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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 18 Session of  
2018

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INTRODUCED BY FONTANA, STREET, LEACH, COSTA, BLAKE, RAFFERTY,  
HUGHES AND DINNIMAN, MARCH 22, 2018

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REFERRED TO JUDICIARY, MARCH 22, 2018

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AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the  
2 Pennsylvania Consolidated Statutes, in actions, proceedings  
3 and other matters generally, providing for extreme risk  
4 protection orders.

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

7 Section 1. Title 42 of the Pennsylvania Consolidated  
8 Statutes is amended by adding a chapter to read:

9 CHAPTER 62B

10 EXTREME RISK PROTECTION ORDERS

11 Sec.

12 62B01. Definitions.

13 62B02. Petition for order.

14 62B03. Procedure.

15 62B04. Ex parte orders.

16 62B05. Service of orders.

17 62B06. Termination and renewal of orders.

18 62B07. Surrender of firearms.

19 62B08. Return and disposal of firearms.

1 62B09. Reporting of orders.

2 62B10. Penalties.

3 62B11. Other authority retained.

4 62B12. Immunity.

5 62B13. Instructional and informational material.

6 62B14. Registry.

7 § 62B01. Definitions.

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

11 "Extreme risk protection order." An ex parte order or a  
12 final order granted under this chapter.

13 "Family or household member." A spouse or person who has  
14 been a spouse, person living as a spouse or who lived as a  
15 spouse, parent or child, other person related by consanguinity  
16 or affinity, current or former sexual or intimate partner or  
17 person who shares biological parenthood.

18 "Firearm." The term shall have the same meaning given to it  
19 under 18 Pa.C.S. § 6111(f) (relating to sale and transfer of  
20 firearms).

21 "Firearm license." A license issued under 18 Pa.C.S. § 6109  
22 (relating to licenses).

23 "Minor court." A magisterial district judge or a judge of  
24 the Philadelphia Municipal Court, commissioner appointed under  
25 section 1123 (relating to jurisdiction and venue), master  
26 appointed under section 1126 (relating to masters) or master for  
27 emergency relief.

28 "Petitioner." A person who petitions for an order under this  
29 chapter.

30 "Respondent." A person who is identified as the respondent

1 in a petition filed under this chapter.

2 § 62B02. Petition for order.

3 (a) Establishment of action.--

4 (1) An action known as a petition for an extreme risk  
5 protection order is established.

6 (2) A petition for an extreme risk protection order may  
7 be filed by:

8 (i) a family or household member of the respondent;

9 or

10 (ii) a law enforcement officer or agency.

11 (3) An action under this chapter must be filed in the  
12 county where the petitioner resides or the county where the  
13 respondent resides.

14 (b) Contents of petition.--A petition shall:

15 (1) Allege that the respondent poses a significant  
16 danger of causing personal injury to self or others by having  
17 in the respondent's custody or control, purchasing,  
18 possessing or receiving a firearm and be accompanied by an  
19 affidavit made under oath stating the specific statements,  
20 actions or facts that give rise to a reasonable belief of  
21 future dangerous acts by the respondent.

22 (2) Identify the number, types and locations of the  
23 firearms the petitioner reasonably believes to be in the  
24 respondent's current ownership, possession, custody or  
25 control.

26 (3) Identify whether there is a known existing  
27 protection order governing the respondent under any other  
28 applicable statute.

29 (4) Identify whether there is a pending lawsuit,  
30 complaint, petition or other action between the parties to

1 the petition under the laws of this Commonwealth.

2 (c) Effect of existing orders and pending actions.--

3 (1) The prothonotary shall verify the terms of any  
4 existing order governing the parties.

5 (2) The court may not delay granting relief because of  
6 the existence of a pending action between the parties or the  
7 necessity of verifying the terms of an existing order.

8 (3) A petition for an extreme risk protection order may  
9 be granted whether or not there is a pending action between  
10 the parties.

11 (d) Notice to family and household members.--

12 (1) If the petitioner is a law enforcement officer or  
13 agency, the petitioner shall make a good faith effort to  
14 provide notice to a family or household member of the  
15 respondent and to any known third party who may be at risk of  
16 violence.

17 (2) The notice shall state that the petitioner intends  
18 to petition the court for an extreme risk protection order or  
19 has already done so and include referrals to appropriate  
20 resources, including mental health, domestic violence and  
21 counseling resources.

22 (3) The petitioner shall attest in the petition to  
23 having provided the notice or attest to the steps that will  
24 be taken to provide the notice.

25 (e) Omission of petitioner's address.--

26 (1) If the petition states that disclosure of the  
27 petitioner's address would risk harm to the petitioner or a  
28 member of the petitioner's family or household, the  
29 petitioner's address may be omitted from all documents filed  
30 with the court.

1       (2) If the petitioner has not disclosed an address under  
2 this subsection, the petitioner shall designate an  
3 alternative address at which the respondent may serve notice  
4 of any motions. If the petitioner is a law enforcement  
5 officer or agency, the address of record shall be that of the  
6 law enforcement agency.

7 (f) Fees and bonds prohibited.--

8       (1) No fees for filing or service of process may be  
9 charged by a court or any public agency to a petitioner  
10 seeking relief under this chapter. The petitioner shall be  
11 provided the necessary number of certified copies, forms and  
12 instructional brochures free of charge.

13       (2) A person may not be required to post a bond to  
14 obtain relief in any proceeding under this section.

15 (g) Jurisdiction.--

16       (1) The courts of common pleas have jurisdiction over  
17 proceedings under this chapter and minor courts have limited  
18 jurisdiction over issuance and enforcement of ex parte  
19 extreme risk protection orders issued under this chapter.

20       (2) If the notice and order are not served on the  
21 respondent in time for the full hearing, the issuing court  
22 has concurrent jurisdiction with the court to extend the ex  
23 parte extreme risk protection order.

24 § 62B03. Procedure.

25       (a) Hearing.--Upon receipt of the petition, the court shall  
26 order a hearing to be held not later than 14 days from the date  
27 of the order and shall issue a notice of hearing to the  
28 respondent.

29 (b) Service on respondent.--

30       (1) The prothonotary shall cause a copy of the notice of

1 hearing and petition to be forwarded on or before the next  
2 judicial day to the appropriate law enforcement agency for  
3 service upon the respondent.

4 (2) Personal service of the notice of hearing and  
5 petition shall be made upon the respondent by a law  
6 enforcement officer not less than five business days prior to  
7 the hearing.

8 (c) Ex parte orders.--The court may, as provided in section  
9 62B04 (relating to ex parte orders), issue an ex parte extreme  
10 risk protection order pending the hearing ordered under  
11 subsection (a). An ex parte order shall be served concurrently  
12 with the notice of hearing and petition.

13 (d) Findings by court.--Upon hearing the matter, if the  
14 court finds by a preponderance of the evidence that the  
15 respondent poses a significant danger of causing personal injury  
16 to self or others by having in the respondent's custody or  
17 control, purchasing, possessing or receiving a firearm, the  
18 court shall issue an extreme risk protection order that is  
19 effective for a period of one year.

20 (e) Evidence.--In determining whether grounds for an extreme  
21 risk protection order exist, the court may consider any relevant  
22 evidence, including, but not limited to, any of the following:

23 (1) A recent act or threat of violence or injury by the  
24 respondent against self or others, whether or not the  
25 violence or threat of violence involves a firearm.

26 (2) A pattern of acts or threats of violence or injury  
27 by the respondent within the past 12 months, including, but  
28 not limited to, acts or threats of violence by the respondent  
29 against self or others.

30 (3) A dangerous mental health issue of the respondent.

1       (4) A violation by the respondent of a protection order  
2 issued under 23 Pa.C.S. Ch. 61 (relating to protection from  
3 abuse) or Chapter 62A (relating to protection of victims of  
4 sexual violence or intimidation).

5       (5) A previous or existing extreme risk protection order  
6 issued against the respondent.

7       (6) A violation of a previous or existing extreme risk  
8 protection order issued against the respondent.

9       (7) A conviction of the respondent for a crime that  
10 involves domestic violence.

11       (8) The respondent's ownership, access to or intent to  
12 possess firearms.

13       (9) The unlawful or reckless use, display or brandishing  
14 of a firearm by the respondent.

15       (10) The history of use, attempted use or threatened use  
16 of physical force by the respondent against another person or  
17 the respondent's history of stalking another person.

18       (11) A prior arrest of the respondent for an offense  
19 graded as a felony, crime of violence or personal injury  
20 crime.

21       (12) Corroborated evidence of the abuse of controlled  
22 substances or alcohol by the respondent.

23       (13) Evidence of recent acquisition of a firearm by the  
24 respondent.

25       (f) Authority of court.--The court may:

26       (1) Examine under oath the petitioner, the respondent  
27 and witnesses or, in lieu of examination, consider a sworn  
28 affidavit of the petitioner, the respondent and witnesses.

29       (2) Review the criminal history records related to the  
30 respondent.

1           (3) Review all records relating to the respondent under  
2 the act of July 9, 1976 (P.L.817, No.143), known as the  
3 Mental Health Procedures Act.

4           (4) During the hearing, consider whether a mental health  
5 evaluation or chemical dependency evaluation is appropriate,  
6 and order the evaluation if appropriate.

7           (g) Contents of order.--An extreme risk protection order  
8 shall include the following:

9           (1) A statement of the grounds supporting the issuance  
10 of the order.

11           (2) The date and time the order was issued.

12           (3) The date and time the order expires.

13           (4) Whether a mental health evaluation or chemical  
14 dependency evaluation of the respondent is required to be  
15 completed.

16           (5) The address of the court in which a responsive  
17 pleading may be filed.

18           (6) A description of the requirements for relinquishment  
19 of firearms under this chapter.

20           (7) The following statement:

21           To the subject of this protection order: This order  
22 will last until the date and time noted above. If you  
23 have not done so already, you must surrender to the  
24 (insert name of local law enforcement agency) all  
25 firearms in your custody, control or possession and a  
26 firearm license issued to you immediately. You may  
27 not have in your custody or control, purchase,  
28 possess, receive or attempt to purchase or receive a  
29 firearm while this order is in effect. You have the  
30 right to request a hearing to terminate this order

1 every 12-month period that this order is in effect,  
2 starting from the date of this order and continuing  
3 through any renewal. You may seek the advice of an  
4 attorney as to any matter connected with this order.

5 (h) Notice relating to termination hearing.--When the court  
6 issues an extreme risk protection order, the court shall inform  
7 the respondent that the respondent may request termination of  
8 the order in the manner prescribed in this chapter. The court  
9 shall provide the respondent with a form to request a  
10 termination hearing.

11 (i) Reasons for denial of order.--If the court denies an  
12 extreme risk protection order, the court shall state the  
13 particular reasons for the court's denial.

14 § 62B04. Ex parte orders.

15 (a) General rule.--Upon the filing of a petition under  
16 section 62B02 (relating to petition for order), a petitioner may  
17 request that an ex parte extreme risk protection order be issued  
18 before a hearing for an extreme risk protection order, without  
19 notice to the respondent, by including in the petition detailed  
20 allegations based on personal knowledge that the respondent  
21 poses an imminent and significant danger of causing personal  
22 injury to self or others by having in the respondent's custody  
23 or control, purchasing, possessing or receiving a firearm.

24 (b) Grounds to issue.--If a court finds by clear and  
25 convincing evidence that there is reasonable cause to believe  
26 that the respondent poses an imminent and significant danger of  
27 causing personal injury to self or others by having in the  
28 respondent's custody or control, purchasing, possessing or  
29 receiving a firearm, the court shall issue an ex parte extreme  
30 risk protection order.

1 (c) Hearings.--

2 (1) The court shall hold an ex parte extreme risk  
3 protection order hearing on the day the petition is filed or  
4 on the judicial day immediately following the day the  
5 petition is filed.

6 (2) In accordance with this chapter, the court shall  
7 schedule a hearing within 14 days of the issuance of an ex  
8 parte extreme risk protection order to determine if a one-  
9 year extreme risk protection order is issued under this  
10 chapter.

11 (d) Contents of order.--An ex parte extreme risk protection  
12 order shall include:

13 (1) A statement of the grounds for the order.

14 (2) The date and time the order was issued.

15 (3) The date and time the order expires.

16 (4) The address of the court in which a responsive  
17 pleading may be filed.

18 (5) The date and time of the scheduled hearing.

19 (6) A description of the requirements for surrender of  
20 firearms under this chapter.

21 (7) The following statement:

22 To the subject of this protection order: This order  
23 is valid until the date and time noted above. You are  
24 required to surrender all firearms in your custody,  
25 control or possession. You may not have in your  
26 custody or control, purchase, possess, receive or  
27 attempt to purchase or receive a firearm while this  
28 order is in effect. You must surrender to the (insert  
29 name of local law enforcement agency) all firearms in  
30 your custody, control or possession and a firearm

1 license issued to you immediately. A hearing will be  
2 held on the date and at the time noted above to  
3 determine if an extreme risk protection order should  
4 be issued. Failure to appear at that hearing may  
5 result in a court making an order against you that is  
6 valid for one year. You may seek the advice of an  
7 attorney as to any matter connected with this order.

8 (e) Expiration of order.--An ex parte extreme risk  
9 protection order under section 62B03 (relating to procedure)  
10 shall expire upon the date of the entry of an extreme risk  
11 protection order.

12 (f) Service of order.--An ex parte extreme risk protection  
13 order shall be served by a law enforcement officer in the same  
14 manner as provided for in this chapter for service of the notice  
15 of hearing and petition and shall be served concurrently with  
16 the notice of hearing and petition.

17 (g) Reasons for denial of order.--If the court denies an ex  
18 parte extreme risk protection order, the court shall state the  
19 particular reasons for the court's denial.

20 § 62B05. Service of orders.

21 An extreme risk protection order issued under this chapter  
22 shall be served as provided under section 62B04 (relating to ex  
23 parte orders) upon the respondent, except as otherwise provided  
24 in this chapter, as follows:

25 (1) The law enforcement agency with jurisdiction in the  
26 municipality in which the respondent resides shall serve the  
27 respondent personally.

28 (2) If the law enforcement agency cannot complete  
29 service on the respondent within 10 days, the law enforcement  
30 agency shall notify the petitioner. The petitioner shall

1 provide information sufficient to permit the notification.

2 (3) If an order entered by the court recites that the  
3 respondent appeared in person before the court, the necessity  
4 for further service shall be waived and proof of service of  
5 that order shall not be necessary.

6 (4) Returns of service under this chapter shall be made  
7 in accordance with the applicable court rule.

8 § 62B06. Termination and renewal of orders.

9 (a) Procedure to terminate.--

10 (1) The respondent may submit a written request for a  
11 hearing to terminate an extreme risk protection order issued  
12 under this chapter every 12-month period that the order is in  
13 effect, starting from the date of the order and continuing  
14 through any renewal.

15 (2) Upon receipt of the request for a hearing to  
16 terminate an extreme risk protection order, the court shall  
17 set a date for a hearing. Notice of the request shall be  
18 served on the petitioner in accordance with this chapter. The  
19 hearing shall occur no sooner than 14 days and no later than  
20 30 days from the date of service of the request upon the  
21 petitioner.

22 (3) The respondent shall have the burden of proving by a  
23 preponderance of the evidence that the respondent does not  
24 pose a significant danger of causing personal injury to self  
25 or others by having in the respondent's custody or control,  
26 purchasing, possessing or receiving a firearm. The court may  
27 consider any relevant evidence, including evidence of the  
28 considerations specified in this chapter for the issuance of  
29 an order.

30 (4) If the court finds after the hearing that the

1 respondent has met the respondent's burden of proof, the  
2 court shall terminate the order.

3 (b) Notice to petitioner.--The court shall notify the  
4 petitioner of the impending expiration of an extreme risk  
5 protection order. Notice shall be received by the petitioner 90  
6 days before the date the order expires.

7 (c) Motion to renew.--

8 (1) A family or household member of a respondent or a  
9 law enforcement officer or agency may by motion request a  
10 renewal of an extreme risk protection order at any time  
11 within 90 days before the expiration of the order.

12 (2) Upon receipt of the motion to renew, the court shall  
13 order that a hearing be held not later than 14 days from the  
14 date the order issues.

15 (3) The respondent shall be personally served in the  
16 same manner prescribed by section 62B05 (relating to service  
17 of orders).

18 (4) In determining whether to renew an extreme risk  
19 protection order issued under this subsection, the court  
20 shall consider all relevant evidence presented by the  
21 petitioner and follow the same procedure as provided in this  
22 chapter for issuance of an order.

23 (5) (i) If the court finds by a preponderance of the  
24 evidence that the requirements for issuance of an extreme  
25 risk protection order continue to be met, the court shall  
26 renew the order.

27 (ii) If, after notice, the motion for renewal is  
28 uncontested and the petitioner seeks no modification of  
29 the order, the order may be renewed on the basis of the  
30 petitioner's motion or affidavit stating that there has

1 been no material change in relevant circumstances since  
2 entry of the order and stating the reason for the  
3 requested renewal.

4 (6) The renewal of an extreme risk protection order  
5 shall be for one year, subject to termination as provided in  
6 subsection (a) or further renewal by order of the court.

7 § 62B07. Surrender of firearms.

8 (a) Court order.--Upon issuance of an extreme risk  
9 protection order under this chapter, including an ex parte  
10 extreme risk protection order, the court shall order the  
11 respondent to surrender to the local law enforcement agency all  
12 firearms in the respondent's custody, control or possession and  
13 a firearm license issued under 18 Pa.C.S. § 6109 (relating to  
14 licenses).

15 (b) Duties of law enforcement officers.--

16 (1) The law enforcement officer serving an extreme risk  
17 protection order under this chapter, including an ex parte  
18 extreme risk protection order, shall request that the  
19 respondent immediately surrender all firearms in the  
20 respondent's custody, control or possession and a firearm  
21 license and conduct any search permitted by law for firearms.

22 (2) The law enforcement officer shall take possession of  
23 all firearms belonging to the respondent that are  
24 surrendered, in plain sight or discovered from a lawful  
25 search.

26 (3) If personal service by a law enforcement officer is  
27 not possible, or not required because the respondent was  
28 present at the extreme risk protection order hearing, the  
29 respondent shall surrender the firearms in a safe manner to  
30 the control of the local law enforcement agency within 48

1 hours of being served with the order by alternate service or  
2 within 48 hours of the hearing at which the respondent was  
3 present and ordered to surrender all firearms and a firearm  
4 license.

5 (4) At the time of surrender, the law enforcement  
6 officer taking possession of firearms and a firearm license  
7 shall issue a receipt identifying all firearms that have been  
8 surrendered and provide a copy of the receipt to the  
9 respondent. Within 72 hours after service of the order, the  
10 law enforcement officer serving the order shall file the  
11 original receipt with the court and shall ensure that the  
12 appropriate law enforcement agency retains a copy of the  
13 receipt.

14 (c) Effect of failure to complete.--

15 (1) Upon the sworn statement or testimony of the  
16 petitioner or of any law enforcement officer alleging that  
17 the respondent has failed to comply with the surrender of  
18 firearms as required by an order issued under this chapter,  
19 the court shall determine whether probable cause exists to  
20 believe that the respondent has failed to surrender all  
21 firearms in the respondent's possession, custody or control.

22 (2) If probable cause exists, the court shall issue a  
23 warrant describing the firearms and authorizing a search of  
24 the locations where the firearms are reasonably believed to  
25 be and the seizure of firearms discovered from the search.

26 (d) Other persons who are lawful owners.--If a person other  
27 than the respondent claims title to a firearm surrendered under  
28 this section, and the person is determined by the law  
29 enforcement agency to be the lawful owner of the firearm, the  
30 firearm shall be returned to the person, provided that:

1           (1) The firearm is removed from the respondent's  
2 custody, control or possession and the person agrees to store  
3 the firearm in a manner such that the respondent does not  
4 have access to or control of the firearm.

5           (2) The firearm is not otherwise unlawfully possessed by  
6 the person.

7           (3) The person is informed and acknowledges that  
8 providing a firearm to the respondent for whom an order is  
9 issued under this chapter commits an offense under 18 Pa.C.S.  
10 § 6105 (relating to persons not to possess, use, manufacture,  
11 control, sell or transfer firearms) if the person returns the  
12 firearm to the possession of the respondent.

13 (e) Firearm surrender hearing.--

14           (1) Upon the issuance of a one-year extreme risk  
15 protection order, the court shall order a new hearing date  
16 and require the respondent to appear not later than three  
17 business days from the issuance of the order.

18           (2) The court shall require a showing that the person  
19 subject to the order has surrendered all firearms in the  
20 person's custody, control or possession.

21           (3) The court may dismiss the hearing upon a  
22 satisfactory showing that the respondent is in compliance  
23 with the order.

24 (f) Duty of Pennsylvania State Police.--The Pennsylvania  
25 State Police shall develop policies and procedures for use by  
26 all law enforcement agencies within 180 days of the effective  
27 date of this section regarding the acceptance, storage and  
28 return of firearms required to be surrendered under this  
29 chapter.

30 § 62B08. Return and disposal of firearms.

1 (a) General rule.--If an extreme risk protection order is  
2 terminated or expires without renewal, a law enforcement agency  
3 holding a firearm and firearm license that has been surrendered  
4 under this chapter shall return a surrendered firearm and  
5 firearm license requested by a respondent only after confirming:

6 (1) Through a background check, that the respondent is  
7 currently eligible to own or possess firearms under Federal  
8 and State law.

9 (2) With the court that the extreme risk protection  
10 order has terminated or has expired without renewal.

11 (b) Notice to family and household members.--A law  
12 enforcement agency shall, if requested, provide prior notice of  
13 the return of a firearm to a respondent to family or household  
14 members of the respondent in the manner provided by law.

15 (c) Disposal.--A firearm that is surrendered by a respondent  
16 under this chapter and remains unclaimed by the lawful owner  
17 shall be disposed of in accordance with the law enforcement  
18 agency's policies and procedures for the disposal of firearms in  
19 police custody.

20 § 62B09. Reporting of orders.

21 (a) Duties of clerk of court and law enforcement agency.--

22 (1) The clerk of the court shall enter an extreme risk  
23 protection order or ex parte extreme risk protection order  
24 issued under this chapter into a Statewide judicial  
25 information system on the same day the order is issued.

26 (2) The clerk of the court shall forward a copy of an  
27 order issued under this chapter the same day the order is  
28 issued to the appropriate law enforcement agency specified in  
29 the order.

30 (3) Forward a copy to the Pennsylvania State Police for

1 entry in the Pennsylvania Instant Check System.

2 (4) Upon receipt of the copy of the order, the law  
3 enforcement agency shall enter the order into the national  
4 instant criminal background check system, any other Federal  
5 or State computer-based systems used by law enforcement or  
6 others to identify prohibited purchasers of firearms and any  
7 computer-based criminal intelligence information system  
8 available in this Commonwealth used by law enforcement  
9 agencies to list outstanding warrants.

10 (5) The order shall remain in each system for the period  
11 stated in the order and the law enforcement agency shall only  
12 expunge orders from the systems that have expired or  
13 terminated.

14 (6) Entry into the computer-based criminal intelligence  
15 information system constitutes notice to all law enforcement  
16 agencies of the existence of the order.

17 (7) The order shall be fully enforceable in any county  
18 in this Commonwealth.

19 (b) Termination order.--If an extreme risk protection order  
20 is terminated before its expiration date, the clerk of the court  
21 shall forward the same day a copy of the termination order to  
22 the Pennsylvania State Police and the appropriate law  
23 enforcement agency specified in the termination order. Upon  
24 receipt of the order, the law enforcement agency shall promptly  
25 remove the order from any computer-based system in which it was  
26 entered under this section.

27 § 62B10. Penalties.

28 A person who:

29 (1) Files a petition under this chapter knowing the  
30 information in the petition to be materially false, or with

1 intent to harass the respondent, commits a misdemeanor of the  
2 third degree.

3 (2) Has in the person's custody or control, purchases,  
4 possesses or receives a firearm with knowledge that the  
5 person is prohibited from doing so by an order issued under  
6 this chapter commits a misdemeanor of the first degree and is  
7 prohibited from having in the person's custody or control,  
8 purchasing, possessing or receiving or attempting to purchase  
9 or receive a firearm for a period of five years from the date  
10 the existing order expires.

11 § 62B11. Other authority retained.

12 This chapter does not affect the ability of a law enforcement  
13 officer to remove a firearm or firearm license from a person or  
14 conduct a search and seizure for firearms under other lawful  
15 authority.

16 § 62B12. Immunity.

17 Nothing in this chapter shall be construed to impose criminal  
18 or civil liability on any person or entity for acts or omissions  
19 related to obtaining an extreme risk protection order or ex  
20 parte extreme risk protection order, including, but not limited  
21 to, reporting, declining to report, investigating, declining to  
22 investigate, filing or declining to file a petition under this  
23 chapter.

24 § 62B13. Instructional and informational material.

25 The Office of Attorney General shall develop and prepare  
26 instructions and informational brochures, standard petitions and  
27 extreme risk protection order forms and a staff handbook on the  
28 extreme risk protection order process. The following apply:

29 (1) The standard petition and order forms must be used  
30 for all petitions filed and orders issued under this chapter.

1           (2) The instructions, brochures, forms and handbook  
2 shall be prepared in consultation with interested persons,  
3 including representatives of gun violence prevention groups,  
4 judges and law enforcement personnel. Materials shall be  
5 based on best practices and available electronically online  
6 to the public.

7           (3) The instructions shall be designed to assist  
8 petitioners in completing the petition and include a sample  
9 of a standard petition and order for protection forms.

10           (4) The instructions and standard petition shall include  
11 a means for a petitioner to identify, with only lay  
12 knowledge, the firearms the respondent may own, possess,  
13 receive or have in the respondent's custody or control. The  
14 instructions shall provide pictures of types of firearms that  
15 a petitioner may choose from to identify the relevant  
16 firearms or an equivalent means to allow a petitioner to  
17 identify firearms without requiring specific or technical  
18 knowledge regarding firearms.

19           (5) The informational brochure shall describe the use of  
20 and the process for obtaining, modifying and terminating an  
21 extreme risk protection order under this chapter and provide  
22 relevant forms.

23           (6) The extreme risk protection order form shall  
24 include, in a conspicuous location, notice of criminal  
25 penalties resulting from violation of the order and the  
26 following statement:

27           You have the sole responsibility to avoid or refrain  
28 from violating this order's provisions. Only the  
29 court can change the order and only upon written  
30 application.

1       (7) The staff handbook shall allow for the addition of a  
2 community resource list by the clerk of court. All clerks of  
3 court may create a community resource list of crisis  
4 intervention, mental health, substance abuse, interpreter,  
5 counseling and other relevant resources serving the county in  
6 which the court is located. The clerk of court may make the  
7 community resource list available as part of or in addition  
8 to the informational brochure described in this subsection.

9       (8) The Office of Attorney General shall distribute a  
10 master copy of the petition and order forms, instructions and  
11 informational brochures to all clerks of court and shall  
12 distribute a master copy of the petition and order forms to  
13 all superior, district and municipal courts. Distribution of  
14 all documents shall, at a minimum, be in an electronic format  
15 or formats accessible to all courts and clerks of court in  
16 this Commonwealth.

17       (9) The Office of Attorney General shall determine the  
18 significant non-English-speaking or limited English speaking  
19 populations in this Commonwealth. The administrator shall  
20 then arrange for translation of the instructions and  
21 informational brochures required by this section, which shall  
22 contain a sample of the standard petition and order for  
23 protection forms, into the languages spoken by those  
24 significant non-English-speaking populations and shall  
25 distribute a master copy of the translated instructions and  
26 informational brochures to all clerks of court within one  
27 year of the effective date of this section.

28       (10) The Office of Attorney General shall update the  
29 instructions, brochures, standard petition and extreme risk  
30 protection order forms and staff handbook as necessary,

1 including when changes in the law make an update necessary.

2 § 62B14. Registry.

3 (a) Duties of Pennsylvania State Police.--The Pennsylvania  
4 State Police shall establish a Statewide registry of extreme  
5 risk protection orders and shall maintain a complete and  
6 systematic record and index of all valid ex parte and final  
7 extreme risk protection orders filed under subsection (f). The  
8 Statewide registry shall include, but need not be limited to,  
9 the following:

10 (1) The names of the petitioner and any other protected  
11 party.

12 (2) The name and address of the respondent.

13 (3) The relationship between the petitioner and the  
14 respondent.

15 (4) The date the order was entered.

16 (5) The date the order expires.

17 (6) The relief granted under this chapter.

18 (7) The judicial district in which the order was  
19 entered.

20 (8) Where furnished, the Social Security number and date  
21 of birth of the respondent.

22 (9) Whether or not a firearm and firearm license were  
23 ordered to be relinquished.

24 (b) Duty of prothonotary.--

25 (1) The prothonotary shall send, on a form prescribed by  
26 the Pennsylvania State Police, a copy of the extreme risk  
27 protection order to the Statewide registry of extreme risk  
28 protection orders so that it is received within 24 hours of  
29 the entry of the order. An amendment to or revocation of an  
30 order shall be transmitted by the prothonotary within 24

1 hours of the entry of the order for modification or  
2 revocation.

3 (2) The Pennsylvania State Police shall enter orders,  
4 amendments and revocations in the Statewide registry of  
5 extreme risk protection orders within eight hours of receipt.

6 (3) Terminated orders shall be purged from the registry.  
7 (c) Availability.--

8 (1) The registry of the Pennsylvania State Police shall  
9 be available at all times to inform courts, dispatchers and  
10 law enforcement officers of a valid extreme risk protection  
11 order involving a respondent.

12 (2) When an order granting relief has been entered by a  
13 court, the information shall be available to the Pennsylvania  
14 State Police for the purpose of conducting a criminal history  
15 records check in compliance with the applicable provisions of  
16 18 Pa.C.S. Ch. 61 Subch. A (relating to Uniform Firearms  
17 Act).

18 (3) Information contained in the Statewide registry  
19 shall not be subject to access under the act of February 14,  
20 2008 (P.L.6, No.3), known as the Right-to-Know Law.

21 (d) Information concerning crimes of violence.--Each police  
22 department shall transmit to the Pennsylvania State Police, in a  
23 manner prescribed by the Pennsylvania State Police, the  
24 information specified in subsection (c) related to crimes of  
25 violence between family or household members.

26 (e) Annual report.--The Pennsylvania State Police shall  
27 annually compile and analyze the incident report data received  
28 and publish a Statewide report that includes aggregate, county  
29 and department-based statistical profiles. The Pennsylvania  
30 State Police shall transmit a copy of the annual report to the

1 Governor and the General Assembly.

2 (f) Enforcement of foreign extreme risk protection orders.--

3 (1) All foreign extreme risk protection orders shall  
4 have the presumption of validity in this Commonwealth, and  
5 law enforcement officers shall make arrests for violations of  
6 foreign extreme risk protection orders in the same manner as  
7 applicable to violations of extreme risk protection orders  
8 issued within this Commonwealth. Until a foreign order is  
9 declared to be invalid by a court, it shall be enforced by  
10 all law enforcement personnel in this Commonwealth.

11 (2) A law enforcement officer shall rely upon a copy of  
12 a foreign extreme risk protection order that has been  
13 presented to the law enforcement officer by any source and  
14 may verify the existence of an extreme risk protection order  
15 consistent with this chapter. The fact that a foreign extreme  
16 risk protection order has not been filed with a prothonotary  
17 or entered into the Pennsylvania State Police registry shall  
18 not be grounds for law enforcement to refuse enforcement of  
19 the order.

20 (g) Immunity.--The following entities shall be immune from  
21 civil liability for good faith conduct in an action arising in  
22 connection with a court's finding that the foreign order is  
23 invalid or unenforceable:

24 (1) Law enforcement agencies and their agents and  
25 employees.

26 (2) County correctional and detention facilities and  
27 their agents and employees.

28 (3) Prothonotaries and their agents and employees.

29 Section 2. This act shall take effect in 60 days.