

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2060 Session of 2018

INTRODUCED BY M. QUINN, ROE, COMITTA, SANTORA, DRISCOLL, READSHAW, BARRAR, DAVIS, RAPP, KRUEGER-BRANEKY, WATSON, STURLA, WARREN, TOOHL, MADDEN, SCHWEYER, FRANKEL, CUTLER, ROZZI, YOUNGBLOOD, HARPER, DEAN, STEPHENS, SCHLOSSBERG, HILL-EVANS, McCARTER, MURT, MILNE, KAMPF, CHARLTON, DIGIROLAMO, RABB, FARRY, DALEY AND RAVENSTAHL, FEBRUARY 26, 2018

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF REPRESENTATIVES, AS AMENDED, JUNE 19, 2018

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 and further~~
7 ~~providing for firearms not to be carried without a license~~
8 ~~and for loans on, or lending or giving firearms prohibited;~~
9 ~~and, in protection from abuse, further providing for~~
10 ~~definitions, for commencement of proceedings, for hearings,~~
11 ~~for relief, for return of relinquished firearms, other~~
12 ~~weapons and ammunition and additional relief and for~~
13 ~~relinquishment for consignment sale, lawful transfer or~~
14 ~~safekeeping and repealing provisions relating to~~
15 ~~relinquishment to third party for safekeeping.~~

16 AMENDING TITLES 18 (CRIMES AND OFFENSES) AND 23 (DOMESTIC <--
17 RELATIONS) OF THE PENNSYLVANIA CONSOLIDATED STATUTES, IN
18 FIREARMS AND OTHER DANGEROUS ARTICLES, FURTHER PROVIDING FOR
19 PERSONS NOT TO POSSESS, USE, MANUFACTURE, CONTROL, SELL OR
20 TRANSFER FIREARMS AND PROVIDING FOR RELINQUISHMENT OF
21 FIREARMS AND FIREARM LICENSES BY CONVICTED PERSONS AND FOR
22 ABANDONMENT OF FIREARMS, WEAPONS OR AMMUNITION; AND, IN
23 PROTECTION FROM ABUSE, FURTHER PROVIDING FOR DEFINITIONS, FOR
24 COMMENCEMENT OF PROCEEDINGS, FOR HEARINGS, FOR RELIEF, FOR
25 RETURN OF RELINQUISHED FIREARMS, OTHER WEAPONS AND AMMUNITION
26 AND ADDITIONAL RELIEF, FOR RELINQUISHMENT FOR CONSIGNMENT
27 SALE, LAWFUL TRANSFER OR SAFEKEEPING AND FOR RELINQUISHMENT
28 TO THIRD PARTY FOR SAFEKEEPING AND PROVIDING FOR ORDER TO
29 SEAL RECORD FROM PUBLIC VIEW.

1 The General Assembly of the Commonwealth of Pennsylvania

2 hereby enacts as follows:

3 ~~Section 1. Section 6105(a) (2), (a.1) (2), (3) and (5) and (c) <--~~

4 ~~(6) and (9) of Title 18 of the Pennsylvania Consolidated~~

5 ~~Statutes are amended to read:~~

6 ~~§ 6105. Persons not to possess, use, manufacture, control, sell~~

7 ~~or transfer firearms.~~

8 ~~(a) Offense defined.~~

9 ~~* * *~~

10 ~~(2) (i) [A] Except as otherwise provided in this~~

11 ~~paragraph, a person who is prohibited from possessing,~~

12 ~~using, controlling, selling, transferring or~~

13 ~~manufacturing a firearm under paragraph (1) or subsection~~

14 ~~(b) or (c) shall have a reasonable period of time, not to~~

15 ~~exceed 60 days from the date of the imposition of the~~

16 ~~disability under this subsection, in which to sell or~~

17 ~~transfer that person's firearms to another eligible~~

18 ~~person who is not a member of the prohibited person's~~

19 ~~household.~~

20 ~~(ii) This paragraph shall not apply to any person~~

21 ~~whose disability is imposed pursuant to subsection (c)~~

22 ~~(6).~~

23 ~~(iii) A person whose disability is imposed pursuant~~

24 ~~to subsection (c) (9) shall relinquish any firearms and~~

25 ~~firearm licenses under that person's possession or~~

26 ~~control, as described in section 6105.2 (relating to~~

27 ~~relinquishment of firearms and firearm licenses by~~

28 ~~convicted persons).~~

29 ~~(iv) A person whose disability is imposed pursuant~~

30 ~~to a protection from abuse order shall relinquish any~~

~~firearms, other weapons, ammunition and firearm licenses under that person's possession or control, as described in 23 Pa.C.S. § 6108(a)(7) (relating to relief).~~

~~(a.1) Penalty.~~

~~* * *~~

~~(2) A person who is the subject of an active final protection from abuse order [issued pursuant to 23 Pa.C.S. § 6108 (relating to relief)] described in 23 Pa.C.S. § 6108(b) is the subject of any other active protection from abuse order issued pursuant to 23 Pa.C.S. § 6108, which [order] provided for the relinquishment of firearms[,] or other weapons or ammunition during the period of time the order is in effect, or is otherwise prohibited from possessing or acquiring a firearm under 18 U.S.C. § 922(g)(8) (relating to unlawful acts), commits a misdemeanor of the first degree if he intentionally or knowingly fails to relinquish a firearm[,] or other weapon or ammunition to the sheriff as required by the order unless, in lieu of relinquishment, he provides an affidavit which lists the firearms[,] or other weapons or ammunition to the sheriff in accordance with [either] 23 Pa.C.S. § 6108(a)(7)(i)(B)[,] or 6108.2 (relating to relinquishment for consignment sale[,] or lawful transfer [or safekeeping) or 6108.3 (relating to relinquishment to third party for safekeeping)].~~

~~(3) (i) A person commits a misdemeanor of the third degree if he intentionally or knowingly accepts possession of a firearm, other weapon or ammunition from [a] another person he knows is the subject of an active protection from abuse order issued pursuant to 23 Pa.C.S. § 6108, which order provided for the relinquishment of~~

1 ~~the firearm, other weapon or ammunition during the period~~
2 ~~of time the order is in effect.~~

3 ~~(ii) This paragraph shall not apply to:~~

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

7 ~~(B)] a dealer licensed pursuant to section 6113~~
8 ~~(relating to licensing of dealers) or subsequent~~
9 ~~purchaser from a dealer licensed pursuant to section~~
10 ~~6113, who accepts possession of a firearm, other~~
11 ~~weapon or ammunition relinquished pursuant to 23~~
12 ~~Pa.C.S. § 6108.2.~~

13 ~~***~~

14 ~~[(5) A person who has accepted possession of a firearm,~~
15 ~~other weapon or ammunition pursuant to 23 Pa.C.S. § 6108.3~~
16 ~~commits a misdemeanor of the first degree if he intentionally~~
17 ~~or knowingly returns a firearm, other weapon or ammunition to~~
18 ~~a defendant or intentionally or knowingly allows a defendant~~
19 ~~to have access to the firearm, other weapon or ammunition~~
20 ~~prior to either of the following:~~

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

24 ~~(ii) The issuance of a court order pursuant to~~
25 ~~subsection (f)(2) or 23 Pa.C.S. § 6108.1(b) (relating to~~
26 ~~return of relinquished firearms, other weapons and~~
27 ~~ammunition and additional relief) which modifies a valid~~
28 ~~protection from abuse order issued pursuant to 23 Pa.C.S.~~
29 ~~§ 6108, which order provided for the relinquishment of~~
30 ~~the firearm, other weapon or ammunition by allowing the~~

1 ~~defendant to take possession of the firearm, other weapon~~
2 ~~or ammunition that had previously been ordered~~
3 ~~relinquished.]~~

4 * * *

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 * * *

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

22 * * *

23 ~~(9) A person who is prohibited from possessing or~~
24 ~~acquiring a firearm under 18 U.S.C. § 922(g)(9) [(relating to~~
25 ~~unlawful acts)]. If the offense which resulted in the~~
26 ~~prohibition under 18 U.S.C. § 922(g)(9) was committed, as~~
27 ~~provided in 18 U.S.C. § 921(a)(33)(A)(ii) (relating to~~
28 ~~definitions), by a person in any of the following~~
29 ~~relationships:~~

30 ~~(i) the current or former spouse, parent or guardian~~

1 ~~of the victim;~~

2 ~~(ii) a person with whom the victim shares a child in~~
3 ~~common;~~

4 ~~(iii) a person who cohabits with or has cohabited~~
5 ~~with the victim as a spouse, parent or guardian; or~~

6 ~~(iv) a person similarly situated to a spouse, parent~~
7 ~~or guardian of the victim;~~

8 ~~then the relationship need not be an element of the offense~~
9 ~~to meet the requirements of this paragraph.~~

10 ~~* * *~~

11 ~~Section 2. Title 18 is amended by adding a section to read:~~
12 ~~§ 6105.2. Relinquishment of firearms and firearm licenses by~~
13 ~~convicted persons.~~

14 ~~(a) Procedure.~~

15 ~~(1) A person subject to a firearms disability pursuant~~
16 ~~to section 6105(c)(9) (relating to persons not to possess,~~
17 ~~use, manufacture, control, sell or transfer firearms) shall~~
18 ~~relinquish any firearms under the person's possession or~~
19 ~~control to the appropriate law enforcement agency of the~~
20 ~~municipality as described in subsection (b) or to a dealer as~~
21 ~~described in subsection (c).~~

22 ~~(2) The court of conviction shall order the~~
23 ~~relinquishment and the order shall be transmitted to the~~
24 ~~appropriate law enforcement agency of the municipality and to~~
25 ~~the sheriff of the county of which the person is a resident.~~
26 ~~The order shall contain a list of any firearm ordered~~
27 ~~relinquished.~~

28 ~~(3) The person shall inform the court in what manner the~~
29 ~~person will relinquish the firearms.~~

30 ~~(4) If the person is present in court at the time of the~~

~~order, the person shall inform the court whether
relinquishment will be made under subsection (b) or (c).
(b) Relinquishment to law enforcement agency.~~

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

~~(2) In securing custody of the person's relinquished
firearms, the law enforcement agency shall provide the person
subject to the relinquishment order with a signed and dated
written receipt, which shall include a detailed description
of each firearm and its condition.~~

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

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

~~(c) Relinquishment to dealer.~~

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

1 ~~licensing of dealers).~~

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

4 ~~(3) The person shall obtain an affidavit from the dealer~~
5 ~~on a form prescribed by the Pennsylvania State Police, which~~
6 ~~shall include, at a minimum, the following:~~

7 ~~(i) The caption of the case in which the person was~~
8 ~~convicted.~~

9 ~~(ii) The name, address, date of birth and Social~~
10 ~~Security number of the person.~~

11 ~~(iii) A list of the firearms, including the~~
12 ~~manufacturer, model and serial number.~~

13 ~~(iv) The name and license number of the dealer~~
14 ~~licensed pursuant to section 6113 and the address of the~~
15 ~~licensed premises.~~

16 ~~(v) An acknowledgment that the firearms will not be~~
17 ~~returned to the person, unless the person is no longer~~
18 ~~prohibited from possessing a firearm under Federal or~~
19 ~~State law.~~

20 ~~(vi) An acknowledgment that the firearms, if~~
21 ~~transferred, will be transferred in compliance with this~~
22 ~~chapter.~~

23 ~~(4) A person relinquishing a firearm pursuant to this~~
24 ~~subsection shall, within the specified time frame, provide to~~
25 ~~the appropriate law enforcement agency the affidavit required~~
26 ~~by this subsection and relinquish to the law enforcement~~
27 ~~agency any firearm ordered to be relinquished that is not~~
28 ~~specified in the affidavit.~~

29 ~~(d) Notice of noncompliance.~~

30 ~~(1) If the person fails to relinquish a firearm within~~

1 ~~24 hours or within the time ordered by the court upon cause~~
2 ~~being shown, the law enforcement agency shall, at a minimum,~~
3 ~~provide immediate notice to the court, the victim, the~~
4 ~~prosecutor and the sheriff.~~

5 ~~(2) For purposes of this subsection, "victim" shall have~~
6 ~~the same meaning as "direct victim" in section 103 of the act~~
7 ~~of November 24, 1998 (P.L.882, No.111), known as the Crime~~
8 ~~Victims Act.~~

9 ~~(e) Alternate relinquishment to dealer.~~

10 ~~(1) If the person relinquishes firearms to the~~
11 ~~appropriate law enforcement agency pursuant to subsection~~
12 ~~(b), the person may request that the appropriate law~~
13 ~~enforcement agency make one transfer of any such firearm to a~~
14 ~~dealer licensed pursuant to section 6113 within six months of~~
15 ~~relinquishment.~~

16 ~~(2) If requesting a subsequent transfer, the person~~
17 ~~shall provide the appropriate law enforcement agency with the~~
18 ~~dealer affidavit described in subsection (c).~~

19 ~~(3) The appropriate law enforcement agency shall make~~
20 ~~the transfer, if the person complies with this subsection,~~
21 ~~and may charge the person for any costs associated with~~
22 ~~making the transfer.~~

23 ~~(f) Recordkeeping. Any portion of an order or petition or~~
24 ~~other paper that includes a list of firearms ordered to be~~
25 ~~relinquished shall be kept in the files of the court as a~~
26 ~~permanent record and withheld from public inspection, except~~
27 ~~upon an order of the court granted upon cause shown, after~~
28 ~~redaction of information relating to the firearms, or as~~
29 ~~necessary, by law enforcement and court personnel.~~

30 ~~(g) Relinquishment of licenses.~~

1 ~~(1) A person described in this section shall also~~
2 ~~relinquish to the appropriate law enforcement agency any~~
3 ~~firearm license issued under section 6106 (relating to~~
4 ~~firearms not to be carried without a license) or 6109~~
5 ~~(relating to licenses) that the person possesses.~~

6 ~~(2) The provisions of subsections (a) (2) and (3), (b),~~
7 ~~(d) and (f) shall also apply to firearm licenses of the~~
8 ~~person.~~

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

11 ~~§ 6106. Firearms not to be carried without a license.~~

12 ~~* * *~~

13 ~~(b) Exceptions. The provisions of subsection (a) shall not~~
14 ~~apply to:~~

15 ~~* * *~~

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

1 ~~transfer [or safekeeping]) or back upon return of the~~
2 ~~relinquished firearm [or to a location for safekeeping~~
3 ~~pursuant to 23 Pa.C.S. § 6108.3 (relating to relinquishment~~
4 ~~to third party for safekeeping) or back upon return of the~~
5 ~~relinquished firearm].~~

6 * * *

7 ~~§ 6115. Loans on, or lending or giving firearms prohibited.~~

8 * * *

9 ~~(b) Exception.~~

10 * * *

11 ~~[(4) Nothing in this section shall prohibit the~~
12 ~~relinquishment of firearms to a third party in accordance~~
13 ~~with 23 Pa.C.S. § 6108.3 (relating to relinquishment to third~~
14 ~~party for safekeeping).]~~

15 ~~Section 4. The definitions of "domestic violence~~
16 ~~counselor/advocate" and "safekeeping permit" in section 6102(a)~~
17 ~~of Title 23 are amended and the subsection is amended by adding~~
18 ~~a definition to read:~~

19 ~~§ 6102. Definitions.~~

20 ~~(a) General rule. The following words and phrases when used~~
21 ~~in this chapter shall have the meanings given to them in this~~
22 ~~section unless the context clearly indicates otherwise:~~

23 * * *

24 ~~"Appropriate law enforcement agency." The duly constituted~~
25 ~~municipal law enforcement agency that regularly provides primary~~
26 ~~police services to a political subdivision or, in the absence of~~
27 ~~any such municipal law enforcement agency, the Pennsylvania~~
28 ~~State Police installation that regularly provides primary police~~
29 ~~services to the political subdivision.~~

30 * * *

1 ~~"Domestic violence counselor/advocate." An individual who:~~

2 ~~(1) is engaged in a domestic violence program, the~~
3 ~~primary purpose of which is the rendering of counseling or~~
4 ~~assistance to victims of domestic violence[, who];~~

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

6 ~~(3) is under the supervision of a supervisor of a~~
7 ~~domestic violence program.~~

8 * * *

9 ~~["Safekeeping permit." A permit issued by a sheriff allowing~~
10 ~~a person to take possession of any firearm, other weapon or~~
11 ~~ammunition that a judge ordered a defendant to relinquish in a~~
12 ~~protection from abuse proceeding.]~~

13 * * *

14 ~~Section 5. Section 6106(e) and (f) of Title 23 are amended~~
15 ~~and the section is amended by adding a subsection to read:~~
16 ~~§ 6106. Commencement of proceedings.~~

17 * * *

18 ~~[(e) Court to adopt means of service. The court shall adopt~~
19 ~~a means of prompt and effective service in those instances where~~
20 ~~the plaintiff avers that service cannot be safely effected by an~~
21 ~~adult individual other than a law enforcement officer or where~~
22 ~~the court so orders.]~~

23 ~~(f) Service by sheriff. [If the court so orders, the~~
24 ~~sheriff or other designated agency or individual shall serve the~~
25 ~~petition and order.] For all petitions and temporary orders for~~
26 ~~protection from abuse, original process shall be served by a~~
27 ~~sheriff or by the sheriff's duly authorized deputy, which deputy~~
28 ~~may not be a party to or a family member of a party to the~~
29 ~~protection from abuse petition, unless the petitioner chooses an~~
30 ~~alternative means of personal service.~~

1 ~~(f.1) Court to adopt means of service. The court shall, by~~
2 ~~local rule, adopt a procedure to immediately transmit the~~
3 ~~petition and order for service to the sheriff or, if the~~
4 ~~petitioner requests, to the petitioner.~~

5 * * *

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

9 § 6107. Hearings.

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

1 ~~may be considered.~~

2 ~~(b) Temporary orders.~~

3 ~~* * *~~

4 ~~(4) If the court orders the defendant to temporarily~~
5 ~~relinquish any firearm, other weapon or ammunition pursuant~~
6 ~~to paragraph (3), the defendant shall decide in what manner~~
7 ~~the defendant is going to relinquish any firearm, other~~
8 ~~weapon or ammunition listed in the order. Relinquishment may~~
9 ~~be to the sheriff pursuant to section 6108(a)(7) [or to a~~
10 ~~third party for safekeeping pursuant to section 6108.3~~
11 ~~(relating to relinquishment to third party for safekeeping)]~~
12 ~~or to a dealer pursuant to section 6108.2 (relating to~~
13 ~~relinquishment for consignment sale or lawful transfer).~~

14 ~~(c) Continued hearings.~~

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

18 ~~(2) If a hearing is scheduled to take place within 96~~
19 ~~hours after a defendant receives notice under section 6106~~
20 ~~(relating to commencement of proceedings), the court shall~~
21 ~~grant a continuance until the 96 hour period has elapsed, if~~
22 ~~requested by the defendant.~~

23 ~~(3) The court shall notify the defendant of his right to~~
24 ~~such continuance.~~

25 ~~§ 6108. Relief.~~

26 ~~(a) General rule. The court may grant any protection order~~
27 ~~or approve any consent agreement to bring about a cessation of~~
28 ~~abuse of the plaintiff or minor children. The order or agreement~~
29 ~~may include the following, except that any final order or~~
30 ~~agreement must direct the defendant to refrain from abusing,~~

1 ~~harassing, stalking, threatening or attempting or threatening to~~
2 ~~use physical force against the plaintiff or minor children and~~
3 ~~must order that the defendant is subject to the firearms, other~~
4 ~~weapons or ammunition and firearm license prohibition and~~
5 ~~relinquishment provisions under paragraph (7):~~

6 * * *

7 ~~(3) If the defendant has a duty to support the plaintiff~~
8 ~~or minor children living in the residence or household and~~
9 ~~the defendant is the sole owner or lessee, granting~~
10 ~~possession to the plaintiff of the residence or household to~~
11 ~~the exclusion of the defendant by evicting the defendant or~~
12 ~~restoring possession to the plaintiff or, with the consent of~~
13 ~~the plaintiff, ordering the defendant to provide suitable~~
14 ~~alternate housing. An order may not grant possession to the~~
15 ~~plaintiff of the residence or household to the exclusion of~~
16 ~~the defendant other than as provided under paragraph (2) or~~
17 ~~this paragraph.~~

18 * * *

19 ~~(7) [Ordering] Prohibiting the defendant from acquiring~~
20 ~~or possessing any firearm for the duration of the order,~~
21 ~~ordering the defendant to temporarily relinquish to the~~
22 ~~sheriff [the defendant's other weapons and ammunition which~~
23 ~~have been used or been threatened to be used in an incident~~
24 ~~of abuse against the plaintiff or the minor children and the~~
25 ~~defendant's firearms and prohibiting the defendant from~~
26 ~~acquiring or possessing any firearm for the duration of the~~
27 ~~order] any firearms under the defendant's possession or~~
28 ~~control, and requiring the defendant to relinquish to the~~
29 ~~sheriff any firearm license issued under [section 6108.3~~
30 ~~(relating to relinquishment to third party for safekeeping)]~~

1 ~~or] 18 Pa.C.S. § 6106 (relating to firearms not to be carried~~
2 ~~without a license) or 6109 (relating to licenses) the~~
3 ~~defendant may possess. The court may also order the defendant~~
4 ~~to relinquish the defendant's other weapons or ammunition~~
5 ~~that have been used or been threatened to be used in an~~
6 ~~incident of abuse against the plaintiff or the minor~~
7 ~~children. A copy of the court's order shall be transmitted to~~
8 ~~the chief or head of the [police force or police department]~~
9 ~~appropriate law enforcement agency of the municipality and to~~
10 ~~the sheriff of the county of which the defendant is a~~
11 ~~resident. When relinquishment is ordered, the following shall~~
12 ~~apply:~~

13 ~~(i) (A) The court's order shall require the~~
14 ~~defendant to relinquish such firearms, other weapons,~~
15 ~~ammunition and any firearm license pursuant to the~~
16 ~~provisions of this chapter within 24 hours of service~~
17 ~~of a temporary order or the entry of a final order or~~
18 ~~the close of the next business day as necessary by~~
19 ~~closure of the sheriffs' offices, except for cause~~
20 ~~shown at the hearing, in which case the court shall~~
21 ~~specify the time for relinquishment of any or all of~~
22 ~~the defendant's firearms.~~

23 ~~(B) A defendant subject to a temporary order~~
24 ~~requiring the relinquishment of firearms, other~~
25 ~~weapons or ammunition shall, in lieu of relinquishing~~
26 ~~specific firearms, other weapons or ammunition which~~
27 ~~cannot reasonably be retrieved within the time for~~
28 ~~relinquishment in clause (A) due to their current~~
29 ~~location, provide the sheriff with an affidavit~~
30 ~~listing the firearms, other weapons or ammunition and~~

1 ~~their current location. If the defendant, within the~~
2 ~~time for relinquishment in clause (A), fails to~~
3 ~~provide the affidavit or fails to relinquish,~~
4 ~~pursuant to this chapter, any firearms, other weapons~~
5 ~~or ammunition ordered to be relinquished which are~~
6 ~~not specified in the affidavit, the sheriff shall, at~~
7 ~~a minimum, provide immediate notice to the court, the~~
8 ~~plaintiff and appropriate law enforcement~~
9 ~~authorities. The defendant shall not possess any~~
10 ~~firearms, other weapons or ammunition specifically~~
11 ~~listed in the affidavit provided to the sheriff~~
12 ~~pursuant to this clause for the duration of the~~
13 ~~temporary order.~~

14 ~~(C) As used in this subparagraph, the term~~
15 ~~"cause" shall be limited to facts relating to the~~
16 ~~inability of the defendant to retrieve a specific~~
17 ~~firearm within 24 hours due to the current location~~
18 ~~of the firearm.~~

19 ~~(ii) The court's order shall contain a list of any~~
20 ~~firearm, other weapon or ammunition ordered relinquished.~~
21 ~~Upon the entry of a final order, the defendant shall~~
22 ~~inform the court in what manner the defendant is going to~~
23 ~~relinquish any firearm, other weapon or ammunition~~
24 ~~ordered relinquished. Relinquishment may occur pursuant~~
25 ~~to section 6108.2 (relating to relinquishment for~~
26 ~~consignment sale[,] or lawful transfer [or safekeeping])~~
27 ~~[or 6108.3] or to the sheriff pursuant to this paragraph.~~
28 ~~Where the sheriff is designated, the sheriff shall secure~~
29 ~~custody of the defendant's firearms, other weapons or~~
30 ~~ammunition and any firearm license listed in the court's~~

1 ~~order for the duration of the order or until otherwise~~
2 ~~directed by court order. In securing custody of the~~
3 ~~defendant's relinquished firearms, the sheriff shall~~
4 ~~comply with 18 Pa.C.S. § [6105(f)(4)] 6105(f)(3)~~
5 ~~(relating to persons not to possess, use, manufacture,~~
6 ~~control, sell or transfer firearms). In securing custody~~
7 ~~of the defendant's other weapons and ammunition, the~~
8 ~~sheriff shall provide the defendant with a signed and~~
9 ~~dated written receipt which shall include a detailed~~
10 ~~description of the other weapon or ammunition and its~~
11 ~~condition. The court shall inform the defendant that~~
12 ~~firearms, other weapons or ammunition will be considered~~
13 ~~abandoned if the defendant does not request return within~~
14 ~~six months after expiration of the order or dismissal of~~
15 ~~a petition for a protection from abuse order, as provided~~
16 ~~under section 6108.1 (relating to return of relinquished~~
17 ~~firearms, other weapons and ammunition and additional~~
18 ~~relief). The sheriff may dispose of the firearms, other~~
19 ~~weapons or ammunition after that period, provided the~~
20 ~~defendant is notified of the disposal and receives any~~
21 ~~proceeds from the disposal, less the costs to the sheriff~~
22 ~~associated with taking possession of, storing and~~
23 ~~disposing of the firearms, other weapons or ammunition.~~

24 ~~(iii) The sheriff shall provide the plaintiff with~~
25 ~~the name of the person to which any firearm, other weapon~~
26 ~~or ammunition was relinquished.~~

27 ~~(iv) Unless the defendant has complied with~~
28 ~~subparagraph (i) (B) or section 6108.2 [or 6108.3], if the~~
29 ~~defendant fails to relinquish any firearm, other weapon,~~
30 ~~ammunition or firearm license within 24 hours or upon the~~

1 ~~close of the next business day due to closure of~~
2 ~~sheriffs' offices or within the time ordered by the court~~
3 ~~upon cause being shown at the hearing, the sheriff shall,~~
4 ~~at a minimum, provide immediate notice to the court, the~~
5 ~~plaintiff and appropriate law enforcement agencies.~~

6 ~~(v) Any portion of any order or any petition or~~
7 ~~other paper which includes a list of any firearm, other~~
8 ~~weapon or ammunition ordered relinquished shall be kept~~
9 ~~in the files of the court as a permanent record thereof~~
10 ~~and withheld from public inspection except:~~

11 ~~(A) upon an order of the court granted upon~~
12 ~~cause shown;~~

13 ~~(B) as necessary, by law enforcement and court~~
14 ~~personnel; or~~

15 ~~(C) after redaction of information listing any~~
16 ~~firearm, other weapon or ammunition.~~

17 ~~(vi) As used in this paragraph, the term~~
18 ~~"defendant's firearms" shall, if the defendant is a~~
19 ~~licensed firearms dealer, only include firearms in the~~
20 ~~defendant's personal firearms collection pursuant to 27~~
21 ~~CFR § 478.125a (relating to personal firearms~~
22 ~~collection).~~

23 ~~* * *~~

24 ~~§ 6108.1. Return of relinquished firearms, other weapons and~~
25 ~~ammunition and additional relief.~~

26 ~~(a) General rule. Any court order requiring the~~
27 ~~relinquishment of firearms, other weapons or ammunition shall~~
28 ~~provide for the return of the relinquished firearms, other~~
29 ~~weapons or ammunition to the defendant upon expiration of the~~
30 ~~order or dismissal of a petition for a protection from abuse~~

1 ~~order. The defendant may take custody of the firearms, other~~
2 ~~weapons and ammunition provided that the defendant is otherwise~~
3 ~~eligible to lawfully possess the relinquished items. The~~
4 ~~defendant shall not be required to pay any fees, costs or~~
5 ~~charges associated with the returns, whether those fees, costs~~
6 ~~or charges are imposed by the Pennsylvania State Police, any~~
7 ~~local law enforcement agency or any other entity, including a~~
8 ~~licensed importer, licensed manufacturer or licensed dealer in~~
9 ~~order to secure return of the relinquished firearms, other~~
10 ~~weapons or ammunition. The sheriff's office shall maintain a~~
11 ~~weapons return form that the defendant may fill out and return~~
12 ~~to the office once a temporary or final protection from abuse~~
13 ~~order has been dismissed or expires.~~

14 ~~(a.1) Conditions for return. The following conditions must~~
15 ~~be satisfied prior to the firearms, other weapons or ammunition~~
16 ~~being returned to the defendant:~~

17 ~~(1) The defendant or owner must provide reasonable proof~~
18 ~~of ownership or of rightful possession of the firearms, other~~
19 ~~weapon or ammunition seized.~~

20 ~~(2) The firearms, other weapons or ammunition seized~~
21 ~~must not be evidence of a crime.~~

22 ~~(3) The defendant or owner must not be otherwise~~
23 ~~prohibited by applicable Federal or State law, or another~~
24 ~~condition, including, but not limited to, bail, from taking~~
25 ~~possession of the firearms, other weapons or ammunition~~
26 ~~seized.~~

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

30 ~~(a.2) Notice to plaintiff. The plaintiff of the protection~~

1 ~~from abuse order shall be notified of the defendant's request to~~
2 ~~return the firearms, other weapons or ammunition.~~

3 ~~(a.3) Petition for return. If there is a finding that the~~
4 ~~defendant is ineligible to regain possession of the firearms,~~
5 ~~other weapons or ammunition, the defendant or owner may file a~~
6 ~~petition seeking their return. A copy of the petition must be~~
7 ~~served upon the sheriff's office, the district attorney's office~~
8 ~~and counsel for the plaintiff in the protection from abuse order~~
9 ~~petition.~~

10 ~~(a.4) Abandonment.~~

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

15 ~~(2) The sheriff may dispose of the firearms, other~~
16 ~~weapons or ammunition after the six month period, provided~~
17 ~~the defendant is notified of the disposal and receives any~~
18 ~~proceeds from the disposal, less the costs to the sheriff~~
19 ~~associated with taking possession of, storing and disposing~~
20 ~~of the firearms, other weapons or ammunition.~~

21 ~~(b) Modification of court's order providing for return of~~
22 ~~relinquished firearm, other weapon or ammunition.~~

23 ~~{(1) The defendant may petition the court to allow for~~
24 ~~the return of firearms, other weapons and ammunition to the~~
25 ~~defendant prior to the expiration of the court's order. The~~
26 ~~petition shall be served upon the plaintiff and the plaintiff~~
27 ~~shall be a party to the proceedings regarding that petition.~~

28 ~~(2)} Any other person may petition the court to allow~~
29 ~~for the return of that other person's firearms, other weapons~~
30 ~~and ammunition prior to the expiration of the court's order.~~

1 ~~The petition shall be served upon the plaintiff, and the~~
2 ~~plaintiff shall be given notice and an opportunity to be~~
3 ~~heard regarding that petition.~~

4 ~~[(c) Modification of court's order to provide for~~
5 ~~alternative means of relinquishing firearms, other weapons or~~
6 ~~ammunition. The defendant may petition the court for~~
7 ~~modification of the order to provide for an alternative means of~~
8 ~~relinquishment in accordance with this chapter. The petition~~
9 ~~shall be served upon the plaintiff, and the plaintiff shall have~~
10 ~~an opportunity to be heard at the hearing as provided in~~
11 ~~subsection (d). Where the court orders a modification pursuant~~
12 ~~to this subsection providing for alternative means of~~
13 ~~relinquishment, the sheriff shall proceed as directed by the~~
14 ~~court.]~~

15 ~~(d) Hearing. Within ten business days of the filing of any~~
16 ~~petition under this section, a hearing shall be held before the~~
17 ~~court.~~

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

21 ~~"Other person." Any person, except the defendant, who is the~~
22 ~~lawful owner of a firearm, other weapon or ammunition~~
23 ~~relinquished pursuant to this chapter.~~

24 ~~["Safekeeping." The secure custody of a firearm, other~~
25 ~~weapon or ammunition ordered relinquished by an active~~
26 ~~protection from abuse order.]~~

27 ~~§ 6108.2. Relinquishment for consignment sale[,] or lawful~~
28 ~~transfer [or safekeeping].~~

29 ~~(a) General rule. Notwithstanding any other provision of~~
30 ~~law, a defendant who is the subject of a final protection from~~

1 ~~abuse order[, which order] or a temporary order which provides~~
2 ~~for the relinquishment of firearms, other weapons or ammunition~~
3 ~~during the period of time the order is in effect, may, within~~
4 ~~the time frame specified in the order and in lieu of~~
5 ~~relinquishment to the sheriff, relinquish to a dealer licensed~~
6 ~~pursuant to 18 Pa.C.S. § 6113 (relating to licensing of dealers)~~
7 ~~any firearms, other weapons or ammunition for consignment~~
8 ~~sale[,] or lawful transfer [or safekeeping]. The dealer may~~
9 ~~charge the defendant a reasonable fee for accepting~~
10 ~~relinquishment and for storage of any firearms, other weapons or~~
11 ~~ammunition.~~

12 * * *

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

28 * * *

29 ~~{(e) Transfer upon entry of final order. Upon entry of a~~
30 ~~final protection from abuse order issued pursuant to section~~

1 ~~6108, which order provides for the relinquishment of firearms,~~
2 ~~other weapons or ammunition during the period of time the order~~
3 ~~is in effect, a defendant who had relinquished firearms, other~~
4 ~~weapons or ammunition to the sheriff pursuant to a temporary~~
5 ~~order may request that the firearms, other weapons or ammunition~~
6 ~~be relinquished to a dealer for consignment sale, lawful~~
7 ~~transfer or safekeeping pursuant to this section. If the~~
8 ~~defendant can identify a licensed dealer willing to accept the~~
9 ~~firearms, other weapons or ammunition in compliance with this~~
10 ~~section, the court shall order the sheriff to transport the~~
11 ~~firearms, other weapons or ammunition to the licensed dealer at~~
12 ~~no cost to the defendant or the licensed dealer.}]~~

13 * * *

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

15 ~~§ 6108.3. Relinquishment to third party for safekeeping.~~

16 ~~(a) General rule. A defendant who is the subject of a~~
17 ~~protection from abuse order, which order provides for the~~
18 ~~relinquishment of firearms, other weapons or ammunition during~~
19 ~~the period of time the order is in effect, may, within the time~~
20 ~~frame specified in the order and in lieu of relinquishment to~~
21 ~~the sheriff, relinquish any firearms, other weapons or~~
22 ~~ammunition to a third party for safekeeping.~~

23 ~~(b) Transfer to third party.~~

24 ~~(1) A defendant wishing to relinquish firearms, other~~
25 ~~weapons or ammunition to a third party pursuant to subsection~~
26 ~~(a) shall, within the time frame specified in the order for~~
27 ~~relinquishing firearms, other weapons and ammunition, report~~
28 ~~to the sheriff's office in the county where the order was~~
29 ~~entered along with the third party.~~

30 ~~(2) Upon determination by the sheriff that the third~~

1 ~~party is not prohibited from possessing firearms, other~~
2 ~~weapons or ammunition pursuant to any Federal or State law~~
3 ~~and after the defendant and third party have executed the~~
4 ~~affidavits required under paragraph (3), the sheriff shall~~
5 ~~issue a safekeeping permit to the third party, which shall~~
6 ~~include, at a minimum, a list of the firearms, other weapons~~
7 ~~and ammunition which will be relinquished to the third party.~~
8 ~~The permit shall be issued at no cost to the third party or~~
9 ~~defendant. The permit shall require the third party to~~
10 ~~possess the defendant's firearms, other weapons and~~
11 ~~ammunition until the time that:~~

12 ~~(i) the sheriff revokes the safekeeping permit~~
13 ~~pursuant to subsection (c) (1); or~~

14 ~~(ii) the sheriff accepts return of the safekeeping~~
15 ~~permit pursuant to subsection (d).~~

16 ~~(3) (i) A defendant wishing to relinquish firearms,~~
17 ~~other weapons or ammunition to a third party pursuant to~~
18 ~~subsection (a) shall, in the presence of the sheriff or~~
19 ~~the sheriff's designee, execute an affidavit on a form~~
20 ~~prescribed by the Pennsylvania State Police which shall~~
21 ~~include, at a minimum, the following:~~

22 ~~(A) The caption of the case in which the~~
23 ~~protection from abuse order was issued.~~

24 ~~(B) The name, address, date of birth and the~~
25 ~~Social Security number of the defendant.~~

26 ~~(C) The name, address and date of birth of the~~
27 ~~third party.~~

28 ~~(D) A list of the firearms, other weapons and~~
29 ~~ammunition which will be relinquished to the third~~
30 ~~party, including, if applicable, the manufacturer,~~

1 ~~model and serial number.~~

2 ~~(E) An acknowledgment that the defendant will~~
3 ~~not take possession of any firearm, other weapon or~~
4 ~~ammunition relinquished to the third party until the~~
5 ~~sheriff accepts return of the safekeeping permit~~
6 ~~pursuant to subsection (d).~~

7 ~~(F) A plain language summary of 18 Pa.C.S. §~~
8 ~~6105(a.1)(2) and (c)(6) (relating to persons not to~~
9 ~~possess, use, manufacture, control, sell or transfer~~
10 ~~firearms).~~

11 ~~(G) A plain language summary of 18 U.S.C. §~~
12 ~~922(g)(8) (relating to unlawful acts).~~

13 ~~(ii) A third party who will be accepting possession~~
14 ~~of firearms, other weapons and ammunition pursuant to~~
15 ~~subsection (a) shall, in the presence of the sheriff or~~
16 ~~the sheriff's designee, execute an affidavit on a form~~
17 ~~prescribed by the Pennsylvania State Police which shall~~
18 ~~include, at a minimum, the following:~~

19 ~~(A) The caption of the case in which the~~
20 ~~protection from abuse order was issued.~~

21 ~~(B) The name, address and date of birth of the~~
22 ~~defendant.~~

23 ~~(C) The name, address, date of birth and the~~
24 ~~Social Security number of the third party.~~

25 ~~(D) A list of the firearms, other weapons and~~
26 ~~ammunition which will be relinquished to the third~~
27 ~~party, including, if applicable, the manufacturer,~~
28 ~~model and serial number.~~

29 ~~(E) An acknowledgment that no firearm, other~~
30 ~~weapon or ammunition relinquished to the third party~~

1 ~~will be returned to the defendant until the sheriff~~
2 ~~accepts return of the safekeeping permit pursuant to~~
3 ~~subsection (d).~~

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

8 ~~(G) A plain language summary of this section.~~

9 ~~(H) An acknowledgment that the third party is~~
10 ~~not prohibited from possessing firearms, other~~
11 ~~weapons or ammunition pursuant to any Federal or~~
12 ~~State law.~~

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

15 ~~(J) An acknowledgment that the defendant has~~
16 ~~never been the subject of a protection from abuse~~
17 ~~order issued on behalf of the third party.~~

18 ~~(K) An acknowledgment that any firearms, other~~
19 ~~weapons and ammunition relinquished to the third~~
20 ~~party will be stored using a locking device as~~
21 ~~defined in paragraph (1) of the definition of~~
22 ~~"locking device" in 18 Pa.C.S. § 6142(f) (relating to~~
23 ~~locking device for firearms) or in a secure location~~
24 ~~to which the defendant does not have access.~~

25 ~~(L) A detailed description of the third party~~
26 ~~liability pursuant to this section relating to civil~~
27 ~~liability.~~

28 ~~(M) An acknowledgment that the third party shall~~
29 ~~inform the sheriff of any change of address for the~~
30 ~~third party within seven days of the change of~~

1 address.

2 ~~(4) The defendant shall, within the time frame specified~~
3 ~~in the order and in lieu of relinquishment to the sheriff,~~
4 ~~relinquish the firearms, other weapons and ammunition~~
5 ~~specified in the affidavits provided to the sheriff pursuant~~
6 ~~to paragraph (3) to the third party who has been issued a~~
7 ~~safekeeping permit pursuant to paragraph (2). Upon~~
8 ~~relinquishment of the firearms to the third party, the third~~
9 ~~party shall sign an acknowledgment of receipt on a form~~
10 ~~prescribed by the Pennsylvania State Police, which shall~~
11 ~~include, at a minimum, an acknowledgment that the firearms~~
12 ~~were relinquished to the third party within the time frame~~
13 ~~specified in the order.~~

14 ~~(5) Within 24 hours of the issuance of the safekeeping~~
15 ~~permit issued to the third party pursuant to paragraph (2) or~~
16 ~~by close of the next business day as necessary due to the~~
17 ~~closure of the sheriff's office, the defendant shall return~~
18 ~~the signed acknowledgment of receipt required under paragraph~~
19 ~~(4) to the sheriff in the county where the order was entered.~~

20 ~~(6) If the defendant fails to provide the acknowledgment~~
21 ~~of receipt to the sheriff as required under paragraph (5), an~~
22 ~~affidavit prepared in accordance with section 6108(a)(7)(i)~~
23 ~~(B) (relating to relief), an affidavit under section 6108.2~~
24 ~~(relating to relinquishment for consignment sale, lawful~~
25 ~~transfer or safekeeping) or fails to relinquish any firearms,~~
26 ~~other weapons or ammunition, the sheriff shall, at a minimum,~~
27 ~~provide immediate notice to the court, the plaintiff and~~
28 ~~appropriate law enforcement agencies.~~

29 ~~(c) Revocation of safekeeping permit.~~

30 ~~(1) The sheriff shall revoke a third party's safekeeping~~

1 ~~permit and require the third party to relinquish to the~~
2 ~~sheriff any firearms, other weapons or ammunition which were~~
3 ~~relinquished to the third party by a defendant pursuant to~~
4 ~~subsection (a) upon determining or being notified that any of~~
5 ~~the following apply:~~

6 ~~(i) A protection from abuse order has been entered~~
7 ~~against the third party.~~

8 ~~(ii) The third party is prohibited from possessing~~
9 ~~firearms, other weapons or ammunition pursuant to any~~
10 ~~Federal or State law.~~

11 ~~(iii) The defendant has been convicted of a~~
12 ~~violation of 18 Pa.C.S. Ch. 61 (relating to firearms and~~
13 ~~other dangerous articles) or any other offense involving~~
14 ~~the use of a firearm.~~

15 ~~(iv) The defendant has been held in indirect~~
16 ~~criminal contempt for violating a provision of the~~
17 ~~protection from abuse order consistent with section~~
18 ~~6108(a)(1), (2), (6), (7) or (9) (relating to relief).~~

19 ~~(2) Upon revocation of a safekeeping permit, the sheriff~~
20 ~~shall seize the safekeeping permit and all of the defendant's~~
21 ~~firearms, other weapons and ammunition which were~~
22 ~~relinquished to the third party. If revocation of the~~
23 ~~safekeeping permit was:~~

24 ~~(i) Required pursuant to paragraph (1)(i) or (ii),~~
25 ~~the sheriff shall notify the defendant that the firearms,~~
26 ~~other weapons and ammunition which were relinquished to~~
27 ~~the third party are in the sheriff's possession and that~~
28 ~~the defendant may report to the sheriff's office in order~~
29 ~~to relinquish the firearms, other weapons and ammunition~~
30 ~~to a subsequent third party pursuant to this section or~~

1 ~~to a licensed dealer pursuant to section 6108.2.~~

2 ~~(ii) Required pursuant to paragraph (1)(iii) or~~
3 ~~(iv), the sheriff shall maintain possession of the~~
4 ~~firearms, other weapons and ammunition until the~~
5 ~~defendant is no longer prohibited from possessing~~
6 ~~firearms, other weapons and ammunition pursuant to any~~
7 ~~Federal or State law unless:~~

8 ~~(A) the defendant has the firearms, other~~
9 ~~weapons and ammunition relinquished to a licensed~~
10 ~~dealer pursuant to section 6108.2; or~~

11 ~~(B) the sheriff is directed to relinquish the~~
12 ~~firearms, other weapons and ammunition pursuant to a~~
13 ~~court order.~~

14 ~~(d) Return of safekeeping permit.~~

15 ~~(1) Following expiration of a protection from abuse~~
16 ~~order, which order provided for the relinquishment of~~
17 ~~firearms, other weapons or ammunition, the defendant and the~~
18 ~~third party shall report to the sheriff's office to return~~
19 ~~the safekeeping permit. Upon a determination by the sheriff~~
20 ~~that the defendant is:~~

21 ~~(i) Not prohibited from possessing firearms, other~~
22 ~~weapons and ammunition, the sheriff shall accept the~~
23 ~~return of the safekeeping permit, and the third party~~
24 ~~shall relinquish to the defendant all of the defendant's~~
25 ~~firearms, other weapons and ammunition which were~~
26 ~~relinquished to the third party pursuant to this section.~~

27 ~~(ii) Prohibited from possessing a firearm, other~~
28 ~~weapon or ammunition pursuant to any Federal or State~~
29 ~~law, the sheriff shall accept return of the permit and~~
30 ~~seize from the third party all of the defendant's~~

1 ~~firearms, other weapons and ammunition which were~~
2 ~~relinquished to the third party pursuant to this section.~~
3 ~~The sheriff shall return to the defendant any firearm,~~
4 ~~other weapon or ammunition which the defendant is~~
5 ~~lawfully entitled to possess.~~

6 ~~(2) Upon issuance of a court order pursuant to 18-~~
7 ~~Pa.C.S. §§ 6105(f)(2) or 6108.1(b) (relating to return of~~
8 ~~relinquished firearms, other weapons and ammunition and~~
9 ~~additional relief) which modifies a valid protection from~~
10 ~~abuse order by allowing the defendant to take possession of a~~
11 ~~firearm, other weapon or ammunition that had previously been~~
12 ~~ordered relinquished, the defendant and the third party shall~~
13 ~~report to the sheriff's office to return the safekeeping~~
14 ~~permit. The sheriff shall proceed as directed by the court~~
15 ~~order.~~

16 ~~(3) If a third party wishes to relinquish the~~
17 ~~defendant's firearms, other weapons and ammunition prior to~~
18 ~~return of the safekeeping permit pursuant to paragraph (1),~~
19 ~~the sheriff shall accept return of the safekeeping permit and~~
20 ~~shall seize all of the defendant's firearms, other weapons~~
21 ~~and ammunition from the third party. The sheriff shall notify~~
22 ~~the defendant that the firearms, other weapons and ammunition~~
23 ~~which were relinquished to the third party are in the~~
24 ~~sheriff's possession and that the defendant may relinquish~~
25 ~~the firearms, other weapons and ammunition to a subsequent~~
26 ~~third party pursuant to this section or to a licensed dealer~~
27 ~~pursuant to section 6108.2.~~

28 ~~(e) Civil liability. A third party who intentionally or~~
29 ~~knowingly violates any of the provisions of this section shall,~~
30 ~~in addition to any other penalty prescribed in this chapter or~~

1 ~~18 Pa.C.S. Ch. 61, be civilly liable to any person for any~~
2 ~~damages caused thereby and, in addition, shall be liable to any~~
3 ~~person for punitive damages in an amount not to exceed \$5,000,~~
4 ~~and the court shall award a prevailing plaintiff a reasonable~~
5 ~~attorney fee as part of the costs.~~

6 ~~(f) Forms. The Pennsylvania State Police shall develop and~~
7 ~~make available:~~

8 ~~(1) Forms to be used by sheriffs to issue safekeeping~~
9 ~~permits pursuant to subsection (b) (2).~~

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

13 ~~(g) Transfer upon final entry. A defendant who has~~
14 ~~previously relinquished firearms, other weapons or ammunition to~~
15 ~~the sheriff pursuant to a temporary order shall be permitted to~~
16 ~~have the firearms, other weapons and ammunition relinquished to~~
17 ~~a third party pursuant to this section following entry of a~~
18 ~~final protection from abuse order, which order provides for the~~
19 ~~relinquishment of firearms, other weapons or ammunition during~~
20 ~~the period of time the order is in effect.~~

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

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

29 ~~"Safekeeping." The secure custody of firearms, other weapons~~
30 ~~or ammunition which were ordered relinquished by an active~~

1 ~~protection from abuse order.~~

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

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

4 ~~(2) Is not prohibited from possessing firearms pursuant~~
5 ~~to any Federal or State law.}~~

6 ~~Section 8. This act shall take effect in 60 days.~~

7 SECTION 1. SECTION 6105(A) (2), (A.1) (2) AND (3) AND (C) (6) <--
8 AND (9) OF TITLE 18 OF THE PENNSYLVANIA CONSOLIDATED STATUTES
9 ARE AMENDED AND SUBSECTION (C) IS AMENDED BY ADDING A PARAGRAPH
10 TO READ:

11 § 6105. PERSONS NOT TO POSSESS, USE, MANUFACTURE, CONTROL, SELL
12 OR TRANSFER FIREARMS.

13 (A) OFFENSE DEFINED.--

14 * * *

15 (2) (I) [A] EXCEPT AS OTHERWISE PROVIDED IN THIS
16 PARAGRAPH, A PERSON WHO IS PROHIBITED FROM POSSESSING,
17 USING, CONTROLLING, SELLING, TRANSFERRING OR
18 MANUFACTURING A FIREARM UNDER PARAGRAPH (1) OR SUBSECTION
19 (B) OR (C) SHALL HAVE A REASONABLE PERIOD OF TIME, NOT TO
20 EXCEED 60 DAYS FROM THE DATE OF THE IMPOSITION OF THE
21 DISABILITY UNDER THIS SUBSECTION, IN WHICH TO SELL OR
22 TRANSFER THAT PERSON'S FIREARMS TO ANOTHER ELIGIBLE
23 PERSON WHO IS NOT A MEMBER OF THE PROHIBITED PERSON'S
24 HOUSEHOLD.

25 (II) THIS PARAGRAPH SHALL NOT APPLY TO ANY PERSON
26 WHOSE DISABILITY IS IMPOSED PURSUANT TO SUBSECTION (C)
27 (6).

28 (III) A PERSON WHOSE DISABILITY IS IMPOSED PURSUANT
29 TO SUBSECTION (C) (9) SHALL RELINQUISH ANY FIREARMS AND
30 FIREARM LICENSES UNDER THAT PERSON'S POSSESSION OR

1 CONTROL, AS DESCRIBED IN SECTION 6105.2 (RELATING TO
2 RELINQUISHMENT OF FIREARMS AND FIREARM LICENSES BY
3 CONVICTED PERSONS).

4 (IV) A PERSON WHOSE DISABILITY IS IMPOSED PURSUANT
5 TO A PROTECTION FROM ABUSE ORDER SHALL RELINQUISH ANY
6 FIREARMS, OTHER WEAPONS, AMMUNITION AND FIREARM LICENSES
7 UNDER THAT PERSON'S POSSESSION OR CONTROL, AS DESCRIBED
8 IN 23 PA.C.S. § 6108(A)(7) (RELATING TO RELIEF).

9 (A.1) PENALTY.--

10 * * *

11 (2) A PERSON WHO IS THE SUBJECT OF AN ACTIVE FINAL
12 PROTECTION FROM ABUSE ORDER ISSUED PURSUANT TO 23 PA.C.S. §
13 6108 (RELATING TO RELIEF), IS THE SUBJECT OF ANY OTHER ACTIVE
14 PROTECTION FROM ABUSE ORDER ISSUED PURSUANT TO 23 PA.C.S. §
15 6107(B) (RELATING TO HEARINGS), WHICH [ORDER] PROVIDED FOR
16 THE RELINQUISHMENT OF FIREARMS[,] OR OTHER WEAPONS OR
17 AMMUNITION DURING THE PERIOD OF TIME THE ORDER IS IN EFFECT,
18 OR IS OTHERWISE PROHIBITED FROM POSSESSING OR ACQUIRING A
19 FIREARM UNDER 18 U.S.C. § 922(G)(8) (RELATING TO UNLAWFUL
20 ACTS), COMMITS A MISDEMEANOR OF THE [FIRST] SECOND DEGREE IF
21 HE INTENTIONALLY OR KNOWINGLY FAILS TO RELINQUISH A
22 FIREARM[,] OR OTHER WEAPON OR AMMUNITION TO THE SHERIFF AS
23 REQUIRED BY THE ORDER UNLESS, IN LIEU OF RELINQUISHMENT, HE
24 PROVIDES AN AFFIDAVIT WHICH LISTS THE FIREARMS[,] OR OTHER
25 WEAPONS OR AMMUNITION TO THE SHERIFF IN ACCORDANCE WITH
26 [EITHER] 23 PA.C.S. § 6108(A)(7)(I)(B), 6108.2 (RELATING TO
27 RELINQUISHMENT FOR CONSIGNMENT SALE, LAWFUL TRANSFER OR
28 SAFEKEEPING) OR 6108.3 (RELATING TO RELINQUISHMENT TO THIRD
29 PARTY FOR SAFEKEEPING).

30 (3) (I) A PERSON COMMITS A MISDEMEANOR OF THE THIRD

1 DEGREE IF HE INTENTIONALLY OR KNOWINGLY ACCEPTS
2 POSSESSION OF A FIREARM, OTHER WEAPON OR AMMUNITION FROM
3 [A] ANOTHER PERSON HE KNOWS IS THE SUBJECT OF AN ACTIVE
4 FINAL PROTECTION FROM ABUSE ORDER ISSUED PURSUANT TO 23
5 PA.C.S. § 6108 OR AN ACTIVE PROTECTION FROM ABUSE ORDER
6 ISSUED PURSUANT TO 23 PA.C.S. § [6108] 6107(B), WHICH
7 ORDER PROVIDED FOR THE RELINQUISHMENT OF THE FIREARM,
8 OTHER WEAPON OR AMMUNITION DURING THE PERIOD OF TIME THE
9 ORDER IS IN EFFECT.

10 (II) THIS PARAGRAPH SHALL NOT APPLY TO:

11 (A) A THIRD PARTY WHO ACCEPTS POSSESSION OF A
12 FIREARM, OTHER WEAPON OR AMMUNITION RELINQUISHED
13 PURSUANT TO 23 PA.C.S. § 6108.3; OR

14 (B) A DEALER LICENSED PURSUANT TO SECTION 6113
15 (RELATING TO LICENSING OF DEALERS) OR SUBSEQUENT
16 PURCHASER FROM A DEALER LICENSED PURSUANT TO SECTION
17 6113, WHO ACCEPTS POSSESSION OF A FIREARM, OTHER
18 WEAPON OR AMMUNITION RELINQUISHED PURSUANT TO 23
19 PA.C.S. § 6108.2.

20 * * *

21 (C) OTHER PERSONS.--IN ADDITION TO ANY PERSON WHO HAS BEEN
22 CONVICTED OF ANY OFFENSE LISTED UNDER SUBSECTION (B), THE
23 FOLLOWING PERSONS SHALL BE SUBJECT TO THE PROHIBITION OF
24 SUBSECTION (A):

25 * * *

26 (6) A PERSON WHO IS THE SUBJECT OF AN ACTIVE FINAL
27 PROTECTION FROM ABUSE ORDER ISSUED PURSUANT TO 23 PA.C.S. §
28 6108, IS THE SUBJECT OF ANY OTHER ACTIVE PROTECTION FROM
29 ABUSE ORDER ISSUED PURSUANT TO 23 PA.C.S. § 6107(B), WHICH
30 [ORDER] PROVIDED FOR THE RELINQUISHMENT OF FIREARMS DURING

1 THE PERIOD OF TIME THE ORDER IS IN EFFECT OR IS OTHERWISE
2 PROHIBITED FROM POSSESSING OR ACQUIRING A FIREARM UNDER 18
3 U.S.C. § 922(G)(8). THIS PROHIBITION SHALL TERMINATE UPON THE
4 EXPIRATION OR VACATION OF [AN ACTIVE PROTECTION FROM ABUSE]
5 THE ORDER OR PORTION THEREOF RELATING TO THE RELINQUISHMENT
6 OF FIREARMS.

7 * * *

8 (9) A PERSON WHO IS PROHIBITED FROM POSSESSING OR
9 ACQUIRING A FIREARM UNDER 18 U.S.C. § 922(G)(9) [(RELATING TO
10 UNLAWFUL ACTS)]. IF THE OFFENSE WHICH RESULTED IN THE
11 PROHIBITION UNDER 18 U.S.C. § 922(G)(9) WAS COMMITTED, AS
12 PROVIDED IN 18 U.S.C. § 921(A)(33)(A)(II) (RELATING TO
13 DEFINITIONS), BY A PERSON IN ANY OF THE FOLLOWING
14 RELATIONSHIPS:

15 (I) THE CURRENT OR FORMER SPOUSE, PARENT OR GUARDIAN
16 OF THE VICTIM;

17 (II) A PERSON WITH WHOM THE VICTIM SHARES A CHILD IN
18 COMMON;

19 (III) A PERSON WHO COHABITS WITH OR HAS COHABITED
20 WITH THE VICTIM AS A SPOUSE, PARENT OR GUARDIAN; OR

21 (IV) A PERSON SIMILARLY SITUATED TO A SPOUSE, PARENT
22 OR GUARDIAN OF THE VICTIM;

23 THEN THE RELATIONSHIP NEED NOT BE AN ELEMENT OF THE OFFENSE
24 TO MEET THE REQUIREMENTS OF THIS PARAGRAPH.

25 (10) A PERSON WHO HAS BEEN CONVICTED OF AN OFFENSE UNDER
26 SUBSECTION (A.1)(2). THE PROHIBITION SHALL TERMINATE FIVE
27 YEARS AFTER THE DATE OF CONVICTION, FINAL RELEASE FROM
28 CONFINEMENT OR FINAL RELEASE FROM SUPERVISION, WHICHEVER IS
29 LATER.

30 * * *

1 SECTION 2. TITLE 18 IS AMENDED BY ADDING SECTIONS TO READ:
2 § 6105.2. RELINQUISHMENT OF FIREARMS AND FIREARM LICENSES BY
3 CONVICTED PERSONS.

4 (A) PROCEDURE.--

5 (1) A PERSON SUBJECT TO A FIREARMS DISABILITY PURSUANT
6 TO SECTION 6105(C) (9) (RELATING TO PERSONS NOT TO POSSESS,
7 USE, MANUFACTURE, CONTROL, SELL OR TRANSFER FIREARMS) SHALL
8 RELINQUISH ANY FIREARMS UNDER THE PERSON'S POSSESSION OR
9 CONTROL TO THE APPROPRIATE LAW ENFORCEMENT AGENCY OF THE
10 MUNICIPALITY AS DESCRIBED IN SUBSECTION (B) OR TO A DEALER AS
11 DESCRIBED IN SUBSECTION (C).

12 (2) THE COURT OF CONVICTION SHALL ORDER THE
13 RELINQUISHMENT AND THE ORDER SHALL BE TRANSMITTED TO THE
14 APPROPRIATE LAW ENFORCEMENT AGENCY OF THE MUNICIPALITY AND TO
15 THE SHERIFF OF THE COUNTY OF WHICH THE PERSON IS A RESIDENT.
16 THE ORDER SHALL CONTAIN A LIST OF ANY FIREARM ORDERED
17 RELINQUISHED.

18 (3) THE PERSON SHALL INFORM THE COURT IN WHAT MANNER THE
19 PERSON WILL RELINQUISH THE FIREARMS.

20 (4) IF THE PERSON IS PRESENT IN COURT AT THE TIME OF THE
21 ORDER, THE PERSON SHALL INFORM THE COURT WHETHER
22 RELINQUISHMENT WILL BE MADE UNDER SUBSECTION (B) OR (C).

23 (B) RELINQUISHMENT TO LAW ENFORCEMENT AGENCY.--

24 (1) RELINQUISHMENT TO AN APPROPRIATE LAW ENFORCEMENT
25 AGENCY SHALL BE MADE WITHIN A PERIOD NOT LONGER THAN 24 HOURS
26 FOLLOWING CONVICTION, EXCEPT FOR CAUSE SHOWN, IN WHICH CASE
27 THE COURT SHALL SPECIFY THE TIME FOR RELINQUISHMENT OF ANY OR
28 ALL OF THE PERSON'S FIREARMS.

29 (2) IN SECURING CUSTODY OF THE PERSON'S RELINQUISHED
30 FIREARMS, THE LAW ENFORCEMENT AGENCY SHALL PROVIDE THE PERSON

1 SUBJECT TO THE RELINQUISHMENT ORDER WITH A SIGNED AND DATED
2 WRITTEN RECEIPT, WHICH SHALL INCLUDE A DETAILED DESCRIPTION
3 OF EACH FIREARM AND ITS CONDITION.

4 (3) AS USED IN THIS SUBSECTION, THE TERM "CAUSE" SHALL
5 BE LIMITED TO FACTS RELATING TO THE INABILITY OF THE PERSON
6 TO RETRIEVE A SPECIFIC FIREARM WITHIN A PERIOD NOT LONGER
7 THAN 24 HOURS DUE TO THE THEN CURRENT LOCATION OF THE
8 FIREARM.

9 (C) RELINQUISHMENT TO DEALER.--

10 (1) IN LIEU OF RELINQUISHMENT TO THE LOCAL LAW
11 ENFORCEMENT AGENCY, THE PERSON SUBJECT TO A COURT ORDER MAY,
12 WITHIN 24 HOURS OR WITHIN THE TIME ORDERED BY THE COURT UPON
13 CAUSE BEING SHOWN AS IN SUBSECTION (B), RELINQUISH FIREARMS
14 TO A DEALER LICENSED PURSUANT TO SECTION 6113 (RELATING TO
15 LICENSING OF DEALERS).

16 (2) THE DEALER MAY CHARGE THE PERSON A REASONABLE FEE
17 FOR ACCEPTING RELINQUISHMENT.

18 (3) THE PERSON SHALL OBTAIN AN AFFIDAVIT FROM THE DEALER
19 ON A FORM PRESCRIBED BY THE PENNSYLVANIA STATE POLICE, WHICH
20 SHALL INCLUDE, AT A MINIMUM, THE FOLLOWING:

21 (I) THE CAPTION OF THE CASE IN WHICH THE PERSON WAS
22 CONVICTED.

23 (II) THE NAME, ADDRESS, DATE OF BIRTH AND SOCIAL
24 SECURITY NUMBER OF THE PERSON.

25 (III) A LIST OF THE FIREARMS, INCLUDING THE
26 MANUFACTURER, MODEL AND SERIAL NUMBER.

27 (IV) THE NAME AND LICENSE NUMBER OF THE DEALER
28 LICENSED PURSUANT TO SECTION 6113 AND THE ADDRESS OF THE
29 LICENSED PREMISES.

30 (V) AN ACKNOWLEDGMENT THAT THE FIREARMS WILL NOT BE

1 RETURNED TO THE PERSON, UNLESS THE PERSON IS NO LONGER
2 PROHIBITED FROM POSSESSING A FIREARM UNDER FEDERAL OR
3 STATE LAW, OR SOLD OR TRANSFERRED TO A PERSON THE DEALER
4 KNOWS IS A MEMBER OF THE DEFENDANT'S HOUSEHOLD.

5 (VI) AN ACKNOWLEDGMENT THAT THE FIREARMS, IF
6 TRANSFERRED, WILL BE TRANSFERRED IN COMPLIANCE WITH THIS
7 CHAPTER.

8 (4) ANY PERSON RELINQUISHING A FIREARM PURSUANT TO THIS
9 SUBSECTION SHALL, WITHIN THE SPECIFIED TIME FRAME, PROVIDE TO
10 THE APPROPRIATE LAW ENFORCEMENT AGENCY OR THE SHERIFF'S
11 OFFICE, OR BOTH, THE AFFIDAVIT REQUIRED BY THIS SUBSECTION
12 AND RELINQUISH TO THE LAW ENFORCEMENT AGENCY ANY FIREARM
13 ORDERED TO BE RELINQUISHED THAT IS NOT SPECIFIED IN THE
14 AFFIDAVIT.

15 (D) NOTICE OF NONCOMPLIANCE.--

16 (1) IF THE PERSON FAILS TO RELINQUISH ANY FIREARM WITHIN
17 24 HOURS OR WITHIN THE TIME ORDERED BY THE COURT UPON CAUSE
18 BEING SHOWN, THE LAW ENFORCEMENT AGENCY SHALL, AT A MINIMUM,
19 PROVIDE IMMEDIATE NOTICE TO THE COURT, THE VICTIM, THE
20 PROSECUTOR AND THE SHERIFF.

21 (2) FOR PURPOSES OF THIS SUBSECTION, "VICTIM" SHALL HAVE
22 THE SAME MEANING AS "DIRECT VICTIM" IN SECTION 103 OF THE ACT
23 OF NOVEMBER 24, 1998 (P.L.882, NO.111), KNOWN AS THE CRIME
24 VICTIMS ACT.

25 (E) ALTERNATE RELINQUISHMENT TO DEALER.--

26 (1) IF THE PERSON RELINQUISHES FIREARMS TO THE
27 APPROPRIATE LAW ENFORCEMENT AGENCY PURSUANT TO SUBSECTION
28 (B), THE PERSON MAY REQUEST THAT THE APPROPRIATE LAW
29 ENFORCEMENT AGENCY MAKE ONE TRANSFER OF ANY SUCH FIREARM TO A
30 DEALER LICENSED PURSUANT TO SECTION 6113 WITHIN SIX MONTHS OF

1 RELINQUISHMENT.

2 (2) IF REQUESTING A SUBSEQUENT TRANSFER, THE PERSON
3 SHALL PROVIDE THE APPROPRIATE LAW ENFORCEMENT AGENCY WITH THE
4 DEALER AFFIDAVIT DESCRIBED IN SUBSECTION (C).

5 (3) THE APPROPRIATE LAW ENFORCEMENT AGENCY SHALL MAKE
6 THE TRANSFER, IF THE PERSON COMPLIES WITH THIS SUBSECTION,
7 AND MAY CHARGE THE PERSON FOR ANY COSTS ASSOCIATED WITH
8 MAKING THE TRANSFER.

9 (F) RECORDKEEPING.--ANY PORTION OF AN ORDER OR PETITION OR
10 OTHER PAPER THAT INCLUDES A LIST OF FIREARMS ORDERED TO BE
11 RELINQUISHED SHALL BE KEPT IN THE FILES OF THE COURT AS A
12 PERMANENT RECORD AND WITHHELD FROM PUBLIC INSPECTION, EXCEPT
13 UPON AN ORDER OF THE COURT GRANTED UPON CAUSE SHOWN, AFTER
14 REDACTION OF INFORMATION RELATING TO THE FIREARMS, OR AS
15 NECESSARY, BY LAW ENFORCEMENT AND COURT PERSONNEL.

16 (G) RELINQUISHMENT OF LICENSES.--

17 (1) A PERSON CONVICTED OF A CRIME RESULTING IN A FIREARM
18 DISABILITY PURSUANT TO SECTION 6105(C) (9) SHALL ALSO
19 RELINQUISH TO THE SHERIFF ANY FIREARM LICENSE ISSUED UNDER
20 SECTION 6106 (RELATING TO FIREARMS NOT TO BE CARRIED WITHOUT
21 A LICENSE) OR 6109 (RELATING TO LICENSES) OR 23 PA.C.S. §
22 6108.3 (RELATING TO RELINQUISHMENT TO THIRD PARTY FOR
23 SAFEKEEPING).

24 (2) THE PROVISIONS OF SUBSECTIONS (A) (2) AND (3), (B),
25 (D) AND (F) SHALL ALSO APPLY TO FIREARM LICENSES OF THE
26 PERSON.

27 (H) PENALTY.--A PERSON CONVICTED OF A CRIME RESULTING IN A
28 FIREARM DISABILITY PURSUANT TO SECTION 6105(C) (9) COMMITS A
29 MISDEMEANOR OF THE SECOND DEGREE IF THE PERSON INTENTIONALLY OR
30 KNOWINGLY FAILS TO RELINQUISH A FIREARM OR OTHER WEAPON OR

1 AMMUNITION TO AN APPROPRIATE LAW ENFORCEMENT AGENCY OR A DEALER
2 IN ACCORDANCE WITH THIS SECTION.

3 (I) DEFINITION.--AS USED IN THIS SECTION, THE TERM "FIREARM"
4 MEANS ANY WEAPON WHICH IS DESIGNED TO OR MAY READILY BE
5 CONVERTED TO EXPEL ANY PROJECTILE BY THE ACTION OF AN EXPLOSIVE
6 OR THE FRAME OR RECEIVER OF ANY SUCH WEAPON.

7 § 6128. ABANDONMENT OF FIREARMS, WEAPONS OR AMMUNITION.

8 (A) GENERAL RULE.--FIREARMS, WEAPONS OR AMMUNITION WHICH ARE
9 ITEMIZED ON A LIST REQUIRED UNDER 23 PA.C.S. § 6108(A)(7)(V)
10 (RELATING TO RELIEF) OR THE POSSESSION OR ACQUISITION OF WHICH
11 IS PROHIBITED UNDER 18 U.S.C. § 922(G)(9) (RELATING TO UNLAWFUL
12 ACTS) AND RELINQUISHED INTO OR OTHERWISE COMING INTO THE CUSTODY
13 OF A POLICE DEPARTMENT, CORONER, MEDICAL EXAMINER, DISTRICT
14 ATTORNEY, SHERIFF OR LICENSED DEALER SHALL BE DEEMED ABANDONED
15 WHEN:

16 (1) RELINQUISHED BY ITS LAWFUL OWNER PURSUANT TO COURT
17 ORDER OR EXECUTED WARRANT AND NO WRITTEN REQUEST TO RETURN OR
18 OTHERWISE DISPOSE OF THE FIREARMS, WEAPONS OR AMMUNITION IS
19 MADE BY THE LAWFUL OWNER OR THE LAWFUL OWNER'S ATTORNEY OR
20 DULY APPOINTED REPRESENTATIVE AFTER A PERIOD OF ONE YEAR FROM
21 THE DATE AN ORDER OF RELINQUISHMENT OR SEIZURE HAS EXPIRED.

22 (2) FOUND, DISCOVERED OR OTHERWISE PASSED INTO THE
23 CUSTODY OF THE POLICE DEPARTMENT, CORONER, MEDICAL EXAMINER,
24 DISTRICT ATTORNEY, SHERIFF OR LICENSED DEALER AND NO OWNER
25 CAN BE DETERMINED AFTER A DOCUMENTED SEARCH OF THE DATABASE
26 OF FIREARMS SALES MAINTAINED BY THE PENNSYLVANIA STATE POLICE
27 IS MADE AT THE TIME THE FIREARMS COME INTO THE CUSTODY OF THE
28 POLICE DEPARTMENT, CORONER, MEDICAL EXAMINER, DISTRICT
29 ATTORNEY, SHERIFF OR LICENSED DEALER AND IS AGAIN MADE ONE
30 YEAR FROM THE DATE OF THE FIRST DOCUMENTED SEARCH.

1 (B) METHODS OF DISPOSAL.--IF FIREARMS, WEAPONS OR AMMUNITION
2 ARE DEEMED ABANDONED UNDER SUBSECTION (A), THE CUSTODIAN MAY
3 DISPOSE OF THE FIREARMS, WEAPONS OR AMMUNITION BY:

4 (1) ARRANGING FOR THE SALE OF THE FIREARMS, WEAPONS OR
5 AMMUNITION TO A FEDERALLY LICENSED FIREARMS DEALER BY SEALED
6 BID WITH PROCEEDS OF THE SALE TO BE RETAINED BY THE
7 CUSTODIAN.

8 (2) ARRANGING FOR THE LAWFUL AND COMPLETE DESTRUCTION OF
9 THE FIREARMS, WEAPONS OR AMMUNITION. FIREARMS, WEAPONS OR
10 AMMUNITION THAT CANNOT LAWFULLY BE SOLD TO A FEDERALLY
11 LICENSED FIREARMS DEALER IN THIS COMMONWEALTH SHALL BE
12 DESTROYED.

13 (C) LIMITATION.--A CUSTODIAN MAY NOT DISPOSE OF FIREARMS,
14 WEAPONS OR AMMUNITION DEEMED ABANDONED UNDER SUBSECTION (A) (1)
15 WITHOUT FIRST NOTIFYING THE PERSON WHO RELINQUISHED THE
16 FIREARMS, WEAPONS OR AMMUNITION. IF THE PERSON WHO RELINQUISHED
17 THE FIREARMS, WEAPONS OR AMMUNITION FAILS TO RESPOND WITHIN 20
18 DAYS TO THE NOTICE, THE CUSTODIAN MAY PROCEED WITH DISPOSAL OF
19 THE FIREARMS, WEAPONS OR AMMUNITION. NOTIFICATION SHALL BE BY
20 CERTIFIED MAIL TO:

21 (1) AN ADDRESS WHERE THE PERSON RELINQUISHING THE
22 FIREARMS, WEAPONS OR AMMUNITION IS NOW KNOWN BY THE CUSTODIAN
23 TO RESIDE;

24 (2) THE LAST KNOWN ADDRESS OF THE PERSON RELINQUISHING
25 THE FIREARMS, WEAPONS OR AMMUNITION;

26 (3) THE ADDRESS OF THE PERSON RELINQUISHING THE
27 FIREARMS, WEAPONS OR AMMUNITION WHICH WAS PROVIDED AT THE
28 TIME OF RELINQUISHMENT; OR

29 (4) THE ADDRESS OF THE PERSON RELINQUISHING THE
30 FIREARMS, WEAPONS OR AMMUNITION WHICH IS FOUND AFTER

1 SEARCHING THE AVAILABLE SOURCES OF ADDRESS DATA MAINTAINED IN
2 THE COMMONWEALTH'S DATABASES OF MOTOR VEHICLE REGISTRATION,
3 MOTOR VEHICLE DRIVER LICENSING, OCCUPATIONAL AND PROFESSIONAL
4 LICENSURE, CORRECTIONS FACILITIES AND PUBLIC ASSISTANCE.

5 (D) ILLEGAL SEIZURE.--A CUSTODIAN WHO SELLS OR DESTROYS
6 SEIZED FIREARMS, WEAPONS OR AMMUNITION WITH PENDING OR
7 UNRESOLVED EVIDENTIARY CHALLENGES TO THE LEGALITY OF THE SEIZURE
8 SHALL BE LIABLE TO THE LAWFUL OWNER OF THE ILLEGALLY SEIZED
9 FIREARMS, WEAPONS OR AMMUNITION FOR THE ACTUAL VALUE OF THE
10 ILLEGALLY SEIZED FIREARMS, WEAPONS OR AMMUNITION PLUS REASONABLE
11 ATTORNEY FEES. ACTUAL VALUE SHALL BE DETERMINED BY THE OWNER,
12 WHO SHALL BE REQUIRED TO OBTAIN AN ESTIMATE OF VALUE FROM A
13 PRIVATE THIRD-PARTY LICENSED FIREARMS DEALER.

14 (E) PUBLIC INSPECTION.--A PORTION OF AN ORDER OR PETITION OR
15 OTHER PAPER WHICH INCLUDES A LIST OF FIREARMS OR OTHER WEAPONS
16 OR AMMUNITION IN POSSESSION OF A CUSTODIAN UNDER THIS SECTION
17 SHALL BE WITHHELD FROM PUBLIC INSPECTION EXCEPT:

18 (1) UPON AN ORDER OF A COURT GRANTED UPON CAUSE SHOWN;

19 (2) AS NECESSARY, BY LAW ENFORCEMENT AND COURT
20 PERSONNEL; OR

21 (3) AFTER REDACTION OF INFORMATION LISTING FIREARMS,
22 OTHER WEAPONS OR AMMUNITION.

23 (F) DEFINITIONS.--AS USED IN THIS SECTION, THE FOLLOWING
24 WORDS AND PHRASES SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS
25 SUBSECTION UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE:

26 "CUSTODIAN." A POLICE DEPARTMENT, CORONER, MEDICAL EXAMINER,
27 DISTRICT ATTORNEY, SHERIFF OR LICENSED DEALER INTO WHOSE CUSTODY
28 FIREARMS, WEAPONS OR AMMUNITION HAS PASSED.

29 "FIREARM." ANY WEAPON WHICH IS DESIGNED TO OR MAY READILY BE
30 CONVERTED TO EXPEL ANY PROJECTILE BY THE ACTION OF AN EXPLOSIVE

1 OR THE FRAME OR RECEIVER OF ANY SUCH WEAPON.

2 SECTION 3. SECTION 6102(A) OF TITLE 23 IS AMENDED BY ADDING
3 A DEFINITION TO READ:

4 § 6102. DEFINITIONS.

5 (A) GENERAL RULE.--THE FOLLOWING WORDS AND PHRASES WHEN USED
6 IN THIS CHAPTER SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS
7 SECTION UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE:

8 * * *

9 "APPROPRIATE LAW ENFORCEMENT AGENCY." THE DULY CONSTITUTED
10 MUNICIPAL LAW ENFORCEMENT AGENCY THAT REGULARLY PROVIDES PRIMARY
11 POLICE SERVICES TO A POLITICAL SUBDIVISION OR, IN THE ABSENCE OF
12 ANY SUCH MUNICIPAL LAW ENFORCEMENT AGENCY, THE PENNSYLVANIA
13 STATE POLICE INSTALLATION THAT REGULARLY PROVIDES PRIMARY POLICE
14 SERVICES TO THE POLITICAL SUBDIVISION.

15 * * *

16 SECTION 4. SECTION 6106(D) OF TITLE 23 IS AMENDED AND THE
17 SECTION IS AMENDED BY ADDING A SUBSECTION TO READ:

18 § 6106. COMMENCEMENT OF PROCEEDINGS.

19 * * *

20 (A.3) NOTIFICATION OF NEED TO PROTECT PLAINTIFF.--THE
21 PLAINTIFF SHALL NOTIFY THE COURT ANYTIME DURING THE PERIOD
22 COMMENCING UPON FILING THE PETITION AND GRANTING OF AN ORDER OR
23 APPROVING A CONSENT AGREEMENT AT A HEARING HELD UNDER SECTION
24 6107(A) (RELATING TO HEARINGS) IF THE PLAINTIFF HAS REASON TO
25 BELIEVE THE PLAINTIFF'S SAFETY IS AT RISK. IN SUCH A CASE, THE
26 COURT SHALL DIRECT THE PENNSYLVANIA STATE POLICE, THE MUNICIPAL
27 POLICE OR THE SHERIFF TO ACCOMPANY THE PLAINTIFF TO THE
28 PLAINTIFF'S RESIDENCE TO RETRIEVE PERSONAL BELONGINGS OR TO
29 ACCOMPANY THE PLAINTIFF WHILE THE PETITION OR ORDER IS SERVED
30 UPON THE DEFENDANT BY THE SHERIFF OR COMPETENT ADULT, AS SET

1 FORTH IN THE PENNSYLVANIA RULES OF CIVIL PROCEDURE.

2 * * *

3 (D) SURCHARGE ON ORDER.--WHEN A PROTECTION ORDER IS GRANTED
4 UNDER SECTION 6107(A) [(RELATING TO HEARINGS)], OTHER THAN
5 PURSUANT TO AN AGREEMENT OF THE PARTIES, A SURCHARGE OF \$100
6 SHALL BE ASSESSED AGAINST THE DEFENDANT. ALL MONEYS RECEIVED
7 FROM SURCHARGES SHALL BE DISTRIBUTED IN THE FOLLOWING ORDER OF
8 PRIORITY:

9 (1) \$25 SHALL BE FORWARDED TO THE COMMONWEALTH AND SHALL
10 BE APPROPRIATED TO THE PENNSYLVANIA STATE POLICE TO ESTABLISH
11 AND MAINTAIN THE STATEWIDE REGISTRY OF PROTECTION ORDERS
12 PROVIDED FOR IN SECTION 6105.

13 (2) \$50 SHALL BE RETAINED BY THE COUNTY AND SHALL BE
14 USED TO CARRY OUT THE PROVISIONS OF THIS CHAPTER AS FOLLOWS:

15 (I) \$25 SHALL BE USED BY THE SHERIFF.

16 (II) \$25 SHALL BE USED BY THE COURT.

17 (3) \$25 SHALL BE FORWARDED TO THE DEPARTMENT OF PUBLIC
18 WELFARE FOR USE FOR VICTIMS OF DOMESTIC VIOLENCE IN
19 ACCORDANCE WITH THE PROVISIONS OF SECTION 2333 OF THE ACT OF
20 APRIL 9, 1929 (P.L.177, NO.175), KNOWN AS THE ADMINISTRATIVE
21 CODE OF 1929.

22 * * *

23 SECTION 5. SECTION 6107(A) AND (C) OF TITLE 23 ARE AMENDED
24 TO READ:

25 § 6107. HEARINGS.

26 (A) GENERAL RULE.--WITHIN TEN BUSINESS DAYS OF THE FILING OF
27 A PETITION UNDER THIS CHAPTER, A HEARING SHALL BE HELD BEFORE
28 THE COURT, AT WHICH THE PLAINTIFF MUST PROVE THE ALLEGATION OF
29 ABUSE BY A PREPONDERANCE OF THE EVIDENCE. THE COURT SHALL, AT
30 THE TIME THE DEFENDANT IS GIVEN NOTICE OF THE HEARING, ADVISE

1 THE DEFENDANT OF THE RIGHT TO BE REPRESENTED BY COUNSEL, OF THE
2 RIGHT TO PRESENT EVIDENCE, OF THE RIGHT TO COMPEL ATTENDANCE OF
3 WITNESSES, OF THE METHOD BY WHICH WITNESSES MAY BE COMPELLED, OF
4 THE POSSIBILITY THAT ANY FIREARM, OTHER WEAPON OR AMMUNITION
5 OWNED AND ANY FIREARM LICENSE POSSESSED MAY BE ORDERED
6 TEMPORARILY RELINQUISHED, OF THE OPTIONS FOR RELINQUISHMENT OF A
7 FIREARM PURSUANT TO THIS CHAPTER, OF THE POSSIBILITY THAT
8 FEDERAL OR STATE LAW MAY PROHIBIT THE POSSESSION OF FIREARMS,
9 INCLUDING AN EXPLANATION OF 18 U.S.C. § 922(G) (8) (RELATING TO
10 UNLAWFUL ACTS) AND 18 PA.C.S. § 6105 (RELATING TO PERSONS NOT TO
11 POSSESS, USE, MANUFACTURE, CONTROL, SELL OR TRANSFER FIREARMS),
12 AND THAT ANY PROTECTION ORDER GRANTED BY A COURT MAY BE
13 CONSIDERED IN ANY SUBSEQUENT PROCEEDINGS UNDER THIS TITLE. THIS
14 NOTICE SHALL BE PRINTED AND DELIVERED IN A MANNER WHICH EASILY
15 ATTRACTS ATTENTION TO ITS CONTENT AND SHALL SPECIFY THAT CHILD
16 CUSTODY IS ONE OF THE PROCEEDINGS WHERE PRIOR PROTECTION ORDERS
17 MAY BE CONSIDERED.

18 * * *

19 (C) CONTINUED HEARINGS.--

20 (1) IF A HEARING UNDER SUBSECTION (A) IS CONTINUED AND
21 NO TEMPORARY ORDER IS ISSUED, THE COURT MAY MAKE EX PARTE
22 TEMPORARY ORDERS UNDER SUBSECTION (B) AS IT DEEMS NECESSARY.

23 (2) IF A HEARING IS SCHEDULED TO TAKE PLACE WITHIN THREE
24 BUSINESS DAYS AFTER A DEFENDANT IS SERVED UNDER SECTION 6106
25 (RELATING TO COMMENCEMENT OF PROCEEDINGS), THE COURT SHALL
26 GRANT A CONTINUANCE UNTIL THE THREE BUSINESS DAY-PERIOD HAS
27 ELAPSED, IF REQUESTED BY THE DEFENDANT.

28 (3) THE COURT SHALL NOTIFY THE DEFENDANT OF THE RIGHT TO
29 SUCH CONTINUANCE.

30 SECTION 6. SECTION 6108(A) INTRODUCTORY PARAGRAPH AND (7) OF

1 TITLE 23 ARE AMENDED, SUBSECTION (E) (1) IS AMENDED BY ADDING A
2 SUBPARAGRAPH AND THE SECTION IS AMENDED BY ADDING SUBSECTIONS TO
3 READ:

4 § 6108. RELIEF.

5 (A) GENERAL RULE.-- [THE] SUBJECT TO SUBSECTION (A.1), THE
6 COURT MAY GRANT ANY PROTECTION ORDER OR APPROVE ANY CONSENT
7 AGREEMENT TO BRING ABOUT A CESSATION OF ABUSE OF THE PLAINTIFF
8 OR MINOR CHILDREN. THE ORDER OR AGREEMENT MAY INCLUDE:

9 * * *

10 (7) [ORDERING] PROHIBITING THE DEFENDANT FROM ACQUIRING
11 OR POSSESSING ANY FIREARM FOR THE DURATION OF THE ORDER,
12 ORDERING THE DEFENDANT TO TEMPORARILY RELINQUISH TO THE
13 SHERIFF [THE DEFENDANT'S OTHER WEAPONS AND AMMUNITION WHICH
14 HAVE BEEN USED OR BEEN THREATENED TO BE USED IN AN INCIDENT
15 OF ABUSE AGAINST THE PLAINTIFF OR THE MINOR CHILDREN AND THE
16 DEFENDANT'S FIREARMS AND PROHIBITING THE DEFENDANT FROM
17 ACQUIRING OR POSSESSING ANY FIREARM FOR THE DURATION OF THE
18 ORDER] ANY FIREARMS UNDER THE DEFENDANT'S POSSESSION OR
19 CONTROL, AND REQUIRING THE DEFENDANT TO RELINQUISH TO THE
20 SHERIFF ANY FIREARM LICENSE ISSUED UNDER SECTION 6108.3
21 (RELATING TO RELINQUISHMENT TO THIRD PARTY FOR SAFEKEEPING)
22 OR 18 PA.C.S. § 6106 (RELATING TO FIREARMS NOT TO BE CARRIED
23 WITHOUT A LICENSE) OR 6109 (RELATING TO LICENSES) THE
24 DEFENDANT MAY POSSESS. THE COURT MAY ALSO ORDER THE DEFENDANT
25 TO RELINQUISH THE DEFENDANT'S OTHER WEAPONS OR AMMUNITION
26 THAT HAVE BEEN USED OR BEEN THREATENED TO BE USED IN AN
27 INCIDENT OF ABUSE AGAINST THE PLAINTIFF OR THE MINOR
28 CHILDREN. A COPY OF THE COURT'S ORDER SHALL BE TRANSMITTED TO
29 THE CHIEF OR HEAD OF THE [POLICE FORCE OR POLICE DEPARTMENT]
30 APPROPRIATE LAW ENFORCEMENT AGENCY OF THE MUNICIPALITY AND TO

1 THE SHERIFF OF THE COUNTY OF WHICH THE DEFENDANT IS A
2 RESIDENT. WHEN RELINQUISHMENT IS ORDERED, THE FOLLOWING SHALL
3 APPLY:

4 (I) (A) THE COURT'S ORDER SHALL REQUIRE THE
5 DEFENDANT TO RELINQUISH SUCH FIREARMS, OTHER WEAPONS,
6 AMMUNITION AND ANY FIREARM LICENSE PURSUANT TO THE
7 PROVISIONS OF THIS CHAPTER WITHIN 24 HOURS OF SERVICE
8 OF A TEMPORARY ORDER OR THE ENTRY OF A FINAL ORDER OR
9 THE CLOSE OF THE NEXT BUSINESS DAY AS NECESSARY BY
10 CLOSURE OF THE SHERIFFS' OFFICES, EXCEPT FOR CAUSE
11 SHOWN AT THE HEARING, IN WHICH CASE THE COURT SHALL
12 SPECIFY THE TIME FOR RELINQUISHMENT OF ANY OR ALL OF
13 THE DEFENDANT'S FIREARMS.

14 (B) A DEFENDANT SUBJECT TO A TEMPORARY ORDER
15 REQUIRING THE RELINQUISHMENT OF FIREARMS, OTHER
16 WEAPONS OR AMMUNITION SHALL, IN LIEU OF RELINQUISHING
17 SPECIFIC FIREARMS, OTHER WEAPONS OR AMMUNITION WHICH
18 CANNOT REASONABLY BE RETRIEVED WITHIN THE TIME FOR
19 RELINQUISHMENT IN CLAUSE (A) DUE TO THEIR CURRENT
20 LOCATION, PROVIDE THE SHERIFF WITH AN AFFIDAVIT
21 LISTING THE FIREARMS, OTHER WEAPONS OR AMMUNITION AND
22 THEIR CURRENT LOCATION. IF THE DEFENDANT, WITHIN THE
23 TIME FOR RELINQUISHMENT IN CLAUSE (A), FAILS TO
24 PROVIDE THE AFFIDAVIT OR FAILS TO RELINQUISH,
25 PURSUANT TO THIS CHAPTER, ANY FIREARMS, OTHER WEAPONS
26 OR AMMUNITION ORDERED TO BE RELINQUISHED WHICH ARE
27 NOT SPECIFIED IN THE AFFIDAVIT, THE SHERIFF SHALL, AT
28 A MINIMUM, PROVIDE IMMEDIATE NOTICE TO THE COURT, THE
29 PLAINTIFF AND APPROPRIATE LAW ENFORCEMENT
30 AUTHORITIES. THE DEFENDANT SHALL NOT POSSESS ANY

1 FIREARMS, OTHER WEAPONS OR AMMUNITION SPECIFICALLY
2 LISTED IN THE AFFIDAVIT PROVIDED TO THE SHERIFF
3 PURSUANT TO THIS CLAUSE FOR THE DURATION OF THE
4 TEMPORARY ORDER.

5 (C) AS USED IN THIS SUBPARAGRAPH, THE TERM
6 "CAUSE" SHALL BE LIMITED TO FACTS RELATING TO THE
7 INABILITY OF THE DEFENDANT TO RETRIEVE A SPECIFIC
8 FIREARM WITHIN 24 HOURS DUE TO THE CURRENT LOCATION
9 OF THE FIREARM.

10 (II) THE COURT'S ORDER SHALL CONTAIN A LIST OF ANY
11 FIREARM, OTHER WEAPON OR AMMUNITION ORDERED RELINQUISHED.
12 UPON THE ENTRY OF A FINAL ORDER, THE DEFENDANT SHALL
13 INFORM THE COURT IN WHAT MANNER THE DEFENDANT IS GOING TO
14 RELINQUISH ANY FIREARM, OTHER WEAPON OR AMMUNITION
15 ORDERED RELINQUISHED. RELINQUISHMENT MAY OCCUR PURSUANT
16 TO SECTION 6108.2 (RELATING TO RELINQUISHMENT FOR
17 CONSIGNMENT SALE, LAWFUL TRANSFER OR SAFEKEEPING) OR
18 6108.3 OR TO THE SHERIFF PURSUANT TO THIS PARAGRAPH.
19 WHERE THE SHERIFF IS DESIGNATED, THE SHERIFF SHALL SECURE
20 CUSTODY OF THE DEFENDANT'S FIREARMS, OTHER WEAPONS OR
21 AMMUNITION AND ANY FIREARM LICENSE LISTED IN THE COURT'S
22 ORDER FOR THE DURATION OF THE ORDER OR UNTIL OTHERWISE
23 DIRECTED BY COURT ORDER. IN SECURING CUSTODY OF THE
24 DEFENDANT'S RELINQUISHED FIREARMS, THE SHERIFF SHALL
25 COMPLY WITH 18 PA.C.S. § 6105(F)(4) (RELATING TO PERSONS
26 NOT TO POSSESS, USE, MANUFACTURE, CONTROL, SELL OR
27 TRANSFER FIREARMS). IN SECURING CUSTODY OF THE
28 DEFENDANT'S OTHER WEAPONS AND AMMUNITION, THE SHERIFF
29 SHALL PROVIDE THE DEFENDANT WITH A SIGNED AND DATED
30 WRITTEN RECEIPT WHICH SHALL INCLUDE A DETAILED

1 DESCRIPTION OF THE OTHER WEAPON OR AMMUNITION AND ITS
2 CONDITION. THE COURT SHALL INFORM THE DEFENDANT THAT
3 FIREARMS, OTHER WEAPONS OR AMMUNITION SHALL BE DEEMED
4 ABANDONED WHEN THE CONDITIONS UNDER 18 PA.C.S. § 6128(A)
5 (RELATING TO ABANDONMENT OF FIREARM, WEAPON OR
6 AMMUNITION) ARE SATISFIED AND MAY THEN BE DISPOSED OF IN
7 ACCORDANCE WITH 18 PA.C.S. § 6128.

8 (III) THE SHERIFF SHALL PROVIDE THE PLAINTIFF WITH
9 THE NAME OF THE PERSON TO WHICH ANY FIREARM, OTHER WEAPON
10 OR AMMUNITION WAS RELINQUISHED.

11 (IV) UNLESS THE DEFENDANT HAS COMPLIED WITH
12 SUBPARAGRAPH (I) (B) OR SECTION 6108.2 OR 6108.3, IF THE
13 DEFENDANT FAILS TO RELINQUISH ANY FIREARM, OTHER WEAPON,
14 AMMUNITION OR FIREARM LICENSE WITHIN 24 HOURS OR UPON THE
15 CLOSE OF THE NEXT BUSINESS DAY DUE TO CLOSURE OF
16 SHERIFFS' OFFICES OR WITHIN THE TIME ORDERED BY THE COURT
17 UPON CAUSE BEING SHOWN AT THE HEARING, THE SHERIFF SHALL,
18 AT A MINIMUM, PROVIDE IMMEDIATE NOTICE TO THE COURT, THE
19 PLAINTIFF AND APPROPRIATE LAW ENFORCEMENT AGENCIES.

20 (V) ANY PORTION OF ANY ORDER OR ANY PETITION OR
21 OTHER PAPER WHICH INCLUDES A LIST OF ANY FIREARM, OTHER
22 WEAPON OR AMMUNITION ORDERED RELINQUISHED SHALL BE KEPT
23 IN THE FILES OF THE COURT AS A PERMANENT RECORD THEREOF
24 AND WITHHELD FROM PUBLIC INSPECTION EXCEPT:

25 (A) UPON AN ORDER OF THE COURT GRANTED UPON
26 CAUSE SHOWN;

27 (B) AS NECESSARY, BY LAW ENFORCEMENT AND COURT
28 PERSONNEL; OR

29 (C) AFTER REDACTION OF INFORMATION LISTING ANY
30 FIREARM, OTHER WEAPON OR AMMUNITION.

1 (VI) AS USED IN THIS PARAGRAPH, THE TERM
2 "DEFENDANT'S FIREARMS" SHALL, IF THE DEFENDANT IS A
3 LICENSED FIREARMS DEALER, ONLY INCLUDE FIREARMS IN THE
4 DEFENDANT'S PERSONAL FIREARMS COLLECTION PURSUANT TO 27
5 CFR § 478.125A (RELATING TO PERSONAL FIREARMS
6 COLLECTION) .

7 * * *

8 (A.1) FINAL ORDER OR AGREEMENT.--ANY FINAL ORDER OR
9 AGREEMENT MUST DIRECT THE DEFENDANT TO REFRAIN FROM ABUSING,
10 HARASSING, STALKING, THREATENING OR ATTEMPTING OR THREATENING TO
11 USE PHYSICAL FORCE AGAINST THE PLAINTIFF OR MINOR CHILDREN AND
12 MUST ORDER THAT THE DEFENDANT IS SUBJECT TO THE FIREARMS, OTHER
13 WEAPONS OR AMMUNITION AND FIREARM LICENSE PROHIBITION AND
14 RELINQUISHMENT PROVISIONS UNDER SUBSECTION (A) (7) .

15 * * *

16 (E) EXTENSION OF PROTECTION ORDERS.--

17 (1) AN EXTENSION OF A PROTECTION ORDER MAY BE GRANTED:

18 * * *

19 (III) IF THE PLAINTIFF FILES A PETITION FOR AN
20 EXTENSION OF THE ORDER AND THE DEFENDANT IS OR WAS
21 INCARCERATED AND WILL BE RELEASED FROM CUSTODY IN THE
22 NEXT 90 DAYS OR HAS BEEN RELEASED FROM CUSTODY WITHIN THE
23 PAST 90 DAYS. THE PLAINTIFF DOES NOT NEED TO SHOW THAT
24 THE DEFENDANT COMMITTED ONE OR MORE ACTS OF ABUSE
25 SUBSEQUENT TO THE ENTRY OF THE ORDER OR THAT THE
26 DEFENDANT ENGAGED IN A PATTERN OR PRACTICE THAT INDICATES
27 CONTINUED RISK OF HARM TO THE PLAINTIFF OR MINOR CHILDREN
28 AS SET FORTH IN SUBPARAGRAPH (I) .

29 * * *

30 (I) THIRD PARTIES AND AFFIDAVITS.--A COURT REQUIRING

1 RELINQUISHMENT OF FIREARMS UNDER THIS SECTION SHALL PROVIDE FOR
2 THE HEARING OF PETITIONS BY THIRD PARTIES WHO REQUEST THE RETURN
3 OF A FIREARM RELINQUISHED BY THE DEFENDANT UNDER SUBSECTION (A)
4 (7). THE FOLLOWING APPLY:

5 (1) A THIRD PARTY CLAIMING TO BE THE LAWFUL OWNER OF A
6 FIREARM RELINQUISHED BY THE DEFENDANT UNDER SUBSECTION (A) (7)
7 MAY REQUEST THE RETURN OF THE FIREARM BY PROVIDING PROOF OF
8 OWNERSHIP AND A SWORN AFFIDAVIT.

9 (2) THE AFFIDAVIT UNDER PARAGRAPH (1) MUST AFFIRM ALL OF
10 THE FOLLOWING:

11 (I) THE THIRD PARTY WHO IS THE LAWFUL OWNER WILL NOT
12 INTENTIONALLY OR KNOWINGLY RETURN TO THE DEFENDANT THE
13 FIREARM OR ALLOW ACCESS TO THE FIREARM BY THE DEFENDANT.

14 (II) THE THIRD PARTY WHO IS THE LAWFUL OWNER
15 UNDERSTANDS THAT VIOLATING SUBPARAGRAPH (I) CONSTITUTES A
16 MISDEMEANOR OF THE SECOND DEGREE UNDER 18 PA.C.S. CH. 61
17 (RELATING TO FIREARMS AND OTHER DANGEROUS ARTICLES).

18 (III) IF THE THIRD PARTY WHO IS THE LAWFUL OWNER IS
19 A FAMILY OR HOUSEHOLD MEMBER OF THE DEFENDANT, ANY
20 FIREARM RETURNED UNDER THIS SECTION MUST BE STORED IN A
21 GUN SAFE TO WHICH THE DEFENDANT DOES NOT HAVE ACCESS AND
22 WILL NOT BE PERMITTED TO ACCESS, OR STORED IN A LOCATION
23 OUTSIDE THE THIRD PARTY'S HOME TO WHICH THE DEFENDANT
24 DOES NOT HAVE ACCESS.

25 (3) IF THE COURT ORDERS THE RETURN OF A FIREARM UNDER
26 THIS SECTION, PRIOR TO THE RETURN OF THE FIREARM, THE SHERIFF
27 SHALL INDEPENDENTLY CONFIRM THAT THE PERSON SEEKING RELIEF
28 UNDER THIS SECTION IS LEGALLY ELIGIBLE TO POSSESS FIREARMS
29 UNDER FEDERAL AND STATE LAW. THE SHERIFF SHALL CONDUCT THE
30 BACKGROUND CHECK AS SOON AS PRACTICABLE AFTER THE COURT

1 ENTERS AN ORDER UNDER THIS SECTION.

2 SECTION 7. SECTION 6108.1(A) AND (B) OF TITLE 23 ARE AMENDED
3 AND THE SECTION IS AMENDED BY ADDING SUBSECTIONS TO READ:

4 § 6108.1. RETURN OF RELINQUISHED FIREARMS, OTHER WEAPONS AND
5 AMMUNITION AND ADDITIONAL RELIEF.

6 (A) GENERAL RULE.--ANY COURT ORDER REQUIRING THE
7 RELINQUISHMENT OF FIREARMS, OTHER WEAPONS OR AMMUNITION SHALL
8 PROVIDE FOR THE RETURN OF THE RELINQUISHED FIREARMS, OTHER
9 WEAPONS OR AMMUNITION TO THE DEFENDANT UPON EXPIRATION OF THE
10 ORDER OR DISMISSAL OF A PETITION FOR A PROTECTION FROM ABUSE
11 ORDER. THE DEFENDANT MAY TAKE CUSTODY OF THE FIREARMS, OTHER
12 WEAPONS AND AMMUNITION PROVIDED THAT THE DEFENDANT IS OTHERWISE
13 ELIGIBLE TO LAWFULLY POSSESS THE RELINQUISHED ITEMS. THE
14 DEFENDANT SHALL NOT BE REQUIRED TO PAY ANY FEES, COSTS OR
15 CHARGES ASSOCIATED WITH THE RETURNS, WHETHER THOSE FEES, COSTS
16 OR CHARGES ARE IMPOSED BY THE PENNSYLVANIA STATE POLICE, ANY
17 LOCAL LAW ENFORCEMENT AGENCY OR ANY OTHER ENTITY, INCLUDING A
18 LICENSED IMPORTER, LICENSED MANUFACTURER OR LICENSED DEALER IN
19 ORDER TO SECURE RETURN OF THE RELINQUISHED FIREARMS, OTHER
20 WEAPONS OR AMMUNITION. THE SHERIFF'S OFFICE SHALL MAINTAIN A
21 WEAPONS RETURN FORM THAT THE DEFENDANT MAY FILL OUT AND RETURN
22 TO THE OFFICE ONCE A TEMPORARY OR FINAL PROTECTION FROM ABUSE
23 ORDER HAS BEEN DISMISSED OR EXPIRES.

24 (A.1) CONDITIONS FOR RETURN.--THE FOLLOWING CONDITIONS MUST
25 BE SATISFIED PRIOR TO THE FIREARMS, OTHER WEAPONS OR AMMUNITION
26 BEING RETURNED TO THE DEFENDANT:

27 (1) THE FIREARMS, OTHER WEAPONS OR AMMUNITION
28 RELINQUISHED MUST NOT BE EVIDENCE OF A CRIME.

29 (2) THE DEFENDANT OR OWNER MUST NOT BE OTHERWISE
30 PROHIBITED BY APPLICABLE FEDERAL OR STATE LAW, OR ANOTHER

1 CONDITION, INCLUDING, BUT NOT LIMITED TO, BAIL, FROM TAKING
2 POSSESSION OF THE FIREARMS, OTHER WEAPONS OR AMMUNITION
3 SEIZED.

4 (3) THE DEFENDANT OR OWNER MUST HAVE BEEN GIVEN A
5 CLEARANCE BY THE PENNSYLVANIA STATE POLICE INSTANT CHECK
6 SYSTEM UNIT OR THROUGH THE NATIONAL INSTANT CRIMINAL
7 BACKGROUND CHECK SYSTEM (NICS), REQUESTED BY THE SHERIFF'S
8 OFFICE.

9 (A.2) NOTICE TO PLAINTIFF.--THE PLAINTIFF OF THE PROTECTION
10 FROM ABUSE ORDER SHALL BE NOTIFIED OF THE DEFENDANT'S REQUEST TO
11 RETURN THE FIREARMS, OTHER WEAPONS OR AMMUNITION.

12 (A.3) PETITION FOR RETURN.--IF THERE IS A DETERMINATION
13 UNDER SUBSECTION (A.1) THAT THE DEFENDANT IS INELIGIBLE TO
14 REGAIN POSSESSION OF THE FIREARMS, OTHER WEAPONS OR AMMUNITION,
15 THE DEFENDANT OR OWNER MAY FILE A PETITION APPEALING THAT
16 DETERMINATION AND SEEKING THEIR RETURN. A COPY OF THE PETITION
17 MUST BE SERVED UPON THE PLAINTIFF, SHERIFF AND THE DISTRICT
18 ATTORNEY.

19 (A.4) ABANDONMENT.--ANY FIREARMS, OTHER WEAPONS OR
20 AMMUNITION SHALL BE DEEMED ABANDONED WHEN THE CONDITIONS UNDER
21 18 PA.C.S. § 6128(A) (RELATING TO ABANDONMENT OF FIREARM, WEAPON
22 OR AMMUNITION) ARE SATISFIED AND MAY THEN BE DISPOSED OF IN
23 ACCORDANCE WITH 18 PA.C.S. § 6128.

24 (B) MODIFICATION OF COURT'S ORDER PROVIDING FOR RETURN OF
25 RELINQUISHED FIREARM, OTHER WEAPON OR AMMUNITION.--

26 [(1) THE DEFENDANT MAY PETITION THE COURT TO ALLOW FOR
27 THE RETURN OF FIREARMS, OTHER WEAPONS AND AMMUNITION TO THE
28 DEFENDANT PRIOR TO THE EXPIRATION OF THE COURT'S ORDER. THE
29 PETITION SHALL BE SERVED UPON THE PLAINTIFF AND THE PLAINTIFF
30 SHALL BE A PARTY TO THE PROCEEDINGS REGARDING THAT PETITION.

1 (2)] ANY OTHER PERSON MAY PETITION THE COURT TO ALLOW
2 FOR THE RETURN OF THAT OTHER PERSON'S FIREARMS, OTHER WEAPONS
3 AND AMMUNITION PRIOR TO THE EXPIRATION OF THE COURT'S ORDER.
4 THE PETITION SHALL BE SERVED UPON THE PLAINTIFF, AND THE
5 PLAINTIFF SHALL BE GIVEN NOTICE AND AN OPPORTUNITY TO BE
6 HEARD REGARDING THAT PETITION.

7 * * *

8 SECTION 8. SECTION 6108.2(A) AND (E) OF TITLE 23 ARE AMENDED
9 TO READ:

10 § 6108.2. RELINQUISHMENT FOR CONSIGNMENT SALE, LAWFUL TRANSFER
11 OR SAFEKEEPING.

12 (A) GENERAL RULE.--NOTWITHSTANDING ANY OTHER PROVISION OF
13 LAW, A DEFENDANT WHO IS THE SUBJECT OF A FINAL PROTECTION FROM
14 ABUSE ORDER, WHICH ORDER PROVIDES FOR THE RELINQUISHMENT OF
15 FIREARMS, OTHER WEAPONS OR AMMUNITION DURING THE PERIOD OF TIME
16 THE ORDER IS IN EFFECT, MAY, WITHIN THE TIME FRAME SPECIFIED IN
17 THE ORDER AND IN LIEU OF RELINQUISHMENT TO THE SHERIFF,
18 RELINQUISH TO A DEALER LICENSED PURSUANT TO 18 PA.C.S. § 6113
19 (RELATING TO LICENSING OF DEALERS) ANY FIREARMS, OTHER WEAPONS
20 OR AMMUNITION FOR CONSIGNMENT SALE, LAWFUL TRANSFER OR
21 SAFEKEEPING. THE DEALER MAY CHARGE THE DEFENDANT A REASONABLE
22 FEE FOR ACCEPTING RELINQUISHMENT AND FOR STORAGE OF ANY
23 FIREARMS, OTHER WEAPONS OR AMMUNITION.

24 * * *

25 (E) TRANSFER UPON ENTRY OF FINAL ORDER.--UPON ENTRY OF A
26 FINAL PROTECTION FROM ABUSE ORDER ISSUED PURSUANT TO SECTION
27 6108, [WHICH ORDER PROVIDES FOR THE RELINQUISHMENT OF FIREARMS,
28 OTHER WEAPONS OR AMMUNITION DURING THE PERIOD OF TIME THE ORDER
29 IS IN EFFECT,] A DEFENDANT WHO HAD RELINQUISHED FIREARMS, OTHER
30 WEAPONS OR AMMUNITION TO THE SHERIFF PURSUANT TO A TEMPORARY

1 ORDER MAY REQUEST THAT THE FIREARMS, OTHER WEAPONS OR AMMUNITION
2 BE RELINQUISHED TO A DEALER FOR CONSIGNMENT SALE, LAWFUL
3 TRANSFER OR SAFEKEEPING PURSUANT TO THIS SECTION. IF THE
4 DEFENDANT CAN IDENTIFY A LICENSED DEALER WILLING TO ACCEPT THE
5 FIREARMS, OTHER WEAPONS OR AMMUNITION IN COMPLIANCE WITH THIS
6 SECTION, THE COURT SHALL ORDER THE SHERIFF TO TRANSPORT THE
7 FIREARMS, OTHER WEAPONS OR AMMUNITION TO THE LICENSED DEALER AT
8 NO COST TO THE DEFENDANT OR THE LICENSED DEALER.

9 * * *

10 SECTION 9. SECTION 6108.3(A) OF TITLE 23 IS AMENDED AND
11 SUBSECTION (B) (3) (II) IS AMENDED BY ADDING CLAUSES TO READ:
12 § 6108.3. RELINQUISHMENT TO THIRD PARTY FOR SAFEKEEPING.

13 (A) GENERAL RULE.--A DEFENDANT WHO IS THE SUBJECT OF A
14 PROTECTION FROM ABUSE ORDER, WHICH ORDER PROVIDES FOR THE
15 RELINQUISHMENT OF FIREARMS, OTHER WEAPONS OR AMMUNITION DURING
16 THE PERIOD OF TIME THE ORDER IS IN EFFECT, MAY, WITHIN THE TIME
17 FRAME SPECIFIED IN THE ORDER AND IN LIEU OF RELINQUISHMENT TO
18 THE SHERIFF, RELINQUISH ANY FIREARMS, OTHER WEAPONS OR
19 AMMUNITION [TO A THIRD PARTY FOR SAFEKEEPING.] FOR SAFEKEEPING
20 TO A THIRD PARTY WHO MEETS THE REQUIREMENTS OF A THIRD PARTY
21 UNDER SUBSECTION (B) (3).

22 (B) TRANSFER TO THIRD PARTY.--

23 * * *

24 (3) * * *

25 (II) A THIRD PARTY WHO WILL BE ACCEPTING POSSESSION
26 OF FIREARMS, OTHER WEAPONS AND AMMUNITION PURSUANT TO
27 SUBSECTION (A) SHALL, IN THE PRESENCE OF THE SHERIFF OR
28 THE SHERIFF'S DESIGNEE, EXECUTE AN AFFIDAVIT ON A FORM
29 PRESCRIBED BY THE PENNSYLVANIA STATE POLICE WHICH SHALL
30 INCLUDE, AT A MINIMUM, THE FOLLOWING:

1 * * *

2 (N) AN ACKNOWLEDGMENT THAT THE THIRD PARTY AND
3 THE DEFENDANT ARE NOT FAMILY OR HOUSEHOLD MEMBERS.

4 (O) AN ACKNOWLEDGMENT THAT THE THIRD PARTY IS AN
5 ATTORNEY AT LAW, AND THAT THE ATTORNEY AT LAW AND THE
6 DEFENDANT ARE IN AN ATTORNEY-CLIENT RELATIONSHIP. THE
7 ATTORNEY AT LAW AND THE DEFENDANT SHALL SIGN A
8 WRITTEN AGREEMENT STATING IN SUBSTANTIALLY THE
9 FOLLOWING FORM: "FIREARM(S) CAN BE RELINQUISHED TO
10 THE ATTORNEY AT LAW UPON THE EXPRESS, WRITTEN
11 CONDITION THAT FIREARM(S) WILL BE RETURNED TO THE
12 DEFENDANT, OR OTHERWISE TRANSFERRED, ONLY IF IN
13 STRICT CONFORMANCE WITH APPLICABLE LAW."

14 * * *

15 SECTION 10. TITLE 23 IS AMENDED BY ADDING A SECTION TO READ:
16 § 6108.6. ORDER TO SEAL RECORD FROM PUBLIC VIEW.

17 (A) GENERAL RULE.--NOTWITHSTANDING ANY OTHER PROVISION OF
18 THIS CHAPTER, AN INDIVIDUAL WHO HAS ENTERED INTO A CONSENT
19 AGREEMENT APPROVED BY THE COURT UNDER SECTION 6108(A) (RELATING
20 TO RELIEF) MAY PETITION THE COURT FOR AN ORDER TO SEAL THE
21 RECORD OF THE OF THE INDIVIDUAL FROM PUBLIC VIEW. THE COURT MAY
22 GRANT THE ORDER IF THE PETITIONER PROVES ALL OF THE FOLLOWING BY
23 CLEAR AND CONVINCING EVIDENCE:

24 (1) THE CONSENT AGREEMENT FOR WHICH THE INDIVIDUAL SEEKS
25 RELIEF UNDER THIS SECTION IS THE ONLY SUCH CONSENT AGREEMENT
26 TO WHICH THE INDIVIDUAL HAS EVER BEEN SUBJECT, AND THAT,
27 DURING THE PERIOD IN WHICH THE CONSENT AGREEMENT WAS IN
28 EFFECT, THE INDIVIDUAL DID NOT VIOLATE AN ORDER OR CONSENT
29 AGREEMENT UNDER SECTION 6108.

30 (2) A PERIOD OF AT LEAST 10 YEARS HAS ELAPSED SINCE THE

1 EXPIRATION OF THE CONSENT AGREEMENT.

2 (3) THE INDIVIDUAL HAS NOT BEEN SUBJECT TO ANOTHER FINAL
3 PROTECTION FROM ABUSE ORDER UNDER SECTION 6108.

4 (4) THE INDIVIDUAL HAS NOT BEEN CONVICTED OF ANY OF THE
5 OFFENSES SET FORTH IN 18 PA.C.S. § 2711 (RELATING TO PROBABLE
6 CAUSE ARRESTS IN DOMESTIC VIOLENCE CASES) WHERE THE VICTIM IS
7 A FAMILY OR HOUSEHOLD MEMBER.

8 (B) NOTICE TO DISTRICT ATTORNEY AND PLAINTIFF.--

9 (1) THE PETITIONER SHALL SERVE A COPY OF THE PETITION
10 UNDER SUBSECTION (A) TO THE DISTRICT ATTORNEY AND TO THE
11 PLAINTIFF WITHIN 10 DAYS OF THE FILING OF THE PETITION.

12 (2) THE DISTRICT ATTORNEY AND THE PLAINTIFF SHALL HAVE
13 AN OPPORTUNITY TO BE HEARD AT THE HEARING.

14 (3) WITHIN 30 DAYS OF RECEIPT OF NOTICE, THE DISTRICT
15 ATTORNEY OR PLAINTIFF MAY FILE OBJECTIONS TO THE PETITION.

16 (4) IF NO OBJECTION UNDER PARAGRAPH (3) IS TIMELY FILED,
17 THE COURT MAY GRANT THE PETITION WITHOUT FURTHER HEARING IF
18 THE REQUIREMENTS OF THIS SECTION HAVE BEEN MET.

19 (5) AS USED IN THIS SUBSECTION, THE TERM "PLAINTIFF"
20 MEANS THE PERSON WHO ENTERED INTO THE CONSENT AGREEMENT WITH
21 THE DEFENDANT.

22 (C) NOTICE TO PROTHONOTARY.--NOTICE OF AN ORDER TO SEAL THE
23 INDIVIDUAL'S RECORD FROM PUBLIC VIEW SHALL PROMPTLY BE SUBMITTED
24 TO THE PROTHONOTARY OF THE COUNTY HOLDING THE RECORD. THE
25 PROTHONOTARY MAY NOT PERMIT A MEMBER OF THE PUBLIC FROM
26 ACCESSING THE INDIVIDUAL'S RECORD REGARDING THE CONSENT
27 AGREEMENT. NOTHING IN THIS SECTION SHALL BE CONSTRUED TO LIMIT
28 ACCESS OF THE RECORD OF THE INDIVIDUAL BY A CRIMINAL JUSTICE
29 AGENCY AS DEFINED IN 18 PA.C.S. § 9102 (RELATING TO
30 DEFINITIONS).

1 SECTION 11. THIS ACT SHALL APPLY TO ORDERS ISSUED PURSUANT
2 TO 23 PA.C.S. § 6108 ON OR AFTER THE EFFECTIVE DATE OF THIS
3 SECTION.

4 SECTION 12. THIS ACT SHALL TAKE EFFECT IN 180 DAYS.