
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2227 Session of
2018

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EVERETT AND TOOHIL, APRIL 16, 2018

REFERRED TO COMMITTEE ON JUDICIARY, APRIL 16, 2018

AN ACT

1 Amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and
2 Judicial Procedure) of the Pennsylvania Consolidated
3 Statutes, in firearms and other dangerous articles, further
4 providing for persons not to possess, use, manufacture,
5 control, sell or transfer firearms; in community and
6 municipal courts, further providing for masters; and adding
7 provisions relating to extreme risk protection orders.

8 The General Assembly of the Commonwealth of Pennsylvania
9 hereby enacts as follows:

10 Section 1. Section 6105(a)(2), (a.1) and (f)(4)(i) of Title
11 18 of the Pennsylvania Consolidated Statutes are amended and
12 subsection (c) is amended by adding a paragraph to read:

13 § 6105. Persons not to possess, use, manufacture, control, sell
14 or transfer firearms.

15 (a) Offense defined.--

16 * * *

17 (2) (i) A person who is prohibited from possessing,
18 using, controlling, selling, transferring or
19 manufacturing a firearm under paragraph (1) or subsection

1 (b) or (c) shall have a reasonable period of time, not to
2 exceed 60 days from the date of the imposition of the
3 disability under this subsection, in which to sell or
4 transfer that person's firearms to another eligible
5 person who is not a member of the prohibited person's
6 household.

7 (ii) This paragraph shall not apply to any person
8 whose disability is imposed pursuant to subsection (c) (6)
9 or (10).

10 (a.1) Penalty.--

11 (1) Except as provided under paragraph (1.1), a person
12 convicted of a felony enumerated under subsection (b) or a
13 felony under the act of April 14, 1972 (P.L.233, No.64),
14 known as The Controlled Substance, Drug, Device and Cosmetic
15 Act, or any equivalent Federal statute or equivalent statute
16 of any other state, who violates subsection (a) commits a
17 felony of the second degree.

18 (1.1) The following shall apply:

19 (i) A person convicted of a felony enumerated under
20 subsection (b) or a felony under The Controlled
21 Substance, Drug, Device and Cosmetic Act, or any
22 equivalent Federal statute or equivalent statute of any
23 other state, who violates subsection (a) commits a felony
24 of the first degree if:

25 (A) at the time of the commission of a violation
26 of subsection (a), the person has previously been
27 convicted of an offense under subsection (a); or

28 (B) at the time of the commission of a violation
29 of subsection (a), the person was in physical
30 possession or control of a firearm, whether visible,

1 concealed about the person or within the person's
2 reach.

3 (ii) The Pennsylvania Commission on Sentencing,
4 under 42 Pa.C.S. § 2154 (relating to adoption of
5 guidelines for sentencing), shall provide for a
6 sentencing enhancement for a sentence imposed pursuant to
7 this paragraph.

8 (2) A person who is the subject of an active protection
9 from abuse order issued pursuant to 23 Pa.C.S. § 6108
10 (relating to relief), which order provided for the
11 relinquishment of firearms, other weapons or ammunition
12 during the period of time the order is in effect, commits a
13 misdemeanor of the first degree if he intentionally or
14 knowingly fails to relinquish a firearm, other weapon or
15 ammunition to the sheriff as required by the order unless, in
16 lieu of relinquishment, he provides an affidavit which lists
17 the firearms, other weapons or ammunition to the sheriff in
18 accordance with either 23 Pa.C.S. § 6108(a)(7)(i)(B), 6108.2
19 (relating to relinquishment for consignment sale, lawful
20 transfer or safekeeping) or 6108.3 (relating to
21 relinquishment to third party for safekeeping).

22 (2.1) A person who is the subject of an extreme risk
23 protection order issued pursuant to 42 Pa.C.S. Ch. 64A
24 (relating to extreme risk protection orders) commits a
25 misdemeanor of the first degree if he intentionally or
26 knowingly fails to relinquish a firearm or concealed carry
27 license as required by the order.

28 (3) (i) A person commits a misdemeanor of the third
29 degree if he intentionally or knowingly accepts
30 possession of a firearm, other weapon or ammunition from

1 a person he knows is the subject of an active protection
2 from abuse order issued pursuant to 23 Pa.C.S. § 6108,
3 which order provided for the relinquishment of the
4 firearm, other weapon or ammunition during the period of
5 time the order is in effect, or an extreme risk
6 protection order issued pursuant to 42 Pa.C.S. Ch. 64A.

7 (ii) This paragraph shall not apply to:

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

11 (B) a dealer licensed pursuant to section 6113
12 (relating to licensing of dealers) or subsequent
13 purchaser from a dealer licensed pursuant to section
14 6113, who accepts possession of a firearm, other
15 weapon or ammunition relinquished pursuant to 23
16 Pa.C.S. § 6108.2 or 42 Pa.C.S. Ch. 64A.

17 (4) It shall be an affirmative defense to any
18 prosecution under paragraph (3) that the person accepting
19 possession of a firearm, other weapon or ammunition in
20 violation of paragraph (3):

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

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

26 (5) A person who has accepted possession of a firearm,
27 other weapon or ammunition pursuant to 23 Pa.C.S. § 6108.3 or
28 42 Pa.C.S. Ch. 64A commits a misdemeanor of the first degree
29 if he intentionally or knowingly returns a firearm, other
30 weapon or ammunition to a defendant or respondent or

1 intentionally or knowingly allows a defendant or respondent
2 to have access to the firearm, other weapon or ammunition
3 prior to [either] any of the following:

4 (i) The sheriff accepts return of the safekeeping
5 permit issued to the party pursuant to 23 Pa.C.S. §
6 6108.3(d)(1)(i).

7 (ii) The issuance of a court order pursuant to
8 subsection (f)(2) or 23 Pa.C.S. § 6108.1(b) (relating to
9 return of relinquished firearms, other weapons and
10 ammunition and additional relief) which modifies a valid
11 protection from abuse order issued pursuant to 23 Pa.C.S.
12 § 6108, which order provided for the relinquishment of
13 the firearm, other weapon or ammunition by allowing the
14 defendant to take possession of the firearm, other weapon
15 or ammunition that had previously been ordered
16 relinquished.

17 (iii) The issuance of a court order pursuant to 42
18 Pa.C.S. Ch. 64A that vacates or terminates an extreme
19 risk protection order.

20 (iv) The expiration of an extreme risk protection
21 order pursuant to 42 Pa.C.S. Ch. 64A.

22 * * *

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

27 * * *

28 (10) A person who is the subject of an extreme risk
29 protection order issued pursuant to 42 Pa.C.S. Ch. 64A.

30 * * *

1 (f) Other exemptions and proceedings.--

2 * * *

3 (4) (i) The owner of any seized or confiscated firearms
4 or of any firearms ordered relinquished under 23 Pa.C.S.
5 § 6108 or 42 Pa.C.S. Ch. 64A shall be provided with a
6 signed and dated written receipt by the appropriate law
7 enforcement agency. This receipt shall include, but not
8 be limited to, a detailed identifying description
9 indicating the serial number and condition of the
10 firearm. In addition, the appropriate law enforcement
11 agency shall be liable to the lawful owner of said
12 confiscated, seized or relinquished firearm for any loss,
13 damage or substantial decrease in value of said firearm
14 that is a direct result of a lack of reasonable care by
15 the appropriate law enforcement agency.

16 * * *

17 Section 2. Section 1126 of Title 42 is amended to read:

18 § 1126. Masters.

19 The President Judge of the Philadelphia Municipal Court may
20 appoint attorneys who are members of the Pennsylvania Bar to
21 serve as masters in proceedings under 23 Pa.C.S. Ch. 61
22 (relating to protection from abuse) or 42 Pa.C.S. Ch. 64A
23 (relating to extreme risk protection orders).

24 Section 3. Title 42 is amended by adding a chapter to read:

25 CHAPTER 64A

26 EXTREME RISK PROTECTION ORDERS

27 Sec.

28 64A01. Scope of chapter.

29 64A02. Definitions.

30 64A03. Access to courts.

1 64A04. Petition for extreme risk protection order;

2 determination.

3 64A05. Service of process.

4 64A06. Extreme risk protection order.

5 64A07. Emergency relief by minor judiciary.

6 64A08. Termination hearing.

7 64A09. Renewal of order.

8 64A10. Relinquishment of firearms.

9 64A11. Return of relinquished firearms and unclaimed firearms.

10 64A12. Violations.

11 § 64A01. Scope of chapter.

12 This chapter relates to extreme risk protection orders.

13 § 64A02. Definitions.

14 The following words and phrases when used in this chapter
15 shall have the meanings given to them in this section unless the
16 context clearly indicates otherwise:

17 "Concealed carry license." A license issued under 18 Pa.C.S.
18 § 6109 (relating to licenses) or a similar license issued
19 pursuant to the laws of another state.

20 "Extreme risk protection order." A court order prohibiting a
21 person from having in the person's possession or control,
22 purchasing or receiving, or attempting to purchase or receive, a
23 firearm, based upon a finding by clear and convincing evidence
24 that the person presents a danger of suicide or of causing
25 serious bodily injury to another person.

26 "Family or household member." A spouse or person who has a
27 spouse, person living as a spouse or who lived as a spouse,
28 parent or child, other person related by consanguinity or
29 affinity, current or former sexual or intimate partner or person
30 who shares biological parenthood.

1 "Firearm." A weapon designed to or that may readily be
2 converted to expel a projectile by the action of an explosive or
3 the frame or receiver of such weapon.

4 "Firearms dealer or dealer." A person licensed to sell
5 firearms under 18 Pa.C.S. § 6113 (relating to licensing of
6 dealers).

7 "Hearing officer." A magisterial district judge, judge of
8 the Philadelphia Municipal Court, arraignment court magistrate
9 appointed under section 1123 (relating to jurisdiction and
10 venue), master appointed under section 1126 (relating to
11 masters) and master for emergency relief.

12 "Law enforcement officer." An officer of the United States,
13 of another state or political subdivision thereof or of the
14 Commonwealth or political subdivision thereof, who is empowered
15 by law to conduct investigations of or to make an arrest for an
16 offense enumerated in this chapter or an equivalent crime in
17 another jurisdiction and an attorney authorized by law to
18 prosecute or participate in the prosecution of such offense.

19 "Serious bodily injury." Bodily injury that creates a
20 substantial risk of death or causes serious, permanent
21 disfigurement or protracted loss or impairment of the function
22 of a bodily member or organ.

23 § 64A03. Access to courts.

24 (a) Standing.--A law enforcement officer or a family or
25 household member of a person alleged to present a danger of
26 suicide or of causing extreme bodily injury to another person
27 may file a petition requesting that the court issue or renew an
28 extreme risk protection order.

29 (b) Access to courts.--No filing fee may be charged for a
30 proceeding under this chapter.

1 (c) Right to counsel.--A respondent under this chapter shall
2 have the right to be represented by counsel. If the respondent
3 cannot afford an attorney and meets the income guidelines
4 applicable to representation by a public defender in a criminal
5 case, the court shall appoint counsel upon the request of the
6 respondent.

7 § 64A04. Petition for extreme risk protection order;
8 determination.

9 (a) Petition.--A petition for an extreme risk protection
10 order shall be supported by a written affidavit signed under
11 oath and shall specify facts that support the issuance of an
12 order and information concerning firearms known or believed to
13 be in the respondent's possession or control.

14 (b) Factors.--In determining whether to issue an extreme
15 risk protection order, the court shall consider evidence of the
16 following:

17 (1) A history of suicide threats or attempts.

18 (2) A history of threats or acts of violence or
19 attempted acts of violence.

20 (3) A history of domestic abuse.

21 (4) A history of cruelty to animals.

22 (5) A history of driving under the influence of alcohol
23 or a controlled substance.

24 (6) Recent unlawful use of controlled substances.

25 (7) Previous unlawful or reckless use, display or
26 brandishing of a firearm.

27 (8) A previous violation of a protection from abuse
28 order under 23 Pa.C.S. Ch. 61 (relating to protection from
29 abuse).

30 (9) Acquisition or attempted acquisition within the

1 previous 180 days of a firearm.

2 (10) Failure to voluntarily and consistently take
3 medication necessary to control a mental illness.

4 (11) A propensity for violent or emotionally unstable
5 conduct.

6 (12) Additional information the court finds to be
7 reliable, including a statement by the respondent.

8 (c) Determination.--Upon receipt of the petition, the court
9 shall do one of the following:

10 (1) Issue a temporary extreme risk protection order and
11 schedule a hearing. The hearing shall be scheduled no fewer
12 than three nor more than 10 days from the date of the order.
13 A temporary order shall be served concurrent with a warrant
14 to search for and seize any firearm or concealed carry
15 license in the respondent's possession or control.

16 (2) Issue an order for a hearing on the petition without
17 issuing an extreme risk protection order. A hearing on a
18 petition shall be scheduled no fewer than three nor more than
19 10 days from the date of the order, provided, however, that
20 the hearing may not be held fewer than three days after the
21 date of service of the order over the objection of the
22 respondent. If the respondent fails to appear for a hearing
23 on a petition, the court may issue a temporary extreme risk
24 protection order and a warrant to search for and seize any
25 firearm or concealed carry license in the respondent's
26 possession or control.

27 (3) Dismiss the matter.

28 § 64A05. Service of process.

29 (a) Effect of service.--An extreme risk protection order is
30 effective at the time of service.

1 (b) Notice to law enforcement.--

2 (1) Upon issuance of an extreme risk protection order,
3 the court shall cause a copy of the order to be delivered to
4 the local law enforcement agency and the Pennsylvania State
5 Police.

6 (2) Upon receipt thereof, the Pennsylvania State Police
7 shall enter the order into the Pennsylvania Instant Check
8 System and request that the order be entered into the Federal
9 Bureau of Investigation National Instant Criminal Background
10 Check System.

11 (3) Law enforcement agencies shall establish procedures
12 adequate to ensure that an officer at the scene of an alleged
13 violation of the order is informed of the existence and terms
14 of the order.

15 (c) Manner of service.--Service of an extreme risk
16 protection order or an order for a hearing shall be made in
17 person by a sheriff or a law enforcement officer, as directed by
18 the court.

19 (d) Return.--Immediately upon completion of service of an
20 order under this chapter, the sheriff or other person completing
21 service shall make a return of service to the court and shall
22 provide a copy of the return or service and of the order to the
23 petitioner, the local law enforcement agency and the
24 Pennsylvania State Police.

25 § 64A06. Extreme risk protection order.

26 (a) Temporary order.--

27 (1) The court shall issue a temporary extreme risk
28 protection order upon probable cause to believe that the
29 respondent presents a danger of suicide or of causing serious
30 bodily injury to another person.

1 (2) A temporary order shall be effective for one year
2 unless, after a hearing, the court vacates or terminates the
3 order or establishes a shorter effective period, which shall
4 be no fewer than three months.

5 (3) A temporary order shall include:

6 (i) The date and time the order was issued.

7 (ii) The duration of the order.

8 (iii) The date and time of the hearing scheduled on
9 the temporary order.

10 (iv) Instructions on how to waive the hearing or
11 request a continuance.

12 (v) A statement in substantially the following form:

13 An extreme risk protection order has been issued
14 by the court and is now in effect. You are
15 required to relinquish all firearms and any
16 concealed carry license currently in your
17 possession or control. Failure to relinquish all
18 firearms in your possession or control is
19 punishable by a fine and term of imprisonment
20 under 18 Pa.C.S. § 6105 (relating to persons not
21 to possess, use, manufacture, control, sell or
22 transfer firearms).

23 While this order is in effect, you may not have
24 in your possession or control, or attempt to gain
25 possession or control of, firearms. Failure to do
26 so is punishable by a fine and term of
27 imprisonment under 18 Pa.C.S. § 6105. If you own
28 any other firearm that is not within your
29 immediate possession or control at the time that
30 you receive this order, you must deliver that

1 firearm to the sheriff within 72 hours.
2 A hearing is scheduled on this order. If you
3 choose to waive your right to a hearing, the
4 order will be effective for one year. If you
5 choose to exercise your right to a hearing, you
6 may present evidence and testimony on your
7 behalf. You are entitled to be represented by an
8 attorney. If you cannot afford an attorney, the
9 court will appoint an attorney to represent you.

10 (b) Hearing on temporary order.--A respondent shall have the
11 right to a hearing on a temporary extreme risk protection order.
12 The court shall ensure that the respondent is given adequate
13 time to prepare for the hearing. If the respondent fails to
14 appear for a scheduled hearing, the court shall make the order
15 effective for a period of one year. A hearing on a temporary
16 order shall be in addition to and shall not affect the right to
17 a termination hearing.

18 (c) Order and hearing.--

19 (1) If, after conducting a hearing, the court finds by
20 clear and convincing evidence that the respondent presents a
21 danger of suicide or of causing serious bodily injury to
22 another person, the court shall issue an extreme risk
23 protection order and a warrant to search for and seize any
24 firearm or concealed carry license in the respondent's
25 possession or control.

26 (2) An order entered after a hearing shall be in effect
27 no fewer than three months and no longer than one year from
28 the date of the order.

29 (3) The order shall include:

30 (i) The date and time the order was issued.

1 (ii) The timeframe and manner in which the
2 respondent may request a termination hearing.

3 (iii) The address of the court to which a request
4 for a hearing must be sent.

5 (iv) Instructions for relinquishment of firearms
6 remaining in the respondent's possession or control.

7 (v) Notification of the penalties for violating the
8 order.

9 § 64A07. Emergency relief by minor judiciary.

10 (a) General rule.--A petition for an emergency extreme risk
11 protection order may be filed with a hearing officer, including
12 a magisterial district judge, after the close of business, on
13 days when the court is closed or when the court is unavailable
14 during the business day.

15 (b) Probable cause required.--

16 (1) A hearing officer shall issue an emergency extreme
17 risk protection order upon probable cause to believe that the
18 respondent presents a danger of suicide or of causing serious
19 bodily injury to another person.

20 (2) An emergency order shall be served concurrent with a
21 warrant to search for and seize a firearm or concealed carry
22 license in the respondent's possession or control.

23 (c) Service.--Service of an emergency order shall be made by
24 a sheriff or a law enforcement officer as directed by the
25 hearing officer issuing the order.

26 (d) Duration.--An emergency order shall expire at the end of
27 the next business day the court deems itself available.

28 § 64A08. Termination hearing.

29 (a) General rule.--A person subject to an extreme risk
30 protection order shall have the right to one hearing during the

1 effective period of the order for the purpose of determining
2 whether the order should be terminated earlier than the
3 expiration date specified in the order. A termination hearing is
4 in addition to a hearing on a temporary order.

5 (b) Notice.--The court shall provide notice of the
6 termination hearing to the person requesting the hearing, the
7 petitioner, the local law enforcement agency and the
8 Pennsylvania State Police.

9 (c) Burden of proof.--At a termination hearing, the person
10 subject to the order shall have the burden of proving, by clear
11 and convincing evidence, that the person does not present a
12 danger of suicide or of causing serious bodily injury to another
13 person.

14 § 64A09. Renewal of order.

15 (a) Petition.--A petition to renew an extreme risk
16 protection order shall be supported by a written affidavit,
17 signed by the petitioner under oath and shall specify facts that
18 support the issuance of an order. The court may deny the
19 petition or may schedule a hearing.

20 (b) Renewal hearing.--A renewal hearing shall take place no
21 more than 30 days before the expiration of an existing order.
22 The court shall provide notice of the hearing to the petitioner,
23 the respondent, the local law enforcement agency and the
24 Pennsylvania State Police.

25 (c) Renewal order.--If the court finds by clear and
26 convincing evidence that the respondent presents a danger of
27 suicide or of causing serious bodily injury to another person,
28 the court may renew the extreme risk protection order for a
29 duration of up to one year.

30 § 64A10. Relinquishment of firearms.

1 (a) Relinquishment upon initial order.--

2 (1) Immediately upon service of an extreme risk
3 protection order, the respondent shall relinquish to the
4 sheriff or law enforcement agency a firearm or concealed
5 carry license in the respondent's immediate possession or
6 control.

7 (2) Intentional or knowing failure to comply with
8 paragraph (1) shall be a violation of 18 Pa.C.S. § 6105
9 (relating to persons not to possess, use, manufacture,
10 control, sell or transfer firearms).

11 (3) Within 24 hours of the time of service, the
12 respondent shall deliver to the sheriff or law enforcement
13 agency any firearm that is in the possession of a third party
14 or not otherwise in the respondent's immediate possession or
15 control at the time of service.

16 (b) Warrant.--If, after a hearing or at any other time an
17 extreme risk protection order is in effect, the court finds
18 probable cause to believe that an additional firearm or
19 concealed carry license remains in the respondent's possession
20 or control, the court shall issue a warrant to search for and
21 seize the firearm or license.

22 (c) Receipt.--

23 (1) At the time of relinquishment of a firearm or
24 concealed carry license, the sheriff or law enforcement
25 agency taking possession shall issue a receipt identifying
26 all relinquished items and provide a copy of the receipt to
27 the respondent.

28 (2) Within 72 hours after service of the order, the
29 sheriff serving the order shall file the original receipt
30 with the court.

1 (d) Transfer to firearms dealer.--

2 (1) A respondent who has relinquished a firearm in
3 compliance with an extreme risk protection order may request
4 that the firearm be transferred to a firearms dealer for
5 consignment sale, lawful transfer or safekeeping.

6 (2) Upon receiving the request, the sheriff shall
7 transport the firearm to a dealer at no cost to the
8 respondent or the dealer.

9 (e) Affidavit.--A dealer accepting a firearm of a respondent
10 under this section shall provide the sheriff with an affidavit
11 on a form prescribed by the Pennsylvania State Police. The form
12 shall include, at a minimum, the following:

13 (1) The caption of the case in which the extreme risk
14 protection order was issued.

15 (2) The name, address, date of birth and Social Security
16 number of the respondent.

17 (3) A list of all firearms of the respondent
18 relinquished to the dealer, including, if applicable, the
19 manufacturer, model and serial number of the firearms.

20 (4) The name and license number of the dealer and the
21 address of the licensed premises.

22 (5) An acknowledgment that the dealer will not return
23 the firearm to the respondent nor sell or transfer to another
24 person the dealer knows is a family or household member of
25 the respondent while the respondent is subject to an extreme
26 risk protection order.

27 (6) An acknowledgment that the firearm, if sold or
28 transferred, will be sold or lawfully transferred in
29 compliance with 18 Pa.C.S. Ch. 61 (relating to firearms and
30 other dangerous articles).

1 § 64A11. Return of relinquished firearm and unclaimed firearms.

2 (a) Return.--

3 (1) Subject to subsection (c), if a court vacates a
4 temporary order following a hearing, the court shall order
5 the immediate return of all firearms and licenses to the
6 respondent.

7 (2) Upon termination after hearing or expiration of an
8 extreme risk protection order, the respondent may request
9 return of firearms and licenses, and the sheriff or dealer
10 shall return the relinquished items promptly upon receipt of
11 the request.

12 (b) Third-party claims.--

13 (1) A third party may request the return of a
14 relinquished firearm at any time by providing proof of
15 ownership and a sworn affidavit stating that the third party
16 will not intentionally or knowingly return a firearm to a
17 person subject to an extreme risk protection order or a
18 family or household member of the person nor intentionally or
19 knowingly allow a person subject to an extreme risk
20 protection order to have access to a firearm prior to the
21 time that the order expires or is vacated or terminated by
22 order of court.

23 (2) The affidavit must state that the third party
24 understands that to do so would constitute a misdemeanor of
25 the first degree under 18 Pa.C.S. § 6105(a.1) (relating to
26 persons not to possess, use, manufacture, control, sell or
27 transfer firearms), punishable by up to five years
28 imprisonment and up to a \$10,000 fine.

29 (3) Proof of ownership may consist of a statement made
30 in a sworn affidavit.

1 (c) Background check.--Prior to returning a firearm to a
2 person, the sheriff or dealer in possession of the firearm shall
3 independently confirm that the person requesting return of the
4 firearm is legally eligible to possess firearms under Federal
5 and State law.

6 (d) Unclaimed firearms.--

7 (1) A firearm shall be deemed abandoned after a period
8 of one year from the date that an order for relinquishment
9 has been terminated or has expired and no owner has submitted
10 a written request for its return, provided, however, that no
11 sheriff, law enforcement agency or firearms dealer may
12 dispose of a firearm deemed abandoned without first providing
13 notice to the person who relinquished the firearm.

14 (2) If the person who relinquished the firearm fails to
15 respond to the notice within 20 days, the sheriff, law
16 enforcement agency or firearms dealer may dispose of the
17 firearm.

18 (3) Notification shall be sent by certified mail to:

19 (i) an address where the person is known to reside;

20 (ii) the last known address;

21 (iii) the address provided at the time of

22 relinquishment; or

23 (iv) an address that is found after searching the
24 available sources of address data maintained in the
25 Commonwealth's databases of motor vehicle registration,
26 motor vehicle driver licensing, occupational and
27 professional licensure, corrections facilities and public
28 assistance.

29 § 64A12. Violations.

30 (a) False reporting.--A person who knowingly gives false

1 information to a law enforcement officer with the intent to
2 implicate another person under this chapter commits an offense
3 under 18 Pa.C.S. § 4906 (relating to false reports to law
4 enforcement authorities).

5 (b) False swearing.--A person who knowingly files a petition
6 containing false statements or information with the intent to
7 implicate another person under this chapter commits an offense
8 under 18 Pa.C.S. § 4903 (relating to false swearing).

9 (c) Penalty.--A person convicted of false reporting or false
10 swearing under this section shall be ordered to pay full
11 restitution to the respondent, which shall include, but not be
12 limited to, expenses incurred by the respondent as a result of
13 the false reporting or false swearing.

14 Section 4. This act shall take effect in 60 days.