
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1182 Session of
2015

INTRODUCED BY VANCE, HUGHES, KITCHEN, COSTA, DINNIMAN, WILEY,
HAYWOOD, LEACH, McGARRIGLE, FARNESE, McILHINNEY AND SCHWANK,
JUNE 22, 2016

REFERRED TO JUDICIARY, JUNE 22, 2016

AN ACT

1 Amending Titles 18 (Crimes and Offenses) and 23 (Domestic
2 Relations) of the Pennsylvania Consolidated Statutes, in
3 firearms and other dangerous articles, further providing for
4 persons not to possess, use, manufacture, control, sell or
5 transfer firearms, providing for relinquishment of firearms
6 and firearm licenses by convicted persons, further providing
7 for firearms not to be carried without a license and for
8 loans on, or lending or giving firearms prohibited; and, in
9 protection from abuse, further providing for definitions, for
10 commencement of proceedings, for hearings, for relief, for
11 return of relinquished firearms, other weapons and ammunition
12 and additional relief and for relinquishment for consignment
13 sale, lawful transfer or safekeeping; and repealing
14 provisions relating to relinquishment to third party for
15 safekeeping.

16 The General Assembly of the Commonwealth of Pennsylvania
17 hereby enacts as follows:

18 Section 1. Section 6105(a)(2), (a.1)(2), (3) and (5) and (c)
19 (6) and (9) of Title 18 of the Pennsylvania Consolidated
20 Statutes are amended to read:

21 § 6105. Persons not to possess, use, manufacture, control, sell
22 or transfer firearms.

23 (a) Offense defined.--

24 * * *

1 (2) (i) [A] Except as otherwise provided in this
2 paragraph, 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)
13 (6).

14 (iii) A person whose disability is imposed pursuant
15 to subsection (c)(9) shall relinquish any firearms and
16 firearm licenses under that person's possession or
17 control, as described in section 6105.2 (relating to
18 relinquishment of firearms and firearm licenses by
19 convicted persons).

20 (iv) A person whose disability is imposed pursuant
21 to a protection from abuse order shall relinquish any
22 firearms, other weapons, ammunition and firearm licenses
23 under that person's possession or control, as described
24 in 23 Pa.C.S. § 6108(a)(7) (relating to relief).

25 (a.1) Penalty.--

26 * * *

27 (2) A person who is the subject of an active final
28 protection from abuse order [issued pursuant to 23 Pa.C.S. §
29 6108 (relating to relief)] described in 23 Pa.C.S. § 6108(b)
30 is the subject of any other active protection from abuse

1 order issued pursuant to 23 Pa.C.S. § 6108, which [order]
2 provided for the relinquishment of firearms[,] or other
3 weapons or ammunition during the period of time the order is
4 in effect, or is otherwise prohibited from possessing or
5 acquiring a firearm under 18 U.S.C. § 922(g)(8) (relating to
6 unlawful acts), commits a misdemeanor of the first degree if
7 he intentionally or knowingly fails to relinquish a
8 firearm[,]

9 or other weapon or ammunition to the sheriff as
10 required by the order unless, in lieu of relinquishment, he
11 provides an affidavit which lists the firearms[,]

12 or other
13 weapons or ammunition to the sheriff in accordance with
14 [either] 23 Pa.C.S. § 6108(a)(7)(i)(B)[,]

15 or 6108.2 (relating
16 to relinquishment for consignment sale[,]

17 or lawful transfer
18 [or safekeeping) or 6108.3 (relating to relinquishment to
19 third party for safekeeping)].

20 (3) (i) A person commits a misdemeanor of the third
21 degree if he intentionally or knowingly accepts
22 possession of a firearm, other weapon or ammunition from
23 [a] another person he knows is the subject of an active
24 protection from abuse order issued pursuant to 23 Pa.C.S.
25 § 6108, which order provided for the relinquishment of
26 the firearm, other weapon or ammunition during the period
27 of time the order is in effect.

28 (ii) This paragraph shall not apply to[:

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

(B)] a dealer licensed pursuant to section 6113
(relating to licensing of dealers) or subsequent
purchaser from a dealer licensed pursuant to section

1 6113, who accepts possession of a firearm, other
2 weapon or ammunition relinquished pursuant to 23
3 Pa.C.S. § 6108.2.

4 * * *

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

12 (i) The sheriff accepts return of the safekeeping
13 permit issued to the party pursuant to 23 Pa.C.S. §
14 6108.3(d)(1)(i).

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

25 * * *

26 (c) Other persons.--In addition to any person who has been
27 convicted of any offense listed under subsection (b), the
28 following persons shall be subject to the prohibition of
29 subsection (a):

30 * * *

1 (6) A person who is the subject of an active final
2 protection from abuse order [issued pursuant to 23 Pa.C.S. §
3 6108] or a person who is subject to a court order and is
4 otherwise prohibited from possessing or acquiring firearms,
5 ammunition or explosives under 18 U.S.C. § 922(g)(8), which
6 order provided for the relinquishment of firearms during the
7 period of time the order is in effect or a person who is the
8 subject of any other active protection from abuse order
9 issued pursuant to 23 Pa.C.S. § 6108. This prohibition shall
10 terminate upon the expiration or vacation of [an active
11 protection from abuse] the order or portion thereof relating
12 to the relinquishment of firearms.

13 * * *

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

21 (i) the current or former spouse, parent or guardian
22 of the victim;

23 (ii) a person with whom the victim shares a child in
24 common;

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

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

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

1 * * *

2 Section 2. Title 18 is amended by adding a section to read:

3 § 6105.2. Relinquishment of firearms and firearm licenses by
4 convicted persons.

5 (a) Procedure.--

6 (1) A person subject to a firearms disability pursuant
7 to section 6105(c)(9) (relating to persons not to possess,
8 use, manufacture, control, sell or transfer firearms) shall
9 relinquish any firearms under the person's possession or
10 control to the appropriate law enforcement agency of the
11 municipality as described in subsection (b) or to a dealer as
12 described in subsection (c).

13 (2) The court of conviction shall order the
14 relinquishment and the order shall be transmitted to the
15 appropriate law enforcement agency of the municipality and to
16 the sheriff of the county of which the person is a resident.
17 The order shall contain a list of any firearm ordered
18 relinquished.

19 (3) The person shall inform the court in what manner the
20 person will relinquish any such firearm.

21 (4) If the person is present in court at the time of the
22 order, the person shall inform the court whether
23 relinquishment will be made under subsection (b) or (c).

24 (b) Relinquishment to law enforcement agency.--

25 (1) Relinquishment to an appropriate law enforcement
26 agency shall be made within 24 hours following conviction,
27 except for cause shown, in which case the court shall specify
28 the time for relinquishment of any or all of the person's
29 firearms.

30 (2) In securing custody of the person's relinquished

1 firearms, the law enforcement agency shall provide the person
2 subject to the relinquishment order with a signed and dated
3 written receipt, which shall include a detailed description
4 of each firearm and its condition.

5 (3) Any relinquished firearm shall be considered to be
6 abandoned if not transferred within six months pursuant to
7 subsection (e) and the law enforcement agency may dispose of
8 it after that period, provided the person is notified of the
9 disposal and receives any proceeds from the disposal, less
10 the costs to the law enforcement agency associated with
11 taking possession of, storing and disposing of the firearm.

12 (4) As used in this subsection, the term "cause" shall
13 be limited to facts relating to the inability of the person
14 to retrieve a specific firearm within 24 hours due to the
15 then current location of the firearm.

16 (c) Relinquishment to dealer.--

17 (1) In lieu of relinquishment to the local law
18 enforcement agency, the person subject to a court order may,
19 within 24 hours or within the time ordered by the court upon
20 cause being shown as in subsection (b), relinquish firearms
21 to a dealer licensed pursuant to section 6113 (relating to
22 licensing of dealers).

23 (2) The dealer may charge the person a reasonable fee
24 for accepting relinquishment.

25 (3) The person shall obtain an affidavit from the dealer
26 on a form prescribed by the Pennsylvania State Police, which
27 shall include, at a minimum, the following:

28 (i) The caption of the case in which the person was
29 convicted.

30 (ii) The name, address, date of birth and Social

1 Security number of the person.

2 (iii) A list of the firearms, including the
3 manufacturer, model and serial number.

4 (iv) The name and license number of the dealer
5 licensed pursuant to section 6113 and the address of the
6 licensed premises.

7 (v) An acknowledgment that the firearms will not be
8 returned to the person, unless the person is no longer
9 prohibited from possessing a firearm under Federal or
10 State law.

11 (vi) An acknowledgment that the firearms, if
12 transferred, will be transferred in compliance with
13 Chapter 61 (relating to firearms and other dangerous
14 articles).

15 (4) A person relinquishing a firearm pursuant to this
16 subsection shall, within the specified time frame, provide to
17 the appropriate law enforcement agency the affidavit required
18 by this subsection and relinquish to the law enforcement
19 agency any firearm ordered to be relinquished which is not
20 specified in the affidavit.

21 (d) Notice of noncompliance.--

22 (1) If the person fails to relinquish a firearm within
23 24 hours or within the time ordered by the court upon cause
24 being shown, the law enforcement agency shall, at a minimum,
25 provide immediate notice to the court, the victim, the
26 prosecutor and the sheriff.

27 (2) For purposes of this subsection, "victim" shall have
28 the same meaning as "direct victim" in section 103 of the act
29 of November 24, 1998 (P.L.882, No.111), known as the Crime
30 Victims Act.

1 (e) Alternate relinquishment to dealer.--

2 (1) If the person relinquishes firearms to the
3 appropriate law enforcement agency pursuant to subsection
4 (b), the person may request that the appropriate law
5 enforcement agency make one transfer of any such firearm to a
6 dealer licensed pursuant to section 6113 within six months of
7 relinquishment.

8 (2) If requesting a subsequent transfer, the person
9 shall provide the appropriate law enforcement agency with the
10 dealer affidavit described in subsection (c).

11 (3) The appropriate law enforcement agency shall make
12 the transfer, if the person complies with this subsection,
13 and may charge the person for any costs associated with
14 making the transfer.

15 (f) Recordkeeping.--Any portion of an order or petition or
16 other paper that includes a list of firearms ordered
17 relinquished shall be kept in the files of the court as a
18 permanent record thereof and withheld from public inspection,
19 except upon an order of the court granted upon cause shown,
20 after redaction of information relating to the firearms, or as
21 necessary, by law enforcement and court personnel.

22 (g) Relinquishment of licenses.--

23 (1) Any person described in this section shall also
24 relinquish to the appropriate law enforcement agency any
25 firearm license issued under section 6106 (relating to
26 firearms not to be carried without a license) or 6109
27 (relating to licenses) that the person possesses.

28 (2) The provisions of subsections (a)(2) and (3), (b),
29 (d) and (f) shall also apply to firearm licenses of the
30 person.

1 Section 3. Sections 6106(b)(8) and 6115(b)(4) of Title 18
2 are amended to read:

3 § 6106. Firearms not to be carried without a license.

4 * * *

5 (b) Exceptions.--The provisions of subsection (a) shall not
6 apply to:

7 * * *

8 (8) Any person while carrying a firearm which is not
9 loaded and is in a secure wrapper from the place of purchase
10 to his home or place of business, or to a place of repair,
11 sale or appraisal or back to his home or place of business,
12 or in moving from one place of abode or business to another
13 or from his home to a vacation or recreational home or
14 dwelling or back, or to recover stolen property under section
15 6111.1(b)(4) (relating to Pennsylvania State Police), or to a
16 place of instruction intended to teach the safe handling, use
17 or maintenance of firearms or back or to a location to which
18 the person has been directed to relinquish firearms under 23
19 Pa.C.S. § 6108 (relating to relief) or back upon return of
20 the relinquished firearm or to a licensed dealer's place of
21 business for relinquishment pursuant to 23 Pa.C.S. § 6108.2
22 (relating to relinquishment for consignment sale[,] or lawful
23 transfer [or safekeeping]) or back upon return of the
24 relinquished firearm [or to a location for safekeeping
25 pursuant to 23 Pa.C.S. § 6108.3 (relating to relinquishment
26 to third party for safekeeping) or back upon return of the
27 relinquished firearm].

28 * * *

29 § 6115. Loans on, or lending or giving firearms prohibited.

30 * * *

1 (b) Exception.--

2 * * *

3 [(4) Nothing in this section shall prohibit the
4 relinquishment of firearms to a third party in accordance
5 with 23 Pa.C.S. § 6108.3 (relating to relinquishment to third
6 party for safekeeping).]

7 Section 4. The definitions of "domestic violence
8 counselor/advocate" and "safekeeping permit" in section 6102(a)
9 of Title 23 are amended and the subsection is amended by adding
10 a definition to read:

11 § 6102. Definitions.

12 (a) General rule.--The following words and phrases when used
13 in this chapter shall have the meanings given to them in this
14 section unless the context clearly indicates otherwise:

15 * * *

16 "Appropriate law enforcement agency." The duly constituted
17 municipal law enforcement agency which regularly provides
18 primary police services to a political subdivision or, in the
19 absence of any such municipal law enforcement agency, the
20 Pennsylvania State Police installation which regularly provides
21 primary police services to the political subdivision.

22 * * *

23 "Domestic violence counselor/advocate." An individual who:

24 (1) is engaged in a domestic violence program, the
25 primary purpose of which is the rendering of counseling or
26 assistance to victims of domestic violence[, who];

27 (2) has undergone 40 hours of training[.]; and

28 (3) is under the supervision of a supervisor of a
29 domestic violence program.

30 * * *

1 ["Safekeeping permit." A permit issued by a sheriff allowing
2 a person to take possession of any firearm, other weapon or
3 ammunition that a judge ordered a defendant to relinquish in a
4 protection from abuse proceeding.]

5 * * *

6 Section 5. Section 6106(e) and (f) of Title 23 are amended
7 and the section is amended by adding a subsection to read:

8 § 6106. Commencement of proceedings.

9 * * *

10 [(e) Court to adopt means of service.--The court shall adopt
11 a means of prompt and effective service in those instances where
12 the plaintiff avers that service cannot be safely effected by an
13 adult individual other than a law enforcement officer or where
14 the court so orders.]

15 (f) Service by sheriff.--[If the court so orders, the
16 sheriff or other designated agency or individual shall serve the
17 petition and order.] For all petitions and temporary orders for
18 protection from abuse, original process shall be served by a
19 sheriff or by the sheriff's duly authorized deputy, which deputy
20 may not be a party to or a family member of a party to the
21 protection from abuse petition, unless the petitioner chooses an
22 alternative means of personal service.

23 (f.1) Court to adopt means of service.--The court shall, by
24 local rule, adopt a procedure to immediately transmit the
25 petition and order for service to the sheriff or, if the
26 petitioner requests, to the petitioner.

27 * * *

28 Section 6. Sections 6107(a), (b) (4) and (c), 6108(a) (3) and
29 (7), 6108.1 and 6108.2 heading, (a), (c) and (e) of Title 23 are
30 amended to read:

1 § 6107. Hearings.

2 (a) General rule.--Within ten business days of the filing of
3 a petition under this chapter, a hearing shall be held before
4 the court, at which the plaintiff must prove the allegation of
5 abuse by a preponderance of the evidence. The court shall, at
6 the time the defendant is given notice of the hearing, advise
7 the defendant of the right to be represented by counsel, of the
8 right to present evidence, of the right to compel attendance of
9 witnesses, of the method by which witnesses may be compelled, of
10 the possibility that any firearm, other weapon or ammunition
11 owned and any firearm license possessed may be ordered
12 temporarily relinquished, of the options for relinquishment of a
13 firearm pursuant to this chapter, of the possibility that
14 Federal or State law may prohibit the possession of firearms,
15 including an explanation of 18 U.S.C. § 922(g)(8) (relating to
16 unlawful acts) and 18 Pa.C.S. § 6105 (relating to persons not to
17 possess, use, manufacture, control, sell or transfer firearms),
18 and that any protection order granted by a court may be
19 considered in any subsequent proceedings under this title. This
20 notice shall be printed and delivered in a manner which easily
21 attracts attention to its content and shall specify that child
22 custody is one of the proceedings where prior protection orders
23 may be considered.

24 (b) Temporary orders.--

25 * * *

26 (4) If the court orders the defendant to temporarily
27 relinquish any firearm, other weapon or ammunition pursuant
28 to paragraph (3), the defendant shall decide in what manner
29 the defendant is going to relinquish any firearm, other
30 weapon or ammunition listed in the order. Relinquishment may

1 be to the sheriff pursuant to section 6108(a)(7) [or to a
2 third party for safekeeping pursuant to section 6108.3
3 (relating to relinquishment to third party for safekeeping)]
4 or to a dealer pursuant to section 6108.2 (relating to
5 relinquishment for consignment sale or lawful transfer).

6 (c) Continued hearings.--

7 (1) If a hearing under subsection (a) is continued and
8 no temporary order is issued, the court may make ex parte
9 temporary orders under subsection (b) as it deems necessary.

10 (2) If a hearing is scheduled to take place within 96
11 hours after a defendant receives notice under section 6106
12 (relating to commencement of proceedings), the court shall
13 grant a continuance until the 96-hour period has elapsed, if
14 requested by the defendant.

15 (3) The court shall notify the defendant of his right to
16 such continuance.

17 § 6108. Relief.

18 (a) General rule.--The court may grant any protection order
19 or approve any consent agreement to bring about a cessation of
20 abuse of the plaintiff or minor children. The order or agreement
21 may include the following, except that any final order or
22 agreement must direct the defendant to refrain from abusing,
23 harassing, stalking, threatening or attempting or threatening to
24 use physical force against the plaintiff or minor children and
25 must order that the defendant is subject to the firearms, other
26 weapons or ammunition and firearm license prohibition and
27 relinquishment provisions under paragraph (7):

28 * * *

29 (3) If the defendant has a duty to support the plaintiff
30 or minor children living in the residence or household and

1 the defendant is the sole owner or lessee, granting
2 possession to the plaintiff of the residence or household to
3 the exclusion of the defendant by evicting the defendant or
4 restoring possession to the plaintiff or, with the consent of
5 the plaintiff, ordering the defendant to provide suitable
6 alternate housing. An order shall not grant possession to the
7 plaintiff of the residence or household to the exclusion of
8 the defendant other than as provided under paragraph (2) or
9 this paragraph.

10 * * *

11 (7) [Ordering] Prohibiting the defendant from acquiring
12 or possessing any firearm for the duration of the order,
13 ordering the defendant to temporarily relinquish to the
14 sheriff [the defendant's other weapons and ammunition which
15 have been used or been threatened to be used in an incident
16 of abuse against the plaintiff or the minor children and the
17 defendant's firearms and prohibiting the defendant from
18 acquiring or possessing any firearm for the duration of the
19 order] any firearms under the defendant's possession or
20 control, and requiring the defendant to relinquish to the
21 sheriff any firearm license issued under [section 6108.3
22 (relating to relinquishment to third party for safekeeping)
23 or] 18 Pa.C.S. § 6106 (relating to firearms not to be carried
24 without a license) or 6109 (relating to licenses) the
25 defendant may possess. The court may also order the defendant
26 to relinquish the defendant's other weapons or ammunition
27 which have been used or been threatened to be used in an
28 incident of abuse against the plaintiff or the minor
29 children. A copy of the court's order shall be transmitted to
30 the chief or head of the [police force or police department]

1 appropriate law enforcement agency of the municipality and to
2 the sheriff of the county of which the defendant is a
3 resident. When relinquishment is ordered, the following shall
4 apply:

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

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

1 authorities. The defendant shall not possess any
2 firearms, other weapons or ammunition specifically
3 listed in the affidavit provided to the sheriff
4 pursuant to this clause for the duration of the
5 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 defendant to retrieve a specific
9 firearm within 24 hours due to the current location
10 of the firearm.

11 (ii) The court's order shall contain a list of any
12 firearm, other weapon or ammunition ordered relinquished.
13 Upon the entry of a final order, the defendant shall
14 inform the court in what manner the defendant is going to
15 relinquish any firearm, other weapon or ammunition
16 ordered relinquished. Relinquishment may occur pursuant
17 to section 6108.2 (relating to relinquishment for
18 consignment sale[,] or lawful transfer [or safekeeping])
19 [or 6108.3] or to the sheriff pursuant to this paragraph.
20 Where the sheriff is designated, the sheriff shall secure
21 custody of the defendant's firearms, other weapons or
22 ammunition and any firearm license listed in the court's
23 order for the duration of the order or until otherwise
24 directed by court order. In securing custody of the
25 defendant's relinquished firearms, the sheriff shall
26 comply with 18 Pa.C.S. § [6105(f)(4)] 6105(f)(3)
27 (relating to persons not to possess, use, manufacture,
28 control, sell or transfer firearms). In securing custody
29 of the defendant's other weapons and ammunition, the
30 sheriff shall provide the defendant with a signed and

1 dated written receipt which shall include a detailed
2 description of the other weapon or ammunition and its
3 condition. The court shall inform the defendant that
4 firearms, other weapons or ammunition will be considered
5 abandoned if the defendant does not request return within
6 six months after expiration of the order or dismissal of
7 a petition for a protection from abuse order, as provided
8 under section 6108.1 (relating to return of relinquished
9 firearms, other weapons and ammunition and additional
10 relief). The sheriff may dispose of the firearms, other
11 weapons or ammunition after that period, provided the
12 defendant is notified of the disposal and receives any
13 proceeds from the disposal, less the costs to the sheriff
14 associated with taking possession of, storing and
15 disposing of the firearms, other weapons or ammunition.

16 (iii) The sheriff shall provide the plaintiff with
17 the name of the person to which any firearm, other weapon
18 or ammunition was relinquished.

19 (iv) Unless the defendant has complied with
20 subparagraph (i) (B) or section 6108.2 [or 6108.3], if the
21 defendant fails to relinquish any firearm, other weapon,
22 ammunition or firearm license within 24 hours or upon the
23 close of the next business day due to closure of
24 sheriffs' offices or within the time ordered by the court
25 upon cause being shown at the hearing, the sheriff shall,
26 at a minimum, provide immediate notice to the court, the
27 plaintiff and appropriate law enforcement agencies.

28 (v) Any portion of any order or any petition or
29 other paper which includes a list of any firearm, other
30 weapon or ammunition ordered relinquished shall be kept

1 in the files of the court as a permanent record thereof
2 and withheld from public inspection except:

3 (A) upon an order of the court granted upon
4 cause shown;

5 (B) as necessary, by law enforcement and court
6 personnel; or

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

9 (vi) As used in this paragraph, the term
10 "defendant's firearms" shall, if the defendant is a
11 licensed firearms dealer, only include firearms in the
12 defendant's personal firearms collection pursuant to 27
13 CFR § 478.125a (relating to personal firearms
14 collection).

15 * * *

16 § 6108.1. Return of relinquished firearms, other weapons and
17 ammunition and additional relief.

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

1 order to secure return of the relinquished firearms, other
2 weapons or ammunition. The sheriff's office shall maintain a
3 weapons return form that the defendant may fill out and return
4 to the office once a temporary or final protection from abuse
5 order has been dismissed or expires.

6 (a.1) Conditions for return.--The following conditions must
7 be satisfied prior to the firearms, other weapons or ammunition
8 being returned to the defendant:

9 (1) The defendant or owner must provide reasonable proof
10 of ownership or of rightful possession of the firearms, other
11 weapon or ammunition seized.

12 (2) The firearms, other weapons or ammunition seized
13 must not be evidence of a crime.

14 (3) The defendant or owner must not be otherwise
15 prohibited by applicable Federal or State law, or another
16 condition, including, but not limited to bail, from taking
17 possession of the firearms, other weapons or ammunition
18 seized.

19 (4) The defendant or owner must have been given a
20 clearance by the Pennsylvania State Police Instant Check
21 System Unit, requested by the sheriff's office.

22 (a.2) Notice to plaintiff.--The plaintiff of the protection
23 from abuse order shall be notified of the defendant's request to
24 return the firearms, other weapons or ammunition.

25 (a.3) Petition for return.--If there is a finding that the
26 defendant is ineligible to regain possession of the firearms,
27 other weapons or ammunition, the defendant or owner may file a
28 petition seeking their return. A copy of the petition must be
29 served upon the sheriff's office, the district attorney's office
30 and counsel for the plaintiff in the protection from abuse order

1 petition.

2 (a.4) Abandonment.--

3 (1) Any firearms, other weapons or ammunition shall be
4 presumed abandoned if the defendant does not request return
5 within six months after expiration of the order or dismissal
6 of a petition for a protection from abuse order.

7 (2) The sheriff may dispose of the firearms, other
8 weapons or ammunition after the six-month period, provided
9 the defendant is notified of the disposal and receives any
10 proceeds from the disposal, less the costs to the sheriff
11 associated with taking possession of, storing and disposing
12 of the firearms, other weapons or ammunition.

13 (b) Modification of court's order providing for return of
14 relinquished firearm, other weapon or ammunition.--

15 [(1) The defendant may petition the court to allow for
16 the return of firearms, other weapons and ammunition to the
17 defendant prior to the expiration of the court's order. The
18 petition shall be served upon the plaintiff and the plaintiff
19 shall be a party to the proceedings regarding that petition.]

20 (2) Any other person may petition the court to allow for
21 the return of that other person's firearms, other weapons and
22 ammunition prior to the expiration of the court's order. The
23 petition shall be served upon the plaintiff, and the
24 plaintiff shall be given notice and an opportunity to be
25 heard regarding that petition.

26 [(c) Modification of court's order to provide for
27 alternative means of relinquishing firearms, other weapons or
28 ammunition.--The defendant may petition the court for
29 modification of the order to provide for an alternative means of
30 relinquishment in accordance with this chapter. The petition

1 shall be served upon the plaintiff, and the plaintiff shall have
2 an opportunity to be heard at the hearing as provided in
3 subsection (d). Where the court orders a modification pursuant
4 to this subsection providing for alternative means of
5 relinquishment, the sheriff shall proceed as directed by the
6 court.]

7 (d) Hearing.--Within ten business days of the filing of any
8 petition under this section, a hearing shall be held before the
9 court.

10 (e) Definitions.--As used in this section, the following
11 words and phrases shall have the meanings given to them in this
12 subsection:

13 "Other person." Any person, except the defendant, who is the
14 lawful owner of a firearm, other weapon or ammunition
15 relinquished pursuant to this chapter.

16 ["Safekeeping." The secure custody of a firearm, other
17 weapon or ammunition ordered relinquished by an active
18 protection from abuse order.]

19 § 6108.2. Relinquishment for consignment sale[,] or lawful
20 transfer [or safekeeping].

21 (a) General rule.--Notwithstanding any other provision of
22 law, a defendant who is the subject of a final protection from
23 abuse order[, which order] or a temporary order which provides
24 for the relinquishment of firearms, other weapons or ammunition
25 during the period of time the order is in effect, may, within
26 the time frame specified in the order and in lieu of
27 relinquishment to the sheriff, relinquish to a dealer licensed
28 pursuant to 18 Pa.C.S. § 6113 (relating to licensing of dealers)
29 any firearms, other weapons or ammunition for consignment
30 sale[,] or lawful transfer [or safekeeping]. The dealer may

1 charge the defendant a reasonable fee for accepting
2 relinquishment and for storage of any firearms, other weapons or
3 ammunition.

4 * * *

5 (c) Failure to provide affidavit.--A defendant relinquishing
6 firearms, other weapons or ammunition to a dealer pursuant to
7 subsection (a) shall, within the time frame specified in the
8 order for relinquishing firearms, other weapons or ammunition,
9 provide to the sheriff the affidavit obtained pursuant to
10 subsection (b) and relinquish to the sheriff any firearms, other
11 weapons or ammunition ordered to be relinquished which are not
12 specified in the affidavit[,] or in an affidavit provided in
13 accordance with section 6108(a)(7)(i)(B) (relating to relief)
14 [or in an acknowledgment of receipt from a third party provided
15 to the sheriff pursuant to section 6108.3 (relating to
16 relinquishment to third party for safekeeping)]. If the
17 defendant fails to comply with this subsection, the sheriff
18 shall, at a minimum, provide immediate notice to the court, the
19 plaintiff and appropriate law enforcement agencies.

20 * * *

21 [(e) Transfer upon entry of final order.--Upon entry of a
22 final protection from abuse order issued pursuant to section
23 6108, which order provides for the relinquishment of firearms,
24 other weapons or ammunition during the period of time the order
25 is in effect, a defendant who had relinquished firearms, other
26 weapons or ammunition to the sheriff pursuant to a temporary
27 order may request that the firearms, other weapons or ammunition
28 be relinquished to a dealer for consignment sale, lawful
29 transfer or safekeeping pursuant to this section. If the
30 defendant can identify a licensed dealer willing to accept the

1 firearms, other weapons or ammunition in compliance with this
2 section, the court shall order the sheriff to transport the
3 firearms, other weapons or ammunition to the licensed dealer at
4 no cost to the defendant or the licensed dealer.]

5 * * *

6 Section 7. Section 6108.3 of Title 23 is repealed:

7 [§ 6108.3. Relinquishment to third party for safekeeping.

8 (a) General rule.--A defendant who is the subject of a
9 protection from abuse order, which order provides for the
10 relinquishment of firearms, other weapons or ammunition during
11 the period of time the order is in effect, may, within the time
12 frame specified in the order and in lieu of relinquishment to
13 the sheriff, relinquish any firearms, other weapons or
14 ammunition to a third party for safekeeping.

15 (b) Transfer to third party.--

16 (1) A defendant wishing to relinquish firearms, other
17 weapons or ammunition to a third party pursuant to subsection

18 (a) shall, within the time frame specified in the order for
19 relinquishing firearms, other weapons and ammunition, report
20 to the sheriff's office in the county where the order was
21 entered along with the third party.

22 (2) Upon determination by the sheriff that the third
23 party is not prohibited from possessing firearms, other
24 weapons or ammunition pursuant to any Federal or State law
25 and after the defendant and third party have executed the
26 affidavits required under paragraph (3), the sheriff shall
27 issue a safekeeping permit to the third party, which shall
28 include, at a minimum, a list of the firearms, other weapons
29 and ammunition which will be relinquished to the third party.
30 The permit shall be issued at no cost to the third party or

1 defendant. The permit shall require the third party to
2 possess the defendant's firearms, other weapons and
3 ammunition until the time that:

4 (i) the sheriff revokes the safekeeping permit
5 pursuant to subsection (c) (1); or

6 (ii) the sheriff accepts return of the safekeeping
7 permit pursuant to subsection (d).

8 (3) (i) A defendant wishing to relinquish firearms,
9 other weapons or ammunition to a third party pursuant to
10 subsection (a) shall, in the presence of the sheriff or
11 the sheriff's designee, execute an affidavit on a form
12 prescribed by the Pennsylvania State Police which shall
13 include, at a minimum, the following:

14 (A) The caption of the case in which the
15 protection from abuse order was issued.

16 (B) The name, address, date of birth and the
17 Social Security number of the defendant.

18 (C) The name, address and date of birth of the
19 third party.

20 (D) A list of the firearms, other weapons and
21 ammunition which will be relinquished to the third
22 party, including, if applicable, the manufacturer,
23 model and serial number.

24 (E) An acknowledgment that the defendant will
25 not take possession of any firearm, other weapon or
26 ammunition relinquished to the third party until the
27 sheriff accepts return of the safekeeping permit
28 pursuant to subsection (d).

29 (F) A plain-language summary of 18 Pa.C.S. §
30 6105(a.1)(2) and (c)(6) (relating to persons not to

1 possess, use, manufacture, control, sell or transfer
2 firearms).

3 (G) A plain-language summary of 18 U.S.C. §
4 922(g)(8) (relating to unlawful acts).

5 (ii) A third party who will be accepting possession
6 of firearms, other weapons and ammunition pursuant to
7 subsection (a) shall, in the presence of the sheriff or
8 the sheriff's designee, execute an affidavit on a form
9 prescribed by the Pennsylvania State Police which shall
10 include, at a minimum, the following:

11 (A) The caption of the case in which the
12 protection from abuse order was issued.

13 (B) The name, address and date of birth of the
14 defendant.

15 (C) The name, address, date of birth and the
16 Social Security number of the third party.

17 (D) A list of the firearms, other weapons and
18 ammunition which will be relinquished to the third
19 party, including, if applicable, the manufacturer,
20 model and serial number.

21 (E) An acknowledgment that no firearm, other
22 weapon or ammunition relinquished to the third party
23 will be returned to the defendant until the sheriff
24 accepts return of the safekeeping permit pursuant to
25 subsection (d).

26 (F) A plain-language summary of 18 Pa.C.S. §§
27 6105(a.1)(5) and (c)(6), 6111(c) (relating to sale or
28 transfer of firearms) and 6115 (relating to loans on,
29 or lending or giving firearms prohibited).

30 (G) A plain-language summary of this section.

1 (H) An acknowledgment that the third party is
2 not prohibited from possessing firearms, other
3 weapons or ammunition pursuant to any Federal or
4 State law.

5 (I) An acknowledgment that the third party is
6 not subject to an active protection from abuse order.

7 (J) An acknowledgment that the defendant has
8 never been the subject of a protection from abuse
9 order issued on behalf of the third party.

10 (K) An acknowledgment that any firearms, other
11 weapons and ammunition relinquished to the third
12 party will be stored using a locking device as
13 defined in paragraph (1) of the definition of
14 "locking device" in 18 Pa.C.S. § 6142(f) (relating to
15 locking device for firearms) or in a secure location
16 to which the defendant does not have access.

17 (L) A detailed description of the third party
18 liability pursuant to this section relating to civil
19 liability.

20 (M) An acknowledgment that the third party shall
21 inform the sheriff of any change of address for the
22 third party within seven days of the change of
23 address.

24 (4) The defendant shall, within the time frame specified
25 in the order and in lieu of relinquishment to the sheriff,
26 relinquish the firearms, other weapons and ammunition
27 specified in the affidavits provided to the sheriff pursuant
28 to paragraph (3) to the third party who has been issued a
29 safekeeping permit pursuant to paragraph (2). Upon
30 relinquishment of the firearms to the third party, the third

1 party shall sign an acknowledgment of receipt on a form
2 prescribed by the Pennsylvania State Police, which shall
3 include, at a minimum, an acknowledgment that the firearms
4 were relinquished to the third party within the time frame
5 specified in the order.

6 (5) Within 24 hours of the issuance of the safekeeping
7 permit issued to the third party pursuant to paragraph (2) or
8 by close of the next business day as necessary due to the
9 closure of the sheriff's office, the defendant shall return
10 the signed acknowledgment of receipt required under paragraph
11 (4) to the sheriff in the county where the order was entered.

12 (6) If the defendant fails to provide the acknowledgment
13 of receipt to the sheriff as required under paragraph (5), an
14 affidavit prepared in accordance with section 6108(a)(7)(i)
15 (B) (relating to relief), an affidavit under section 6108.2
16 (relating to relinquishment for consignment sale, lawful
17 transfer or safekeeping) or fails to relinquish any firearms,
18 other weapons or ammunition, the sheriff shall, at a minimum,
19 provide immediate notice to the court, the plaintiff and
20 appropriate law enforcement agencies.

21 (c) Revocation of safekeeping permit.--

22 (1) The sheriff shall revoke a third party's safekeeping
23 permit and require the third party to relinquish to the
24 sheriff any firearms, other weapons or ammunition which were
25 relinquished to the third party by a defendant pursuant to
26 subsection (a) upon determining or being notified that any of
27 the following apply:

28 (i) A protection from abuse order has been entered
29 against the third party.

30 (ii) The third party is prohibited from possessing

1 firearms, other weapons or ammunition pursuant to any
2 Federal or State law.

3 (iii) The defendant has been convicted of a
4 violation of 18 Pa.C.S. Ch. 61 (relating to firearms and
5 other dangerous articles) or any other offense involving
6 the use of a firearm.

7 (iv) The defendant has been held in indirect
8 criminal contempt for violating a provision of the
9 protection from abuse order consistent with section
10 6108(a)(1), (2), (6), (7) or (9) (relating to relief).

11 (2) Upon revocation of a safekeeping permit, the sheriff
12 shall seize the safekeeping permit and all of the defendant's
13 firearms, other weapons and ammunition which were
14 relinquished to the third party. If revocation of the
15 safekeeping permit was:

16 (i) Required pursuant to paragraph (1)(i) or (ii),
17 the sheriff shall notify the defendant that the firearms,
18 other weapons and ammunition which were relinquished to
19 the third party are in the sheriff's possession and that
20 the defendant may report to the sheriff's office in order
21 to relinquish the firearms, other weapons and ammunition
22 to a subsequent third party pursuant to this section or
23 to a licensed dealer pursuant to section 6108.2.

24 (ii) Required pursuant to paragraph (1)(iii) or
25 (iv), the sheriff shall maintain possession of the
26 firearms, other weapons and ammunition until the
27 defendant is no longer prohibited from possessing
28 firearms, other weapons and ammunition pursuant to any
29 Federal or State law unless:

30 (A) the defendant has the firearms, other

1 weapons and ammunition relinquished to a licensed
2 dealer pursuant to section 6108.2; or

3 (B) the sheriff is directed to relinquish the
4 firearms, other weapons and ammunition pursuant to a
5 court order.

6 (d) Return of safekeeping permit.--

7 (1) Following expiration of a protection from abuse
8 order, which order provided for the relinquishment of
9 firearms, other weapons or ammunition, the defendant and the
10 third party shall report to the sheriff's office to return
11 the safekeeping permit. Upon a determination by the sheriff
12 that the defendant is:

13 (i) Not prohibited from possessing firearms, other
14 weapons and ammunition, the sheriff shall accept the
15 return of the safekeeping permit, and the third party
16 shall relinquish to the defendant all of the defendant's
17 firearms, other weapons and ammunition which were
18 relinquished to the third party pursuant to this section.

19 (ii) Prohibited from possessing a firearm, other
20 weapon or ammunition pursuant to any Federal or State
21 law, the sheriff shall accept return of the permit and
22 seize from the third party all of the defendant's
23 firearms, other weapons and ammunition which were
24 relinquished to the third party pursuant to this section.
25 The sheriff shall return to the defendant any firearm,
26 other weapon or ammunition which the defendant is
27 lawfully entitled to possess.

28 (2) Upon issuance of a court order pursuant to 18
29 Pa.C.S. §§ 6105(f)(2) or 6108.1(b) (relating to return of
30 relinquished firearms, other weapons and ammunition and

1 additional relief) which modifies a valid protection from
2 abuse order by allowing the defendant to take possession of a
3 firearm, other weapon or ammunition that had previously been
4 ordered relinquished, the defendant and the third party shall
5 report to the sheriff's office to return the safekeeping
6 permit. The sheriff shall proceed as directed by the court
7 order.

8 (3) If a third party wishes to relinquish the
9 defendant's firearms, other weapons and ammunition prior to
10 return of the safekeeping permit pursuant to paragraph (1),
11 the sheriff shall accept return of the safekeeping permit and
12 shall seize all of the defendant's firearms, other weapons
13 and ammunition from the third party. The sheriff shall notify
14 the defendant that the firearms, other weapons and ammunition
15 which were relinquished to the third party are in the
16 sheriff's possession and that the defendant may relinquish
17 the firearms, other weapons and ammunition to a subsequent
18 third party pursuant to this section or to a licensed dealer
19 pursuant to section 6108.2.

20 (e) Civil liability.--A third party who intentionally or
21 knowingly violates any of the provisions of this section shall,
22 in addition to any other penalty prescribed in this chapter or
23 18 Pa.C.S. Ch. 61, be civilly liable to any person for any
24 damages caused thereby and, in addition, shall be liable to any
25 person for punitive damages in an amount not to exceed \$5,000,
26 and the court shall award a prevailing plaintiff a reasonable
27 attorney fee as part of the costs.

28 (f) Forms.--The Pennsylvania State Police shall develop and
29 make available:

30 (1) Forms to be used by sheriffs to issue safekeeping

1 permits pursuant to subsection (b) (2).

2 (2) Affidavit forms and receipt forms to be used by
3 defendants and third parties as required under subsection (b)
4 (3) and (4).

5 (g) Transfer upon final entry.--A defendant who has
6 previously relinquished firearms, other weapons or ammunition to
7 the sheriff pursuant to a temporary order shall be permitted to
8 have the firearms, other weapons and ammunition relinquished to
9 a third party pursuant to this section following entry of a
10 final protection from abuse order, which order provides for the
11 relinquishment of firearms, other weapons or ammunition during
12 the period of time the order is in effect.

13 (h) Nondisclosure.--All copies of the safekeeping permit
14 issued under subsection (b) (2) retained by the sheriff and the
15 affidavits and forms obtained under subsection (b) (3) and (4)
16 shall not be subject to access under the act of June 21, 1957
17 (P.L.390, No.212), referred to as the Right-to-Know Law.

18 (i) Definitions.--As used in this section, the following
19 words and phrases shall have the meanings given to them in this
20 subsection:

21 "Safekeeping." The secure custody of firearms, other weapons
22 or ammunition which were ordered relinquished by an active
23 protection from abuse order.

24 "Third party." A person, other than the defendant, who:

25 (1) Is not a member of the defendant's household.

26 (2) Is not prohibited from possessing firearms pursuant
27 to any Federal or State law.]

28 Section 8. This act shall take effect in 60 days.