
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 293 Session of
2019

INTRODUCED BY FONTANA, HUGHES, SCHWANK, DINNIMAN, COSTA, STREET,
BLAKE, SANTARSIERO, LEACH AND HAYWOOD, FEBRUARY 14, 2019

REFERRED TO JUDICIARY, FEBRUARY 14, 2019

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 or transfer of
20 firearms).

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

23 "Foreign extreme risk protection order." An extreme risk
24 protection order issued in the United States or its possessions.

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

30 "Petitioner." A person who petitions for an order under this

1 chapter.

2 "Respondent." A person who is identified as the respondent
3 in a petition filed under this chapter.

4 § 62B02. Petition for order.

5 (a) Establishment of action.--

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

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

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

11 or

12 (ii) a law enforcement officer or agency.

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

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

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

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

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

1 (4) Identify whether there is a pending lawsuit,
2 complaint, petition or other action between the parties to
3 the petition under the laws of this Commonwealth.

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

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

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

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

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

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

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

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

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

28 (1) If the petition states that disclosure of the
29 petitioner's address would risk harm to the petitioner or a
30 family or household member of the petitioner, the

1 petitioner's address may be omitted from all documents filed
2 with the court.

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

9 (f) Fees and bonds prohibited.--

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

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

17 (g) Jurisdiction.--

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

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

26 § 62B03. Procedure.

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

1 (b) Service on respondent.--

2 (1) The prothonotary shall cause a copy of the notice of
3 hearing and petition to be forwarded on or before the next
4 judicial day to the appropriate law enforcement agency for
5 service upon the respondent.

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

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

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

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

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

28 (2) A pattern of acts or threats of violence or injury
29 by the respondent within the past 12 months, including, but
30 not limited to, acts or threats of violence by the respondent

1 against self or others.

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

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

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

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

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

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

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

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

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

23 (12) Corroborated evidence of the abuse of controlled
24 substances or alcohol by the respondent.

25 (13) Evidence of recent acquisition of a firearm by the
26 respondent.

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

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

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

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

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

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

11 (1) A statement of the grounds supporting the issuance
12 of the order.

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

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

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

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

20 (6) A description of the requirements for relinquishment
21 of firearms under this chapter.

22 (7) The following statement:

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

1 firearm while this order is in effect. You have the
2 right to request a hearing to terminate this order
3 every 12-month period that this order is in effect,
4 starting from the date of this order and continuing
5 through any renewal. You may seek the advice of an
6 attorney as to any matter connected with this order.

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

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

16 § 62B04. Ex parte orders.

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

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

1 firearm, the court shall issue an ex parte extreme risk
2 protection order.

3 (c) Hearings.--

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

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

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

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

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

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

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

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

21 (6) A description of the requirements for surrender of
22 firearms under this chapter.

23 (7) The following statement:

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

1 the (insert name of local law enforcement agency) all
2 firearms in your custody, control or possession and
3 the firearm license issued to you immediately. A
4 hearing will be held on the date and at the time
5 noted above to determine if an extreme risk
6 protection order should be issued. Failure to appear
7 at that hearing may result in a court making an order
8 against you that is valid for one year. You may seek
9 the advice of an attorney as to any matter connected
10 with this order.

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

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

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

23 § 62B05. Service of orders.

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

28 (1) The law enforcement agency with jurisdiction in the
29 municipality in which the respondent resides shall serve the
30 respondent personally.

1 (2) If the law enforcement agency cannot complete
2 service on the respondent within 10 days, the law enforcement
3 agency shall notify the petitioner. The petitioner shall
4 provide information sufficient to permit the notification.

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

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

11 § 62B06. Termination and renewal of orders.

12 (a) Procedure to terminate.--

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

18 (2) Upon receipt of the request for a hearing to
19 terminate an extreme risk protection order, the court shall
20 set a date for a hearing. Notice of the request shall be
21 served on the petitioner in accordance with this chapter. The
22 hearing shall occur no sooner than 14 days and no later than
23 30 days from the date of service of the request upon the
24 petitioner.

25 (3) The respondent shall have the burden of proving by a
26 preponderance of the evidence that the respondent does not
27 pose a significant danger of causing injury to self or others
28 by having in the respondent's custody or control, or by the
29 respondent purchasing, possessing or receiving, a firearm.
30 The court may consider any relevant evidence, including

1 evidence of the considerations specified in this chapter for
2 the issuance of an order.

3 (4) If the court finds after the hearing that the
4 respondent has met the respondent's burden of proof, the
5 court shall terminate the order.

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

10 (c) Motion to renew.--

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

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

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

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

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

30 (ii) If, after notice, the motion for renewal is

1 uncontested and the petitioner seeks no modification of
2 the order, the order may be renewed on the basis of the
3 petitioner's motion or affidavit stating that there has
4 been no material change in relevant circumstances since
5 entry of the order and stating the reason for the
6 requested renewal.

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

10 § 62B07. Surrender of firearms.

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

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

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

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

29 (3) If personal service by a law enforcement officer is
30 not possible, or not required because the respondent was

1 present at the extreme risk protection order hearing, the
2 respondent shall surrender the firearms in a safe manner to
3 the control of the local law enforcement agency within 48
4 hours of being served with the order by alternate service or
5 within 48 hours of the hearing at which the respondent was
6 present and ordered to surrender all firearms and the firearm
7 license.

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

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

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

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

29 (d) Other persons who are lawful owners.--If a person other
30 than the respondent claims title to a firearm surrendered under

1 this section, and the person is determined by the law
2 enforcement agency to be the lawful owner of the firearm, the
3 firearm shall be returned to the person, provided that:

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

8 (2) The firearm is not otherwise unlawfully possessed by
9 the person.

10 (3) The person is informed and acknowledges that
11 providing a firearm to the respondent for whom an order is
12 issued under this chapter commits an offense under 18 Pa.C.S.
13 § 6105 (relating to persons not to possess, use, manufacture,
14 control, sell or transfer firearms) if the person returns the
15 firearm to the possession of the respondent.

16 (e) Firearm surrender hearing.--

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

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

24 (3) The court may dismiss the hearing upon a
25 satisfactory showing that the respondent is in compliance
26 with the order.

27 (f) Duty of Pennsylvania State Police.--The Pennsylvania
28 State Police shall develop policies and procedures for use by
29 all law enforcement agencies within 180 days of the effective
30 date of this section regarding the acceptance, storage and

1 return of firearms required to be surrendered under this
2 chapter.

3 § 62B08. Return and disposal of firearms.

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

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

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

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

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

23 § 62B09. Reporting of orders.

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

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

29 (2) The clerk of the court shall forward a copy of an
30 order issued under this chapter the same day the order is

1 issued to the appropriate law enforcement agency specified in
2 the order.

3 (3) The clerk of the court shall forward a copy of the
4 order to the Pennsylvania State Police for entry in the
5 Pennsylvania Instant Check System.

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

14 (5) The order shall remain in each system for the period
15 stated in the order and the law enforcement agency shall only
16 expunge orders from the systems that have expired or
17 terminated.

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

21 (7) The order shall be fully enforceable in any county
22 in this Commonwealth.

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

1 § 62B10. Penalties.

2 A person who:

3 (1) Files a petition under this chapter knowing the
4 information in the petition to be materially false, or with
5 intent to harass the respondent, commits a misdemeanor of the
6 third degree.

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

16 § 62B11. Other authority retained.

17 This chapter does not affect the ability of a law enforcement
18 officer to remove a firearm or firearm license from a person or
19 conduct a search and seizure for firearms under other lawful
20 authority.

21 § 62B12. Immunity.

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

29 § 62B13. Instructional and informational material.

30 The Office of Attorney General shall develop and prepare

1 instructions and informational brochures, standard petitions and
2 extreme risk protection order forms and a staff handbook on the
3 extreme risk protection order process. The following apply:

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

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

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

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

24 (5) The informational brochure shall describe the use of
25 and the process for obtaining, modifying and terminating an
26 extreme risk protection order under this chapter and provide
27 relevant forms.

28 (6) The extreme risk protection order form shall
29 include, in a conspicuous location, notice of criminal
30 penalties resulting from violation of the order and the

1 following statement:

2 You have the sole responsibility to avoid or refrain
3 from violating this order's provisions. Only the
4 court can change the order and only upon written
5 application.

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

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

22 (9) The Office of Attorney General shall determine the
23 significant non-English-speaking or limited English-speaking
24 populations in this Commonwealth. The administrator shall
25 then arrange for translation of the instructions and
26 informational brochures required by this section, which shall
27 contain a sample of the standard petition and order for
28 protection forms, into the languages spoken by those
29 significant non-English-speaking populations and shall
30 distribute a master copy of the translated instructions and

1 informational brochures to all clerks of court within one
2 year of the effective date of this section.

3 (10) The Office of Attorney General shall update the
4 instructions, brochures, standard petition and extreme risk
5 protection order forms and staff handbook as necessary,
6 including when changes in the law make an update necessary.

7 § 62B14. Registry.

8 (a) Duties of Pennsylvania State Police.--The Pennsylvania
9 State Police shall establish a Statewide registry of extreme
10 risk protection orders and shall maintain a complete and
11 systematic record and index of all valid ex parte and final
12 extreme risk protection orders filed under subsection (b). The
13 Statewide registry shall include, but need not be limited to,
14 the following:

15 (1) The names of the petitioner and any other protected
16 party.

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

18 (3) The relationship between the petitioner and the
19 respondent.

20 (4) The date the order was entered.

21 (5) The date the order expires.

22 (6) The relief granted under this chapter.

23 (7) The judicial district in which the order was
24 entered.

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

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

29 (b) Duty of prothonotary.--

30 (1) The prothonotary shall send, on a form prescribed by

1 the Pennsylvania State Police, a copy of the extreme risk
2 protection order to the Statewide registry of extreme risk
3 protection orders so that it is received within 24 hours of
4 the entry of the order. An amendment to or revocation of an
5 order shall be transmitted by the prothonotary within 24
6 hours of the entry of the order for modification or
7 revocation.

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

11 (3) Terminated orders shall be purged from the registry.

12 (c) Availability.--

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

17 (2) When an order granting relief has been entered by a
18 court, the information shall be available to the Pennsylvania
19 State Police for the purpose of conducting a criminal history
20 records check in compliance with the applicable provisions of
21 18 Pa.C.S. Ch. 61 Subch. A (relating to Uniform Firearms
22 Act).

23 (3) Information contained in the Statewide registry
24 shall not be subject to access under the act of February 14,
25 2008 (P.L.6, No.3), known as the Right-to-Know Law.

26 (d) Information concerning crimes of violence.--Each police
27 department shall transmit to the Pennsylvania State Police, in a
28 manner prescribed by the Pennsylvania State Police, the
29 information specified in subsection (a) related to crimes of
30 violence between family or household members.

1 (e) Annual report.--The Pennsylvania State Police shall
2 annually compile and analyze the incident report data received
3 and publish a Statewide report that includes aggregate, county
4 and municipal statistical profiles. The Pennsylvania State
5 Police shall transmit a copy of the annual report to the
6 Governor and the General Assembly.

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

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

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

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

29 (1) Law enforcement agencies and their agents and
30 employees.

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

3 (3) Prothonotaries and their agents and employees.

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