following conditions is met:

11 (i) The Secretary of the Treasury of the United  
12 States has relieved the applicant of an applicable  
13 disability imposed by Federal law upon the possession,  
14 ownership or control of a firearm as a result of the  
15 applicant's prior conviction, except that the court may  
16 waive this condition if the court determines that the  
17 Congress of the United States has not appropriated  
18 sufficient funds to enable the Secretary of the Treasury  
19 to grant relief to applicants eligible for the relief.

20 (ii) A period of ten years, not including any time  
21 spent in incarceration, has elapsed since the most recent  
22 conviction of the applicant of a crime enumerated in  
23 subsection (b), a felony violation of The Controlled  
24 Substance, Drug, Device and Cosmetic Act or the offense  
25 which resulted in the prohibition under 18 U.S.C. §  
26 922(g)(9).

27 (e) Proceedings.--

28 (1) If a person convicted of an offense under subsection  
29 (a), (b) or (c)(1), (2), (5), (7) or (9) makes application to  
30 the court, a hearing shall be held in open court to determine

1 whether the requirements of this section have been met. The  
2 commissioner and the district attorney of the county where  
3 the application is filed and any victim or survivor of a  
4 victim of the offense upon which the disability is based may  
5 be parties to the proceeding.

6 (2) Upon application to the court of common pleas  
7 pursuant to paragraph (1) by an applicant who is subject to  
8 the prohibition under subsection (c)(3), the court shall  
9 grant such relief if a period of ten years, not including any  
10 time spent in incarceration, has passed since the applicant's  
11 most recent conviction under subsection (c)(3).

12 (f) Other exemptions and proceedings.--

13 (1) Upon application to the court of common pleas under  
14 this subsection by an applicant subject to the prohibitions  
15 under subsection (c)(4), the court may grant such relief as  
16 it deems appropriate if the court determines that the  
17 applicant may possess a firearm without risk to the applicant  
18 or any other person.

19 (2) If application is made under this subsection for  
20 relief from the disability imposed under subsection (c)(6) or  
21 (6.1), notice of such application shall be given to the  
22 person who had petitioned for the protection from abuse order  
23 or a firearm restraining order, and such person shall be a  
24 party to the proceedings. Notice of any court order or  
25 amendment to a court order restoring firearms possession or  
26 control shall be given to the person who had petitioned for  
27 the protection from abuse order or a firearm restraining  
28 order, to the sheriff and to the Pennsylvania State Police[.]  
29 and, in the case of a firearm restraining order, to the  
30 appropriate law enforcement agency and district attorney in

1 the county wherein the firearm restraining order was issued.  
2 The application and any proceedings on the application shall  
3 comply with 23 Pa.C.S. Ch. 61 (relating to protection from  
4 abuse) or with the applicable provisions of Subchapter E  
5 (relating to firearm restraining order).

6 (3) All hearings conducted under this subsection shall  
7 be closed unless otherwise requested to be open by the  
8 applicant.

9 (4) (i) The owner of any seized or confiscated firearms  
10 or of any firearms ordered relinquished under 23 Pa.C.S.  
11 § 6108 or under section 6190.5 shall be provided with a  
12 signed and dated written receipt by the appropriate law  
13 enforcement agency. This receipt shall include, but not  
14 limited to, a detailed identifying description indicating  
15 the serial number and condition of the firearm. In  
16 addition, the appropriate law enforcement agency shall be  
17 liable to the lawful owner of said confiscated, seized or  
18 relinquished firearm for any loss, damage or substantial  
19 decrease in value of said firearm that is a direct result  
20 of a lack of reasonable care by the appropriate law  
21 enforcement agency.

22 (ii) Firearms shall not be engraved or permanently  
23 marked in any manner, including, but not limited to,  
24 engraving of evidence or other identification numbers.  
25 Unless reasonable suspicion exists to believe that a  
26 particular firearm has been used in the commission of a  
27 crime, no firearm shall be test fired. Any reduction in  
28 the value of a firearm due to test firing, engraving or  
29 permanently marking in violation of this paragraph shall  
30 be considered damage, and the law enforcement agency

1 shall be liable to the lawful owner of the firearm for  
2 the reduction in value caused by the test firing,  
3 engraving or permanently marking.

4 (iii) For purposes of this paragraph, the term  
5 "firearm" shall include any scope, sight, bipod, sling,  
6 light, magazine, clip, ammunition or other firearm  
7 accessory attached to or seized, confiscated or  
8 relinquished with a firearm.

9 (g) Other restrictions.--Nothing in this section shall  
10 exempt a person from a disability in relation to the possession  
11 or control of a firearm which is imposed as a condition of  
12 probation or parole or which is imposed pursuant to the  
13 provision of any law other than this section.

14 (h) License prohibition.--Any person who is prohibited from  
15 possessing, using, controlling, selling, purchasing,  
16 transferring or manufacturing any firearm under this section  
17 shall not be eligible for or permitted to obtain a license to  
18 carry a firearm under section 6109 (relating to licenses).

19 (i) Firearm.--As used in this section only, the term  
20 "firearm" shall include any weapons which are designed to or may  
21 readily be converted to expel any projectile by the action of an  
22 explosive or the frame or receiver of any such weapon.

23 (j) Copy of order to State Police.--If the court grants  
24 relief from the disabilities imposed under this section, a copy  
25 of the order shall be sent by the prothonotary within ten days  
26 of the entry of the order to the Pennsylvania State Police and  
27 shall include the name, date of birth and Social Security number  
28 of the individual.

29 § 6109. Licenses.

30 \* \* \*

1 (i.1) Notice to sheriff.--Notwithstanding any statute to the  
2 contrary:

3 (1) Upon conviction of a person for a crime specified in  
4 section 6105(a) or (b) or upon conviction of a person for a  
5 crime punishable by imprisonment exceeding one year or upon a  
6 determination that the conduct of a person meets the criteria  
7 specified in section 6105(c) (1), (2), (3), (5), (6), (6.1) or  
8 (9), the court shall determine if the defendant has a license  
9 to carry firearms issued pursuant to this section. If the  
10 defendant has such a license, the court shall notify the  
11 sheriff of the county in which that person resides, on a form  
12 developed by the Pennsylvania State Police, of the identity  
13 of the person and the nature of the crime or conduct which  
14 resulted in the notification. The notification shall be  
15 transmitted by the judge within seven days of the conviction  
16 or determination.

17 (2) Upon adjudication that a person is incompetent or  
18 upon the involuntary commitment of a person to a mental  
19 institution for inpatient care and treatment under the act of  
20 July 9, 1976 (P.L.817, No.143), known as the Mental Health  
21 Procedures Act, or upon involuntary treatment of a person as  
22 described under section 6105(c) (4) or 6190.6(c) (3) (ii) (F)  
23 (relating to hearing), the judge of the court of common  
24 pleas, mental health review officer or county mental health  
25 and mental retardation administrator shall notify the sheriff  
26 of the county in which that person resides, on a form  
27 developed by the Pennsylvania State Police, of the identity  
28 of the person who has been adjudicated, committed or treated  
29 and the nature of the adjudication, commitment or treatment.  
30 The notification shall be transmitted by the judge, mental

1 health review officer or county mental health and mental  
2 retardation administrator within seven days of the  
3 adjudication, commitment or treatment.

4 \* \* \*

5 (m.1) Temporary emergency licenses.--

6 (1) A person seeking a temporary emergency license to  
7 carry a concealed firearm shall submit to the sheriff of the  
8 county in which the person resides all of the following:

9 (i) Evidence of imminent danger to the person or the  
10 person's minor child. For purposes of this subparagraph,  
11 the term "minor" shall have the same meaning as provided  
12 in 1 Pa.C.S. § 1991 (relating to definitions).

13 (ii) A sworn affidavit that contains the information  
14 required on an application for a license to carry a  
15 firearm and attesting that the person is 21 years of age  
16 or older, is not prohibited from owning firearms under  
17 section 6105 (relating to persons not to possess, use,  
18 manufacture, control, sell or transfer firearms) or any  
19 other Federal or State law and is not currently subject  
20 to a protection from abuse order or a protection order  
21 issued by a court of another state or an active firearm  
22 restraining order under Subchapter E (relating to firearm  
23 restraining order).

24 (iii) In addition to the provisions of subsection  
25 (h), a temporary emergency license fee established by the  
26 Commissioner of the Pennsylvania State Police for an  
27 amount that does not exceed the actual cost of conducting  
28 the criminal background check or \$10, whichever is less.

29 (iv) An application for a license to carry a firearm  
30 on the form prescribed pursuant to subsection (c).

1           (2) Upon receipt of the items required under paragraph  
2           (1), the sheriff immediately shall conduct a criminal  
3           history, juvenile delinquency and mental health record check  
4           of the applicant pursuant to section 6105. Immediately upon  
5           receipt of the results of the records check, the sheriff  
6           shall review the information and shall determine whether the  
7           applicant meets the criteria set forth in this subsection. If  
8           the sheriff determines that the applicant has met all of the  
9           criteria, the sheriff shall immediately issue the applicant a  
10          temporary emergency license to carry a concealed firearm.

11          (3) If the sheriff refuses to issue a temporary  
12          emergency license, the sheriff shall specify the grounds for  
13          the denial in a written notice to the applicant. The  
14          applicant may appeal the denial or challenge criminal records  
15          check results that were the basis of the denial, if  
16          applicable, in the same manner as a denial of a license to  
17          carry a firearm under this section.

18          (4) A temporary emergency license issued under this  
19          subsection shall be valid for 45 days and may not be renewed.  
20          A person who has been issued a temporary emergency license  
21          under this subsection shall not be issued another temporary  
22          emergency license unless at least five years have expired  
23          since the issuance of the prior temporary emergency license.  
24          During the 45 days the temporary emergency license is valid,  
25          the sheriff shall conduct an additional investigation of the  
26          person for the purposes of determining whether the person may  
27          be issued a license pursuant to this section. If, during the  
28          course of this investigation, the sheriff discovers any  
29          information that would have prohibited the issuance of a  
30          license pursuant to this section, the sheriff shall be

1 authorized to revoke the temporary emergency license as  
2 provided in subsection (i).

3 (5) The temporary emergency license issued pursuant to  
4 this section shall be consistent with the form prescribed in  
5 subsection (e) (3), (4) and (5). In addition to the  
6 information provided in those paragraphs, the temporary  
7 emergency license shall be clearly marked "Temporary."

8 (6) A person who holds a temporary emergency license to  
9 carry a firearm shall have the same rights to carry a firearm  
10 as a person issued a license to carry a firearm under this  
11 section. A licensee under this subsection shall be subject to  
12 all other duties, restrictions and penalties under this  
13 section, including revocation pursuant to subsection (i).

14 (7) A sheriff who issues a temporary emergency license  
15 to carry a firearm shall retain, for the entire period during  
16 which the temporary emergency license is in effect, the  
17 evidence of imminent danger that the applicant submitted to  
18 the sheriff that was the basis for the license, or a copy of  
19 the evidence, as appropriate.

20 (8) A person applying for a temporary emergency license  
21 shall complete the application required pursuant to  
22 subsection (c) and shall provide at the time of application  
23 the information required in paragraph (1).

24 (9) Prior to the expiration of a temporary emergency  
25 license, if the sheriff has determined pursuant to  
26 investigation that the person issued a temporary emergency  
27 license is not disqualified and if the temporary emergency  
28 license has not been revoked pursuant to subsection (i), the  
29 sheriff shall issue a license pursuant to this section that  
30 is effective for the balance of the five-year period from the

1 date of the issuance of the temporary emergency license.  
2 Records and all other information, duties and obligations  
3 regarding such licenses shall be applicable as otherwise  
4 provided in this section.

5 (10) As used in this subsection, the term "evidence of  
6 imminent danger" means:

7 (i) a written document prepared by the Attorney  
8 General, a district attorney, a chief law enforcement  
9 officer, judicial officer or their designees describing  
10 the facts that give a person reasonable cause to fear a  
11 criminal attack upon the person or the person's minor  
12 child. For the purposes of this subparagraph, the term  
13 "chief law enforcement officer" shall have the same  
14 meaning as provided in 42 Pa.C.S. § 8951 (relating to  
15 definitions) and "judicial officer" shall have the same  
16 meaning as provided in 42 Pa.C.S. § 102 (relating to  
17 definitions).

18 (ii) a police report.

19 \* \* \*

20 Section 2. Chapter 61 of Title 18 is amended by adding a  
21 subchapter to read:

22 SUBCHAPTER E

23 FIREARM RESTRAINING ORDER

24 Sec.

25 6190.1. Definitions.

26 6190.2. Jurisdiction.

27 6190.3. Commencement of proceedings.

28 6190.4. Responsibilities of law enforcement agencies.

29 6190.5. Relief.

30 6190.6. Hearing.

1 6190.7. Return of relinquished firearms, other weapons and  
2 ammunition, and additional relief.

3 6190.8. Relinquishment for consignment sale, lawful transfers  
4 and safekeeping.

5 6190.9. (Reserved).

6 6190.10. Disclosure and confidentiality.

7 6190.11. Service of order.

8 6190.12. Violation of order.

9 6190.13. Contempt for violation; arrest.

10 6190.14. Civil contempt for violation of an order.

11 6190.15. Procedures and other remedies.

12 6190.16. Immunity.

13 6190.17. Inability to pay.

14 6190.18. Warrantless searches.

15 6190.19. Construction.

16 § 6190.1. Definitions.

17 The following words and phrases when used in this subchapter  
18 shall have the meanings given to them in this section unless the  
19 context clearly indicates otherwise:

20 "Family or household member." As defined in 23 Pa.C.S. §  
21 6102 (relating to definitions).

22 "Firearm." As defined in section 6113(d) (relating to  
23 licensing of dealers).

24 "Firearm restraining order." An order entered by the court  
25 pursuant to this subchapter prohibiting a named person from  
26 having in his custody or control, purchasing, possessing or  
27 receiving any firearms, other weapons or ammunition.

28 "Hearing officer." As defined in 23 Pa.C.S. § 6102 (relating  
29 to definitions).

30 "Law enforcement officer." Any officer of the Commonwealth

1 or a political subdivision thereof who is empowered to conduct  
2 investigations of or to make arrests for offenses enumerated in  
3 this title and any attorney authorized by law to prosecute or  
4 participate in the prosecution of an offense.

5 "Other weapon." Anything readily capable of lethal use and  
6 possessed under circumstances not manifestly appropriate for  
7 lawful uses which it may have. The term does not include a  
8 firearm.

9 "Physical safety." Personal or physical harm or bodily  
10 injury or the threat of personal or physical harm or bodily  
11 injury whether by acts of hostility, aggression or harassment.

12 "Safekeeping permit." A permit issued by a sheriff allowing  
13 a person to take possession of any firearm, other weapon or  
14 ammunition that a judge ordered a subject of a firearm  
15 restraining order in a proceeding under this subchapter.

16 "Sheriff."

17 (1) Except as provided in paragraph (2), the sheriff of  
18 a county.

19 (2) In a city of the first class, the chief or head of  
20 the police department.

21 "Weapon." Anything readily capable of lethal use and  
22 possessed under circumstances not manifestly appropriate for  
23 lawful uses which it may have. The term includes a firearm which  
24 is not loaded or lacks a magazine, clip or other components to  
25 render it immediately operable and components which can readily  
26 be assembled into a weapon as defined by section 907 (relating  
27 to possessing instruments of crime).

28 § 6190.2. Jurisdiction.

29 (a) General rule.--The court shall have jurisdiction over  
30 all proceedings under this subchapter and may, at its

1 discretion, develop rules or procedures as necessary to govern  
2 proceedings under this subchapter.

3 (b) Effect of departure and nonresidence.--The right of the  
4 petitioner to relief under this subchapter shall not be affected  
5 by the subject's of the petition or restraining order absence  
6 from this Commonwealth or the nonresidence of such subject in  
7 this Commonwealth, provided that the court has personal  
8 jurisdiction over such person in accordance with 42 Pa.C.S. §  
9 5322 (relating to bases of personal jurisdiction over persons  
10 outside this Commonwealth).

11 § 6190.3. Commencement of proceedings.

12 (a) General rule.--

13 (1) A law enforcement officer, a family or household  
14 member or a person licensed under the act of July 9, 1987  
15 (P.L.220, No.39), known as the Social Workers, Marriage and  
16 Family Therapists and Professional Counselors Act, or a  
17 health care practitioner as defined under section 103 of the  
18 act of July 19, 1979 (P.L.130, No.48), known as the Health  
19 Care Facilities Act, may petition the court for a firearm  
20 restraining order enjoining the subject of the petition from  
21 having in his custody or control, purchasing, possessing or  
22 receiving a firearm, other weapon or ammunition.

23 (2) A petition for a firearm restraining order shall  
24 include instructions which, in the court's discretion, shall  
25 require the petitioner to describe the number, type and  
26 location of any firearm, other weapon and ammunition known by  
27 the petitioner to be owned, possessed or controlled by the  
28 subject of the petition.

29 (b) Notification of defendant's occupation.--A law  
30 enforcement officer, family or household member or other person

1 under subsection (a)(1) shall notify the court if the person has  
2 knowledge or reason to believe that the subject of a firearm  
3 restraining order is any of the following:

4 (1) a licensed firearms dealer;

5 (2) employed by a licensed firearms dealer or  
6 manufacturer;

7 (3) employed as a writer, researcher or technician in  
8 the firearms or hunting industry; or

9 (4) required to carry a firearm as a condition of  
10 employment.

11 (c) Certain fees not permitted.--

12 (1) No person seeking relief under this subchapter shall  
13 be charged any fees or costs associated with the filing,  
14 issuance, registration or service of a petition, motion,  
15 complaint, order or any other filing required under this  
16 subchapter. Prohibited fees or costs shall include, but are  
17 not limited to, those associated with modifying, withdrawing,  
18 dismissing or certifying copies of a petition, motion,  
19 complaint, order or any other filing, as well as any judicial  
20 surcharge or computer system fee.

21 (2) No person seeking relief under this subchapter shall  
22 be charged any fees or costs associated with filing a motion  
23 for reconsideration or an appeal from any order or action  
24 taken pursuant to this subchapter.

25 (3) Nothing in this subsection is intended to expand or  
26 diminish the court's authority to enter an order pursuant to  
27 Pa.R.C.P. No. 1023.1 (relating to Scope. Signing of  
28 Documents. Representations to the Court. Violation).

29 (d) Assessment of fees and costs.--When a firearm  
30 restraining order is granted under this subchapter, fees and

1 costs may be assessed against the subject of the order. The  
2 court shall waive fees and costs upon a showing of good cause or  
3 when the court makes a finding that the subject of the petition  
4 or order is not able to pay the fees and costs. Nothing in this  
5 subsection is intended to expand or diminish the court's  
6 authority to enter an order pursuant to Pa.R.C.P. No. 1023.1.

7 (e) Surcharge on order.--Notwithstanding subsection (d),  
8 when a firearm restraining order is granted under this  
9 subchapter, a surcharge of \$100 shall be assessed against the  
10 subject of the restraining order. All moneys received from  
11 surcharges shall be distributed in the following order of  
12 priority:

13 (1) Fifty dollars shall be forwarded to the Commonwealth  
14 and shall be annually appropriated by the General Assembly as  
15 follows:

16 (i) Twenty-five dollars shall be appropriated to the  
17 Pennsylvania State Police to assist with the maintenance  
18 of the Statewide registry established in accordance with  
19 the requirements of 23 Pa.C.S. § 6105(e) (relating to  
20 responsibilities of law enforcement agencies).

21 (ii) Twenty-five dollars shall be appropriated to  
22 the Supreme Court for use by county courts and  
23 magisterial district courts to carry out their duties  
24 under this subchapter.

25 (2) Fifty dollars shall be retained by the county and  
26 shall be used to carry out the provisions of this subchapter  
27 as follows:

28 (i) Twenty-five dollars shall be used by the  
29 sheriff.

30 (ii) Twenty-five dollars shall be forwarded to the

1           local law enforcement agency.

2           The surcharge allocated under paragraphs (1) (i) and (ii)  
3           shall be used to supplement and not to supplant any other  
4           source of funds received for the purpose of carrying out the  
5           provisions of this subchapter.

6           (f) Service.--

7           (1) The court shall adopt a means of prompt and  
8           effective service. If the court so orders, the sheriff or  
9           another court-designated agency or individual shall serve the  
10           petition and order. Under no circumstances shall the  
11           petitioner be obligated to serve the petition or firearm  
12           restraining order.

13           (2) The petition and order shall be served upon the  
14           subject of the petition.

15           (3) Within two business days, the order shall be served  
16           upon the local law enforcement agency, sheriff and district  
17           attorney in the jurisdiction where the order was entered.

18           (4) A certified copy of the order shall be issued to the  
19           petitioner.

20           (5) A copy of the order shall be issued as otherwise  
21           ordered by the court or hearing officer.

22           (6) Failure to serve the local law enforcement agency,  
23           sheriff or district attorney's office shall not stay the  
24           effect of a valid order.

25           (g) Assistance and advice to petitioner.--The court or  
26           hearing officer shall provide simplified forms and clerical  
27           assistance in English and Spanish to help with the writing and  
28           filing of petitions for firearm restraining orders for any  
29           individual requesting such assistance or not represented by  
30           counsel.

1 § 6190.4. Responsibilities of law enforcement agencies.

2 (a) General rule.--The Pennsylvania State Police, local law  
3 enforcement agencies and the sheriff of each county shall ensure  
4 that their troopers, officers, deputies and other designated  
5 employees are familiar with the provisions of this subchapter.  
6 Instruction concerning firearm restraining orders shall be made  
7 a part of the training curriculum for all trainee troopers,  
8 officers and deputies or other designated employees of the  
9 Pennsylvania State Police, local law enforcement agencies and  
10 the sheriff. The Pennsylvania State Police and all other law  
11 enforcement agencies within this Commonwealth shall adopt a  
12 written policy to govern firearm restraining orders.

13 (b) Notice of arrest.--The applicable law enforcement agency  
14 shall make reasonable effort to notify a family or household  
15 member or other person under section 6190.3(a)(1) (relating to  
16 commencement of proceedings) of the arrest of the subject of a  
17 firearm restraining order for violation of an order as soon as  
18 possible. Provided, however, that, if a family or household  
19 member or other person cannot be located at the time of arrest,  
20 notice of the arrest shall be provided not more than 24 hours  
21 after preliminary arraignment.

22 (c) Statewide registry.--

23 (1) Notwithstanding any other provision of law or  
24 regulation to the contrary, the Pennsylvania State Police  
25 shall cause each valid temporary and final firearm  
26 restraining order granted under this subchapter to be entered  
27 into the Statewide registry established under 23 Pa.C.S. §  
28 6105(e) (relating to responsibilities of law enforcement  
29 agencies). The registry of firearm restraining orders  
30 maintained in the Statewide registry shall include, but may

1 not be limited to, the following:

2 (i) The names of the petitioner and family and  
3 household members of the subjects of the restraining  
4 orders, if known.

5 (ii) The names and addresses of the subjects of  
6 firearm restraining orders.

7 (iii) The familial and professional relationship  
8 between the petitioners and the subjects of firearm  
9 restraining orders, if known.

10 (iv) The date the order was entered.

11 (v) The date the order expires.

12 (vi) The relief granted under this subchapter.

13 (vii) The judicial district in which the order was  
14 entered.

15 (viii) The Social Security number and date of birth  
16 of the subject of the restraining order.

17 (ix) A listing of all firearms, other weapons or  
18 ammunition ordered to be relinquished.

19 (2) The prothonotary shall send, on a form prescribed by  
20 the Pennsylvania State Police, a copy of the firearm  
21 restraining order to the Statewide registry so that it is  
22 received within 24 hours of the entry of the order. Likewise,  
23 amendments to or the revocation, vacation or expiration of an  
24 order shall be transmitted by the prothonotary within 24  
25 hours of the entry of the order for modification or  
26 revocation, vacation or expiration. The Pennsylvania State  
27 Police shall enter orders, amendments, revocations, vacations  
28 and expirations in the Statewide registry of firearm  
29 restraining orders within eight hours of receipt. All  
30 revoked, vacated or expired orders shall be purged from the

1 registry within eight hours of receipt.

2 (3) The Statewide registry shall be available at all  
3 times to inform courts, police dispatchers and law  
4 enforcement officers of any valid firearm restraining order  
5 involving any individual subject to an order.

6 (4) When an order granting relief under section  
7 6190.5(a)(3) (relating to relief) has been entered by the  
8 court, the information shall be available to the Pennsylvania  
9 State Police for the purpose of conducting a criminal history  
10 records check, juvenile records check and mental health  
11 records check following the procedures set forth in section  
12 6111 (relating to sale or transfer of firearms).

13 (5) Information contained in the Statewide registry  
14 shall not be subject to access under the act of February 14,  
15 2008 (P.L.6, No.3), known as the Right-to-Know Law.

16 (d) Information concerning firearm restraining orders.--Each  
17 local law enforcement agency and the Pennsylvania State Police  
18 shall transmit to the Pennsylvania State Police, in a manner  
19 prescribed by the Pennsylvania State Police, the information  
20 specified in subsection (c.1).

21 (e) Annual report.--

22 (1) The Pennsylvania State Police shall annually compile  
23 and publish in the Pennsylvania Bulletin a Statewide report  
24 which includes aggregate, county-based statistical profiles  
25 of firearm restraining orders granted under this subchapter.

26 (2) The Pennsylvania State Police shall incorporate the  
27 report under paragraph (1) into the annual report compiled in  
28 accordance with 23 Pa.C.S. § 6105(g).

29 § 6190.5. Relief.

30 (a) Issuance of order.--Notwithstanding any other provision

1 of law, the court:

2 (1) May issue a firearm restraining order enjoining the  
3 subject of a petition from having in his custody or control,  
4 purchasing, possessing or receiving a firearm, other weapon  
5 or ammunition if it determines that there is good cause to  
6 believe that the subject of a petition poses an immediate and  
7 present danger to the physical safety of a family or  
8 household member or other person by having in his custody or  
9 control, purchasing, possessing or receiving a firearm, other  
10 weapon or ammunition.

11 (2) Shall issue a firearm restraining order enjoining  
12 the subject of a protection order under 23 Pa.C.S. (relating  
13 to domestic relations) from having in his custody or control,  
14 purchasing, possessing or receiving a firearm, other weapon  
15 or ammunition.

16 (a.1) Regulations and prohibitions.--A firearm restraining  
17 order issued by the court pursuant to subsection (a) may:

18 (1) Prohibit the person subject to the firearm  
19 restraining order from having in his custody or control,  
20 purchasing, possessing or receiving or attempting to  
21 purchase, possess or receive a firearm, other weapon or  
22 ammunition for the duration of the order.

23 (2) Require the subject of the firearm restraining order  
24 to relinquish to the sheriff any firearm license in  
25 accordance with section 6106 (relating to firearms not to be  
26 carried without a license) or 6109 (relating to licenses) the  
27 defendant may possess.

28 (3) Order the person subject to a firearm restraining  
29 order to temporarily relinquish to the sheriff any firearm or  
30 other weapons and ammunition which the person may own,

1 possess or have in his custody or control. When  
2 relinquishment is ordered, the following shall apply:

3 (i) (A) The court's order shall require the subject  
4 of the restraining order to relinquish such firearms,  
5 other weapons, ammunition and any firearm license  
6 pursuant to the provisions of this section within 24  
7 hours of service of a temporary order or the entry of  
8 a final order or the close of the next business day  
9 as necessary by closure of the sheriffs' offices,  
10 except for cause shown at the hearing, in which case  
11 the court shall specify the time for relinquishment  
12 of the subject's firearms, other weapons and  
13 ammunition or firearm license.

14 (B) A person subject to a temporary firearm  
15 restraining order requiring the relinquishment of  
16 firearms, other weapons and ammunition shall, in lieu  
17 of relinquishing specific firearms, other weapons or  
18 ammunition which cannot reasonably be retrieved  
19 within the time for relinquishment in clause (A) due  
20 to their current location, provide the sheriff with  
21 an affidavit listing the firearms, other weapons or  
22 ammunition and their current location. If the subject  
23 of the order, within the time for relinquishment in  
24 clause (A), fails to provide the affidavit or fails  
25 to relinquish, pursuant to this section, any  
26 firearms, other weapons or ammunition ordered to be  
27 relinquished which are not specified in the  
28 affidavit, the sheriff shall, at a minimum, provide  
29 immediate notice to the court, the petitioner and  
30 appropriate law enforcement agencies. The subject of

1 the temporary order shall not have in his custody or  
2 control or possess any firearms, other weapons or  
3 ammunition specifically listed in the affidavit  
4 provided to the sheriff pursuant to this clause for  
5 the duration of the temporary order.

6 (C) As used in this subparagraph, the term  
7 "cause" shall be limited to facts relating to the  
8 inability of the subject of a firearm restraining  
9 order to retrieve a specific firearm within 24 hours  
10 due to the current location of the firearm.

11 (ii) The court's order shall contain a list of the  
12 firearm, other weapon or ammunition ordered to be  
13 relinquished. Upon the entry of a final order, the  
14 subject of the firearm restraining order shall inform the  
15 court in what manner the subject will relinquish any  
16 firearm, other weapon or ammunition ordered to be  
17 relinquished. Relinquishment may occur pursuant to  
18 section 6190.8 (relating to relinquishment for  
19 consignment sale, lawful transfers and safekeeping) or to  
20 the sheriff pursuant to this paragraph. Where the sheriff  
21 is designated, the sheriff shall secure custody of the  
22 firearms, other weapons or ammunition and any firearm  
23 license listed in the court's order for the duration of  
24 the order or until otherwise directed by court order. In  
25 securing custody of the subject's relinquished firearms,  
26 the sheriff shall comply with section 6105(f)(4)  
27 (relating to persons not to possess, use, manufacture,  
28 control, sell or transfer firearms). In securing custody  
29 of the subject's other weapons and ammunition, the  
30 sheriff shall provide the subject with a signed and dated

1 written receipt which shall include a detailed  
2 description of the other weapons and ammunition and their  
3 condition.

4 (iii) The sheriff shall provide the petitioner with  
5 the name of the person to which any firearm, other weapon  
6 or ammunition was relinquished.

7 (iv) If the subject of a firearm restraining order  
8 has not complied with subparagraph (i) (B) or section  
9 6190.8 and fails to relinquish any firearm, other weapon,  
10 ammunition or firearm license within 24 hours or upon the  
11 close of the next business day due to closure of  
12 sheriffs' offices or within the time ordered by the court  
13 upon cause shown at the hearing, the sheriff shall, at a  
14 minimum, provide immediate notice to the court, the  
15 petitioner and appropriate law enforcement agencies.

16 (v) Any portion of any order or any petition or  
17 other paper which includes a list of any firearm, other  
18 weapon or ammunition ordered to be relinquished shall be  
19 kept in the files of the court as a permanent record  
20 thereof and withheld from public inspection except:

21 (A) upon an order of the court granted upon  
22 cause shown;

23 (B) as necessary, by law enforcement and court  
24 personnel; or

25 (C) after redaction of information listing any  
26 firearm, other weapon or ammunition.

27 (vi) As used in this paragraph, the term "subject's  
28 firearms" shall, if the subject is a licensed firearms  
29 dealer, only include firearms in the subject's personal  
30 firearms collection pursuant to 27 CFR § 478.125a

1 (relating to personal firearms collection).

2 (4) If the subject of a firearm restraining order is a  
3 licensed firearms dealer, order the subject to follow such  
4 restrictions as the court may require concerning the conduct  
5 of his business, which may include ordering the subject to  
6 relinquish any Federal or State license for the sale,  
7 manufacture or importation of firearms as well as firearms in  
8 the subject's business inventory. In restricting the subject  
9 of a firearm restraining order pursuant to this paragraph,  
10 the court shall make a reasonable effort to preserve the  
11 financial assets of the subject's business while fulfilling  
12 the goals of this subchapter.

13 (b) Identifying information.--Any order issued under this  
14 section shall specify the Social Security number and date of  
15 birth of the subject of the firearm restraining order.

16 (c) Duration and amendment of order.--A firearm restraining  
17 order shall be for a fixed period of time not to exceed one  
18 year. The court may amend its order at any time upon subsequent  
19 petition filed by a petitioner, family or household member or  
20 other person under section 6190.3 (relating to commencement of  
21 proceedings).

22 (d) Extension of firearm restraining order.--

23 (1) An extension of a firearm restraining order may be  
24 granted:

25 (i) Where the court finds, after a duly filed  
26 petition, notice to the subject of an order and a hearing  
27 in accordance with the procedures set forth in sections  
28 6190.5 (relating to relief) and 6190.6 (relating to  
29 hearing) that the subject of the firearm restraining  
30 order is alleged to have committed one or more of the

1 offenses enumerated in section 6105(b) or has engaged in  
2 a pattern of conduct which indicates a continued risk of  
3 danger to the physical safety of the petitioner, family  
4 or household member or other person or himself subsequent  
5 to the entry of the final order.

6 (ii) When a contempt petition or charge has been  
7 filed with the court or with a hearing officer in  
8 Philadelphia County, but the hearing has not occurred  
9 before the expiration of the order, the order shall be  
10 extended, at a minimum, until the disposition of the  
11 contempt petition and may be extended for another term  
12 beyond the disposition of the contempt petition.

13 (2) Service of an extended order shall be made in  
14 accordance with section 6190.11 (relating to service of  
15 order).

16 (3) There shall be no limitation on the number of  
17 extensions that may be granted.

18 (e) Notice.--Notice shall be given to the subject of a  
19 firearm restraining order, in orders issued under this section  
20 and temporary orders issued under section 6190.6, stating that  
21 violations of a firearm restraining order will subject the  
22 subject of the restraining order to arrest under section 6105  
23 or 6190.12 (relating to violation of order) or contempt of court  
24 under section 6190.13 (relating to contempt for violation;  
25 arrest).

26 (f) Transmission of order.--A copy of the court's order  
27 shall be transmitted to the Pennsylvania State Police, the chief  
28 or head of the local law enforcement agency of the municipality  
29 in which the subject of the firearm is a resident and in which  
30 the order was issued, the district attorney and the sheriff of

1 the county in which the subject of the firearm restraining order  
2 is a resident and in which the order was issued.

3 (g) False reports.--A person who knowingly gives false  
4 information to any law enforcement officer with the intent to  
5 implicate another under this chapter commits an offense under  
6 section 4906 (relating to false reports to law enforcement  
7 authorities).

8 § 6190.6. Hearing.

9 (a) Schedule of hearing.--Within ten business days of the  
10 filing of a petition under this subchapter, a hearing shall be  
11 held before the court, at which the petitioner must prove the  
12 allegation, by a preponderance of the evidence, that the subject  
13 of the petition poses an immediate and present danger to the  
14 physical safety of the petitioner, family or household member,  
15 other person or himself. The court shall, at the time the  
16 subject of the petition is given notice of the hearing, advise  
17 the subject of the following:

18 (1) The right to be represented by counsel.

19 (2) The possibility that any firearm, other weapon or  
20 ammunition owned and any firearm license possessed by him may  
21 be ordered to be temporarily relinquished.

22 (3) The options for relinquishment of a firearm pursuant  
23 to this subchapter.

24 (4) The possibility that Federal law may prohibit the  
25 possession of firearms.

26 (5) The penalty for violation of the firearm restraining  
27 order.

28 (6) Any firearm restraining order granted by a court may  
29 be considered in any subsequent proceedings under this title.  
30 The notice shall be printed and delivered in a manner which

1 easily attracts attention to its content.

2 (b) Review prior to hearing.--Prior to a hearing on the  
3 issuance, extension or vacation of a firearm restraining order,  
4 the court shall conduct a review to determine whether the  
5 subject of the petition has been convicted of or has pled guilty  
6 or nolo contendere to any of the enumerated offenses set forth  
7 in section 6105 (relating to persons not to possess, use  
8 manufacture, control, sell or transfer firearms).

9 (c) Temporary orders.--The following shall apply:

10 (1) If a law enforcement officer, family or household  
11 member or other person under section 6190.3 (relating to  
12 commencement of proceedings) petitions the court for a  
13 temporary firearm restraining order alleging an immediate and  
14 present danger to the physical safety of a family or  
15 household member, another person or the subject of the  
16 petition, the court shall conduct an ex parte proceeding.

17 (2) The court may enter a temporary order as it deems  
18 necessary to protect the petitioner, a family or household  
19 member, other person or the subject of the petition, if the  
20 petition demonstrates that the subject of the petition poses  
21 an immediate and present danger to the physical safety of  
22 such petitioner, family or household member, other person or  
23 himself. The order shall remain in effect until modified or  
24 terminated by the court after notice and hearing.

25 (3) In addition to any other relief, the court may,  
26 pursuant to section 6190.5 (relating to relief), direct that  
27 the subject of a firearm restraining order to temporarily  
28 relinquish to the sheriff any firearms, other weapons or  
29 ammunition for the duration of the temporary order if the  
30 petition demonstrates any of the following:

1           (i) Conduct which involves a firearm or other  
2 weapon.

3           (ii) An immediate and present danger to physical  
4 safety. In determining whether an immediate and present  
5 danger to physical safety exists, the court shall  
6 consider the following factors, including, but not  
7 limited to:

8                   (A) Whether the temporary firearm restraining  
9 order is not likely to achieve its purpose in the  
10 absence of such a condition.

11                   (B) Whether the subject of the petition has  
12 previously violated a protection from abuse order  
13 under 23 Pa.C.S. Ch. 61 (relating to protection from  
14 abuse).

15                   (C) Whether past or present conduct or abuse of  
16 a family or household member, another person or  
17 himself resulted in bodily injury.

18                   (D) Whether the conduct or abuse occurred in  
19 public.

20                   (E) Whether the conduct or abuse includes:

21                           (I) threats to physical safety or of abuse  
22 or suicide;

23                           (II) killing or threatening to kill pets or  
24 other animals;

25                           (III) an escalation of violence;

26                           (IV) stalking, harassment or obsessive  
27 behavior;

28                           (V) sexual violence; or

29                           (VI) controlled substance, as defined under  
30 the act of April 14, 1972 (P.L.233, No.64), known

1           as The Controlled Substance, Drug, Device and  
2           Cosmetic Act, or excessive alcohol use.

3           (F) Whether the subject of the petition has been  
4           adjudicated as incompetent or has been involuntarily  
5           committed to a mental institution for inpatient care  
6           and treatment under section 302, 303 or 304 of the  
7           act of July 9, 1976 (P.L.817, No.143), known as the  
8           Mental Health Procedures Act. This paragraph shall  
9           not apply to any proceeding under section 302 of the  
10           Mental Health Procedures Act unless the examining  
11           physician has issued a certification that inpatient  
12           care was necessary or that the person was  
13           committable.

14           (G) Whether the subject of the petition has been  
15           convicted of any offense enumerated in section  
16           6105(b).

17           (H) Whether the subject of the petition has been  
18           convicted of an offense under the act of April 14,  
19           1972 (P.L.233, No.64), known as The Controlled  
20           Substance, Drug, Device and Cosmetic Act, or any  
21           equivalent Federal statute or equivalent statute of  
22           any other state, that may be punishable by a term of  
23           imprisonment of not more than two years.

24           (I) Whether the subject of the petition has been  
25           convicted of driving under the influence of alcohol  
26           or controlled substance as provided in 75 Pa.C.S. §  
27           3802 (relating to driving under influence of alcohol  
28           or controlled substance) on three or more separate  
29           occasions within a five-year period.

30           (4) If the court orders the subject of the petition to

1 temporarily relinquish any firearm, other weapon or  
2 ammunition pursuant to paragraph (3), the subject of the  
3 petition shall decide in what manner he will relinquish the  
4 firearm, other weapon or ammunition listed in the order.  
5 Relinquishment may be to the sheriff pursuant to section  
6 6190.5(a)(3).

7 (d) Continued hearings.--If a hearing under subsection (a)  
8 is continued and no temporary order is issued, the court may  
9 make ex parte temporary orders under subsection (c) as it deems  
10 necessary.

11 § 6190.7. Return of relinquished firearms, other weapons and  
12 ammunition, and additional relief.

13 (a) General rule.--Any court order requiring the  
14 relinquishment of firearms, other weapons or ammunition shall  
15 provide for the return of the relinquished firearms, other  
16 weapons or ammunition to the subject of a firearm restraining  
17 order upon revocation, vacation or expiration of the order or  
18 dismissal of a petition for a firearm restraining order. The  
19 subject of a firearm restraining order may take custody of the  
20 relinquished firearms, other weapons or ammunition provided that  
21 such subject is otherwise eligible to lawfully possess the  
22 relinquished firearms, other weapons or ammunition. The subject  
23 of the firearm restraining order shall not be required to pay  
24 any fees, costs or charges associated with the returns, whether  
25 the fees, costs or charges are imposed by the Pennsylvania State  
26 Police, any local law enforcement agency or any other entity,  
27 including a licensed importer, licensed manufacturer or licensed  
28 dealer, in order to secure return of the relinquished firearms,  
29 other weapons or ammunition.

30 (b) Hearing.--Within 10 business days of the filing of a

1 petition under this section, a hearing shall be held before the  
2 court.

3 (c) Definitions.--As used in this section, the term "other  
4 person" shall mean any person, except the subject of the  
5 restraining order, who is the lawful owner of a firearm, other  
6 weapon or ammunition relinquished pursuant to this subchapter.  
7 § 6190.8. Relinquishment for consignment sale, lawful transfers  
8 and safekeeping.

9 (a) General rule.--Notwithstanding any other provision of  
10 law, an individual who is the subject of a firearm restraining  
11 order, which order provides for the relinquishment of firearms,  
12 other weapons or ammunition during the period of time the order  
13 is in effect, may, within the time frame specified in the order  
14 and in lieu of relinquishment to the sheriff, relinquish to a  
15 dealer licensed pursuant to section 6113 (relating to licensing  
16 of dealers) any firearms, other weapons or ammunition for  
17 consignment sale, lawful transfers and safekeeping.

18 (b) Affidavit.--The subject of a firearm restraining order  
19 relinquishing firearms, other weapons or ammunition to a  
20 licensed dealer pursuant to subsection (a) shall obtain an  
21 affidavit from the dealer on a form prescribed by the  
22 Pennsylvania State Police which shall include, at a minimum, the  
23 following:

24 (1) The caption of the case in which the firearm  
25 restraining order was issued.

26 (2) The name, address, date of birth and Social Security  
27 number of the subject of the firearm restraining order.

28 (3) A list of the firearms, other weapons or ammunition,  
29 including, if applicable, the manufacturer, model and serial  
30 number.

1           (4) The name, license number and address of the licensed  
2 premises of the dealer licensed pursuant to section 6113  
3 (relating to licensing of dealers) receiving the relinquished  
4 firearm, other weapon or ammunition.

5           (5) An acknowledgment that the firearms, other weapons  
6 or ammunition will not be returned to the subject of the  
7 restraining order or sold or transferred to an individual the  
8 dealer knows is a family or household member of such subject  
9 while he is the subject of an active firearm restraining  
10 order under this subchapter or an active protection from  
11 abuse order under 23 Pa.C.S. Ch. 61 (relating to protection  
12 from abuse) which order or orders provide for the  
13 relinquishment of the firearm, other weapon or ammunition  
14 being returned, sold or transferred.

15           (6) An acknowledgment that the firearms, other weapons  
16 or ammunition, if sold or transferred, will be sold or  
17 lawfully transferred in compliance with Chapter 61 (relating  
18 to firearms and other dangerous articles).

19           (c) Failure to provide affidavit.--The subject of a firearm  
20 restraining order relinquishing firearms, other weapons or  
21 ammunition to a dealer pursuant to subsection (a) shall, within  
22 the time frame specified in the order for relinquishing  
23 firearms, other weapons or ammunition, provide to the sheriff  
24 the affidavit obtained pursuant to subsection (b) and relinquish  
25 to the sheriff any firearms, other weapons or ammunition ordered  
26 to be relinquished which are not specified in the affidavit, in  
27 an affidavit provided in accordance with section 6190.5(a)(3)(i)  
28 (B) (relating to relief). If the subject of a firearm  
29 restraining order fails to comply with this subsection, the  
30 sheriff shall, at a minimum, provide immediate notice to the

1 court, the petitioner and appropriate law enforcement agencies.

2 (d) Form.--The Pennsylvania State Police shall develop and  
3 make available to licensed dealers a form to be used by dealers  
4 to accept possession of firearms, other weapons or ammunition  
5 for consignment sale, lawful transfer or safekeeping pursuant to  
6 this section.

7 (e) Transfer upon entry of final order.--Upon entry of a  
8 final firearm restraining order issued pursuant to section  
9 6190.5, which provides for the relinquishment of firearms, other  
10 weapons or ammunition during the period of time the order is in  
11 effect, the subject of a firearm restraining order who had  
12 relinquished firearms, other weapons or ammunition to the  
13 sheriff pursuant to a temporary order may request that the  
14 firearms, other weapons or ammunition be relinquished to a  
15 dealer for consignment sale, lawful transfer or safekeeping  
16 pursuant to this section. If the defendant can identify a  
17 licensed dealer willing to accept the firearms, other weapons or  
18 ammunition in compliance with this section, the court shall  
19 order the sheriff to transport the firearms, other weapons or  
20 ammunition to the licensed dealer at no cost to the subject of  
21 the firearm restraining order or the licensed dealer.

22 (f) Nondisclosure.--The affidavit obtained under subsection  
23 (b) shall not be subject to access under the act of February 14,  
24 2008 (P.L.6, No.3), known as the Right-to-Know Law.

25 (g) Definitions.--As used in this section, the following  
26 words and phrases shall have the meanings given to them in this  
27 subsection:

28 "Safekeeping." The secure custody of firearms, other weapons  
29 or ammunition ordered to be relinquished by an active firearm  
30 restraining order.

1 "Sale or lawful transfer." Any sale or transfer to a person  
2 other than the subject of a firearm restraining order or a  
3 family or household member of the subject which is conducted in  
4 accordance with Chapter 61 (relating to firearms and other  
5 dangerous articles).

6 § 6190.9. (Reserved).

7 § 6190.10. Disclosure and confidentiality.

8 (a) Certain disclosures prohibited.--

9 (1) During the course of a proceeding under this  
10 subchapter, the court or hearing officer may consider whether  
11 the petitioner or petitioner's family or household members or  
12 other person would be endangered by disclosure of the  
13 permanent or temporary address of the petitioner or  
14 petitioner's family or household member or other person. If  
15 the court determines that disclosure of the petitioner's  
16 address may pose a threat to the physical safety of the  
17 petitioner, a family or household member of such petitioner  
18 or other person, the court or hearing officer shall not  
19 require disclosure of the petitioner's, family or household  
20 member's or other person's address in either the pleadings or  
21 during proceedings or hearings under this subchapter.

22 (2) Where the court concludes that the subject of a  
23 restraining order continues to pose a threat to the physical  
24 safety of the petitioner, a family or household member of the  
25 petitioner or another person and where the petitioner, family  
26 or household member or other person requests that his or her  
27 address, telephone number and information about whereabouts  
28 not be disclosed, the court shall enter an order directing  
29 that law enforcement agencies and any other person or entity,  
30 as the court so determines, shall not disclose the presence

1 of the petitioner, family or household member or other person  
2 in any jurisdiction or furnish any address, telephone number  
3 or any other demographic information about the petitioner,  
4 family or household member or other person, except by further  
5 order of the court.

6 (b) Confidentiality.--Information retained to ensure  
7 compliance with this subchapter shall not be subject to access  
8 under the act of February 14, 2008 (P.L.6, No.3), known as the  
9 Right-to-Know Law.

10 § 6190.11. Service of order.

11 (a) Issuance.--A copy of an order under this subchapter  
12 shall be issued to the petitioner, the subject of the  
13 restraining order and the local law enforcement agencies with  
14 appropriate jurisdiction to enforce the order in accordance with  
15 the provisions of this subchapter or as ordered by the court or  
16 hearing officer.

17 (b) Placement in registry.--Upon receipt of an order, the  
18 local law enforcement agency shall immediately advise the  
19 Pennsylvania State Police of entry of the order and collaborate  
20 with it to ensure that the order is timely entered into the  
21 registry established in accordance with 23 Pa.C.S. § 6105  
22 (relating to responsibilities of law enforcement agencies). The  
23 local law enforcement agency with jurisdiction shall continue  
24 its collaboration with the Pennsylvania State Police to ensure  
25 that the registry is current at all times and that orders are  
26 removed upon vacation or expiration.

27 § 6190.12. Violation of order.

28 (a) General rule.--An arrest for violation of an order  
29 issued pursuant to this subchapter may be without warrant upon  
30 probable cause whether or not the violation is committed in the

1 presence of the law enforcement officer or sheriff in  
2 circumstances where the subject of a firearm restraining order  
3 has violated a provision of an order consistent with section  
4 6190.5 (relating to relief). The law enforcement officer or  
5 sheriff may verify the existence of a firearm restraining order  
6 by telephone, radio or other electronic communication with the  
7 appropriate law enforcement agency, the Pennsylvania State  
8 Police registry or the issuing authority. A law enforcement  
9 officer or sheriff shall arrest a subject of a firearm  
10 restraining order for violating an order issued under this  
11 subchapter.

12 (b) Seizure of firearms, other weapons and ammunition.--  
13 Subsequent to an arrest, the law enforcement officer or sheriff  
14 shall seize all firearms, other weapons and ammunition used or  
15 threatened to be used during a violation of a firearm  
16 restraining order or during prior incidents that posed an  
17 immediate and present danger to the physical safety of the  
18 petitioner, a family or household member or other person and any  
19 other firearms, other weapons or ammunition in the subject's  
20 possession. As soon as it is reasonably possible, the arresting  
21 law enforcement officer shall deliver the confiscated firearms,  
22 other weapons and ammunition to the office of the sheriff. The  
23 sheriff shall maintain possession of the firearms, other weapons  
24 and ammunition until the court issues an order specifying the  
25 firearms, other weapons and ammunition to be relinquished and  
26 the persons to whom the firearms, other weapons and ammunition  
27 shall be relinquished.

28 (c) Procedure following arrest.--Subsequent to an arrest  
29 under subsection (a), the subject of a firearm restraining order  
30 shall be taken by the law enforcement officer or sheriff without

1 unnecessary delay before the court in the judicial district  
2 where the contempt is alleged to have occurred. When that court  
3 is unavailable, the law enforcement officer or sheriff shall  
4 convey the subject of the firearm restraining order to a  
5 magisterial district judge designated as appropriate by local  
6 rules of court or, in the city of Pittsburgh, to a magistrate of  
7 the Pittsburgh Magistrates Court or, in counties of the first  
8 class, to the appropriate hearing officer. For purposes of  
9 procedure relating to arraignments for arrest for violation of  
10 an order issued under this subchapter, the judges of Pittsburgh  
11 Magistrates Court shall be deemed to be magisterial district  
12 judges.

13 (d) Preliminary arraignment.--The subject of a firearm  
14 restraining order shall be afforded a preliminary arraignment  
15 without unnecessary delay.

16 (e) Other emergency powers unaffected.--This section shall  
17 not be construed in any way to limit any of the other powers for  
18 emergency relief provided in this subchapter.

19 (f) Hearing.--A hearing shall be scheduled within ten days  
20 of the filing of the charge or complaint of indirect criminal  
21 contempt. The hearing and any adjudication shall not preclude a  
22 hearing on other criminal charges underlying the contempt, nor  
23 shall a hearing or adjudication on other criminal charges  
24 preclude a hearing on a charge of indirect criminal contempt.

25 § 6190.13. Contempt for violations; arrest.

26 (a) General rule.--Where the law enforcement officer,  
27 sheriff or the petitioner has filed charges of indirect criminal  
28 contempt against a defendant for violation of a firearm  
29 restraining order issued under this subchapter, the court may  
30 hold the subject of the restraining order in indirect criminal

1 contempt and punish the subject in accordance with law.

2 (b) Jurisdiction.--The court shall have jurisdiction over  
3 indirect criminal contempt charges for violation of a firearm  
4 restraining order issued under this subchapter in the county  
5 where the violation occurred and in the county where the order  
6 was granted.

7 (c) Minors.--A subject of a firearm restraining order who is  
8 a minor and who is charged with indirect criminal contempt for  
9 allegedly violating a firearm restraining order shall be  
10 considered to have committed an alleged delinquent act as that  
11 term is defined in 42 Pa.C.S. § 6302 (relating to definitions)  
12 and shall be treated as provided in 42 Pa.C.S. Ch. 63 (relating  
13 to juvenile matters).

14 (d) Trial and punishment.--

15 (1) A sentence for contempt under this subchapter may  
16 include:

17 (i) (A) a fine of not less than \$300 nor more than  
18 \$1,000 and imprisonment for not more than six months;

19 or

20 (B) a fine of not less than \$300 nor more than  
21 \$1,000 and supervised probation not to exceed six  
22 months; and

23 (ii) an order for other relief set forth in this  
24 subchapter.

25 (2) All money received from the imposition of fines  
26 under this section shall be distributed in the following  
27 order of priority:

28 (i) One hundred dollars shall be forwarded to the  
29 Commonwealth and shall be appropriated by the General  
30 Assembly to the Pennsylvania State Police to assist with

1 the maintenance of the Statewide registry established in  
2 accordance with 23 Pa.C.S. § 6105(e) (relating to  
3 responsibilities of law enforcement agencies).

4 (ii) One hundred dollars shall be retained by the  
5 county and shall be used to carry out the provisions of  
6 this subchapter as follows:

7 (A) Fifty dollars shall be used by the sheriff.

8 (B) Fifty dollars shall be forwarded to the  
9 local law enforcement agency.

10 (iii) Fifty dollars shall be forwarded to the  
11 Commonwealth and shall be appropriated to the Supreme  
12 Court for use by county courts and magisterial district  
13 courts to carry out their duties under this subchapter.

14 (iv) Any additional money shall be forwarded to the  
15 Commonwealth and shall be appropriated to the  
16 Pennsylvania State Police and used by it to maintain the  
17 Statewide registry established under 23 Pa.C.S. §  
18 6105(e).

19 (3) The subject of a firearm restraining order shall not  
20 have a right to a jury trial on a charge of indirect criminal  
21 contempt. However, the defendant shall be entitled to  
22 counsel.

23 (4) Upon conviction for indirect criminal contempt and  
24 at the request of the petitioner, the court shall also grant  
25 an extension of the firearm restraining order for an  
26 additional term.

27 (5) Upon conviction for indirect criminal contempt, the  
28 court shall notify the sheriff of the jurisdiction which  
29 issued the firearm restraining order of the conviction.

30 (6) The minimum fine required by subsection (b)(1)

1 allocated pursuant to subsection (b)(2)(i) and (iii) shall be  
2 used to supplement and not to supplant any other source of  
3 funds received for the purpose of carrying out the provisions  
4 of this subchapter.

5 (e) Notification upon release.--The appropriate releasing  
6 authority or other official as designated by local rule shall  
7 use all reasonable means to notify the petitioner sufficiently  
8 in advance of the release of the subject of a firearm  
9 restraining order from any incarceration imposed under this  
10 subchapter. Notification shall be required for work release,  
11 furlough, medical leave, community service, discharge, escape  
12 and recapture. Notification shall include the terms and  
13 conditions imposed on any temporary release from custody. The  
14 petitioner must keep the appropriate releasing authority or  
15 other official as designated by local rule advised of personal  
16 contact information; failure to do so may constitute waiver of  
17 any right to notification under this subsection.

18 (f) Multiple remedies.--Disposition of a charge of indirect  
19 criminal contempt shall not preclude the prosecution of other  
20 criminal charges associated with the incident giving rise to the  
21 contempt, nor shall disposition of other criminal charges  
22 preclude prosecution of indirect criminal contempt associated  
23 with the criminal conduct giving rise to the charges.

24 § 6190.14. Civil contempt for violation of an order.

25 (a) General rule.--A petitioner may file a petition for  
26 civil contempt with the issuing court alleging that the subject  
27 of a firearm restraining order has violated any provision of an  
28 order issued under this subchapter.

29 (b) Civil contempt order.--Upon finding of a violation of a  
30 firearm restraining order issued under this subchapter, the

1 court, either pursuant to petition for civil contempt or on its  
2 own accord, may hold the subject of the restraining order in  
3 civil contempt and restrain him in accordance with law.

4 (c) Sentencing.--A sentence for civil contempt under this  
5 subchapter may include imprisonment until the subject of the  
6 restraining order complies with provisions of the order or  
7 demonstrates the intent to do so, but in no case shall a term of  
8 imprisonment under this section exceed a period of six months.

9 (d) Jury trial and counsel.--The subject of a restraining  
10 order shall not have a right to a jury trial; however, the  
11 defendant shall be entitled to counsel.

12 § 6190.15. Procedures and other remedies.

13 (a) General rule.--Unless otherwise indicated in this  
14 subchapter, a proceeding under this subchapter shall be in  
15 accordance with applicable general rules and shall be in  
16 addition to any other available civil or criminal remedies.

17 (b) Remedies for bad faith.--Notwithstanding any other  
18 provision of law, upon finding that an individual commenced a  
19 proceeding under this chapter in bad faith, the court shall  
20 direct the individual to pay to the subject of the petition or  
21 firearm restraining order actual damages and reasonable attorney  
22 fees. Failure to prove an allegation of an immediate and present  
23 danger to the physical safety of the petitioner, family or  
24 household member or other person by a preponderance of the  
25 evidence shall not, by itself, result in a finding of bad faith.

26 § 6190.16. Immunity.

27 (a) General rule.--

28 (1) Law enforcement agencies and their employees,  
29 including troopers, officers, sheriffs and their deputies,  
30 shall, except as provided in subsection (b), be immune from

1 civil liability for actions taken in good faith to carry out  
2 their duties relating to the seizure and relinquishment of  
3 firearms, other weapons and ammunition as provided for in  
4 this subchapter, except for gross negligence, intentional  
5 misconduct or reckless, willful or wanton misconduct.

6 (2) No person licensed under the act of July 9, 1987  
7 (P.L.220, No.39), known as the Social Workers, Marriage and  
8 Family Therapists and Professional Counselors Act, or as a  
9 health care practitioner as defined under section 103 of the  
10 act of July 19, 1979 (P.L.130, No.48), known as the Health  
11 Care Facilities Act, who initiates a proceeding for the  
12 issuance of a firearm restraining order in accordance with  
13 section 6190.3 shall be held civilly or criminally liable for  
14 actions taken pursuant to the provisions of this subchapter,  
15 if such person acted in good faith and without malice.

16 (b) Exception.--Law enforcement agencies and their  
17 employees, including troopers, officers, sheriffs and their  
18 deputies, may be liable to the lawful owner of confiscated,  
19 seized or relinquished firearms in accordance with section  
20 6105(f) (relating to persons not to possess, use, manufacture,  
21 control, sell or transfer firearms) and may be liable to the  
22 lawful owner of confiscated, seized or relinquished other  
23 weapons or ammunition for any loss, damage or substantial  
24 decrease in the value of the other weapons or ammunition that is  
25 a direct result of a lack of reasonable care by the law  
26 enforcement agency or its employees.

27 § 6190.17. Inability to pay.

28 (a) Order for installment payments.--Upon plea and proof  
29 that a person is without the financial means to pay a fine, fee  
30 or cost under section 6190.5 (relating to relief) or a cost, the

1 court may order payment of money owed in installments  
2 appropriate to the circumstances of the person and shall fix the  
3 amounts, times and manner of payment. The failure to make such  
4 payments in the amount, time and manner fixed by the court may  
5 subject the person to contempt under the applicable provisions  
6 of this subchapter.

7 (b) Use of credit cards.--The treasurer of each county may  
8 allow the use of credit cards and bank cards in the payment of  
9 finances, fees and costs set forth under this subchapter.

10 § 6190.18. Warrantless searches.

11 Except as provided in section 6190.12 (relating to violation  
12 of order), nothing in this subchapter shall authorize a  
13 warrantless search for firearms, other weapons or ammunition.

14 § 6190.19. Construction.

15 Nothing in this subchapter shall be construed to:

16 (1) Preclude an action for wrongful use of civil process  
17 pursuant to 42 Pa.C.S. Ch. 83 Subch. E (relating to wrongful  
18 use of civil proceedings) or criminal prosecution for a  
19 violation of Chapter 49 (relating to falsification and  
20 intimidation).

21 (2) Allow a government agency or law enforcement agency,  
22 or an agent or employee of either, or any other person or  
23 entity to create, maintain or operate a database or registry  
24 of firearm ownership within this Commonwealth. However,  
25 information may be retained to ensure compliance with this  
26 subchapter and to document the return of relinquished  
27 firearms, other weapons and ammunition in accordance with  
28 this subchapter.

29 Section 3. This act shall take effect in 60 days.