

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 501 Session of 2017

INTRODUCED BY KILLION, COSTA, DINNIMAN, FARNESE, HAYWOOD, HUGHES, LEACH, MCGARRIGLE, MCILHINNEY, SABATINA, SCHWANK, STREET, TOMLINSON, WILLIAMS, BLAKE, FONTANA AND TARTAGLIONE, MARCH 28, 2017

SENATOR GREENLEAF, JUDICIARY, AS AMENDED, MARCH 19, 2018

AN ACT

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

19 The General Assembly of the Commonwealth of Pennsylvania
20 hereby enacts as follows:

21 Section 1. Section 6105(a)(2), (a.1)(2), (3) and (5) and (c) <--
22 (6) and (9) of Title 18 of the Pennsylvania Consolidated
23 Statutes are amended to read:

24 SECTION 1. SECTION 6105(A)(2), (A.1)(2) AND (3) AND (C)(6) <--
25 AND (9) OF TITLE 18 OF THE PENNSYLVANIA CONSOLIDATED STATUTES

1 ARE AMENDED TO READ:

2 § 6105. Persons not to possess, use, manufacture, control, sell  
3 or transfer firearms.

4 (a) Offense defined.--

5 \* \* \*

6 (2) (i) [A] Except as otherwise provided in this  
7 paragraph, a person who is prohibited from possessing,  
8 using, controlling, selling, transferring or  
9 manufacturing a firearm under paragraph (1) or subsection  
10 (b) or (c) shall have a reasonable period of time, not to  
11 exceed 60 days from the date of the imposition of the  
12 disability under this subsection, in which to sell or  
13 transfer that person's firearms to another eligible  
14 person who is not a member of the prohibited person's  
15 household.

16 (ii) This paragraph shall not apply to any person  
17 whose disability is imposed pursuant to subsection (c)  
18 (6).

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

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

30 (a.1) Penalty.--

1           \* \* \*

2           (2) A person who is the subject of an active final  
3 protection from abuse order ~~issued pursuant to 23 Pa.C.S. §~~ <--  
4 6108 (relating to relief) ~~described in 23 Pa.C.S. § 6108(b),~~ <--  
5 is the subject of any other active protection from abuse  
6 order issued pursuant to 23 Pa.C.S. § 6108 6107(B) (RELATING <--  
7 TO HEARINGS), which [order] provided for the relinquishment  
8 of firearms[, ] or other weapons or ammunition during the  
9 period of time the order is in effect, or is otherwise  
10 prohibited from possessing or acquiring a firearm under 18  
11 U.S.C. § 922(g) (8) (relating to unlawful acts), commits a  
12 misdemeanor of the [first] SECOND degree if he intentionally <--  
13 or knowingly fails to relinquish a firearm[, ] or other weapon  
14 or ammunition to the sheriff as required by the order unless,  
15 in lieu of relinquishment, he provides an affidavit which  
16 lists the firearms[, ] or other weapons or ammunition to the  
17 sheriff in accordance with [either] 23 Pa.C.S. § 6108(a) (7)  
18 (i) (B) ~~†, †-or~~ 6108.2 (relating to relinquishment for <--  
19 consignment sale ~~†, †-or~~ lawful transfer ~~for safekeeping~~) or <--  
20 6108.3 (relating to relinquishment to third party for  
21 safekeeping ~~†~~). <--

22           (3) (i) A person commits a misdemeanor of the third  
23 degree if he intentionally or knowingly accepts  
24 possession of a firearm, other weapon or ammunition from  
25 [a] another person he knows is the subject of AN ACTIVE <--  
26 FINAL PROTECTION FROM ABUSE ORDER ISSUED PURSUANT TO 23  
27 PA.C.S. § 6108 OR an active protection from abuse order  
28 issued pursuant to 23 Pa.C.S. § [6108] 6107(B), which <--  
29 order provided for the relinquishment of the firearm,  
30 other weapon or ammunition during the period of time the

1 order is in effect.

2 (ii) This paragraph shall not apply to: <--

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

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

12 \* \* \*

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

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

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

1 ~~or ammunition that had previously been ordered~~  
2 ~~relinquished.]~~

3 \* \* \*

4 (c) Other persons.--In addition to any person who has been  
5 convicted of any offense listed under subsection (b), the  
6 following persons shall be subject to the prohibition of  
7 subsection (a):

8 \* \* \*

9 (6) A person who is the subject of an active final  
10 protection from abuse order ~~[issued pursuant to 23 Pa.C.S. § 6108]~~ <--  
11 ~~or a person who is subject to a court order and is~~  
12 ~~otherwise prohibited from possessing or acquiring firearms,~~  
13 ~~ammunition or explosives under 18 U.S.C. § 922(g)(8), which~~  
14 ~~order provided for the relinquishment of firearms during the~~  
15 ~~period of time the order is in effect~~ or a person who is the  
16 subject of any other active protection from abuse order  
17 issued pursuant to 23 Pa.C.S. § 6108. This prohibition shall  
18 ISSUED PURSUANT TO 23 PA.C.S. § 6108, IS THE SUBJECT OF ANY <--  
19 OTHER ACTIVE PROTECTION FROM ABUSE ORDER ISSUED PURSUANT TO  
20 23 PA.C.S. § 6107(B), WHICH [ORDER] PROVIDED FOR THE  
21 RELINQUISHMENT OF FIREARMS DURING THE PERIOD OF TIME THE  
22 ORDER IS IN EFFECT OR IS OTHERWISE PROHIBITED FROM POSSESSING  
23 OR ACQUIRING A FIREARM UNDER 18 U.S.C. § 922(G)(8). THIS  
24 PROHIBITION SHALL terminate upon the expiration or vacation  
25 of [an active protection from abuse] the order or portion  
26 thereof relating to the relinquishment of firearms.

27 \* \* \*

28 (9) A person who is prohibited from possessing or  
29 acquiring a firearm under 18 U.S.C. § 922(g)(9) [(relating to  
30 unlawful acts)]. If the offense which resulted in the

1 prohibition under 18 U.S.C. § 922(g) (9) was committed, as  
2 provided in 18 U.S.C. § 921(a) (33) (A) (ii) (relating to  
3 definitions), by a person in any of the following  
4 relationships:

5 (i) the current or former spouse, parent or guardian  
6 of the victim;

7 (ii) a person with whom the victim shares a child in  
8 common;

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

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

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

15 \* \* \*

16 Section 2. Title 18 is amended by adding ~~a section~~ SECTIONS <--  
17 to read:

18 § 6105.2. Relinquishment of firearms and firearm licenses by  
19 convicted persons.

20 (a) Procedure.--

21 (1) A person subject to a firearms disability pursuant  
22 to section 6105(c) (9) (relating to persons not to possess,  
23 use, manufacture, control, sell or transfer firearms) shall  
24 relinquish any firearms under the person's possession or  
25 control to the appropriate law enforcement agency of the  
26 municipality as described in subsection (b) or to a dealer as  
27 described in subsection (c).

28 (2) The court of conviction shall order the  
29 relinquishment and the order shall be transmitted to the  
30 appropriate law enforcement agency of the municipality and to

1 the sheriff of the county of which the person is a resident.  
2 The order shall contain a list of any firearm ordered  
3 relinquished.

4 (3) The person shall inform the court in what manner the  
5 person will relinquish the firearms.

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

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

10 (1) Relinquishment to an appropriate law enforcement  
11 agency shall be made within 24 A PERIOD NOT LONGER THAN 48 <--  
12 hours following conviction, except for cause shown, in which  
13 case the court shall specify the time for relinquishment of  
14 any or all of the person's firearms.

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

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

27 (4) As used in this subsection, the term "cause" shall  
28 be limited to facts relating to the inability of the person  
29 to retrieve a specific firearm within 24 A PERIOD NOT LONGER <--  
30 THAN 48 hours due to the then current location of the

1 firearm.

2 (c) Relinquishment to dealer.--

3 (1) In lieu of relinquishment to the local law  
4 enforcement agency, the person subject to a court order may,  
5 within ~~24~~ 48 hours or within the time ordered by the court <--  
6 upon cause being shown as in subsection (b), relinquish  
7 firearms to a dealer licensed pursuant to section 6113  
8 (relating to licensing of dealers).

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

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

14 (i) The caption of the case in which the person was  
15 convicted.

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

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

20 (iv) The name and license number of the dealer  
21 licensed pursuant to section 6113 and the address of the  
22 licensed premises.

23 (v) An acknowledgment that the firearms will not be  
24 returned to the person, unless the person is no longer  
25 prohibited from possessing a firearm under Federal or  
26 State law, OR SOLD OR TRANSFERRED TO A PERSON THE DEALER <--  
27 KNOWS IS A MEMBER OF THE DEFENDANT'S HOUSEHOLD.

28 (vi) An acknowledgment that the firearms, if  
29 transferred, will be transferred in compliance with this  
30 chapter.

1           (4) A ANY person relinquishing a firearm pursuant to <--  
2           this subsection shall, within the specified time frame,  
3           provide to the appropriate law enforcement agency OR THE <--  
4           SHERIFF'S OFFICE, OR BOTH, the affidavit required by this  
5           subsection and relinquish to the law enforcement agency any  
6           firearm ordered to be relinquished that is not specified in  
7           the affidavit.

8           (d) Notice of noncompliance.--

9           (1) If the person fails to relinquish a ANY firearm <--  
10           within 24 48 hours or within the time ordered by the court <--  
11           upon cause being shown, the law enforcement agency shall, at  
12           a minimum, provide immediate notice to the court, the victim,  
13           the prosecutor and the sheriff.

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

18           (e) Alternate relinquishment to dealer.--

19           (1) If the person relinquishes firearms to the  
20           appropriate law enforcement agency pursuant to subsection  
21           (b), the person may request that the appropriate law  
22           enforcement agency make one transfer of any such firearm to a  
23           dealer licensed pursuant to section 6113 within six months of  
24           relinquishment.

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

28           (3) The appropriate law enforcement agency shall make  
29           the transfer, if the person complies with this subsection,  
30           and may charge the person for any costs associated with

1 making the transfer.

2 (f) Recordkeeping.--Any portion of an order or petition or  
3 other paper that includes a list of firearms ordered to be  
4 relinquished shall be kept in the files of the court as a  
5 permanent record and withheld from public inspection, except  
6 upon an order of the court granted upon cause shown, after  
7 redaction of information relating to the firearms, or as  
8 necessary, by law enforcement and court personnel.

9 (g) Relinquishment of licenses.--

10 (1) A person described in this section CONVICTED OF A <--  
11 CRIME RESULTING IN A FIREARM DISABILITY PURSUANT TO SECTION  
12 6105(C)(9) shall also relinquish to the appropriate law <--  
13 enforcement agency SHERIFF any firearm license issued under <--  
14 section 6106 (relating to firearms not to be carried without  
15 a license) or 6109 (relating to licenses) that the person <--  
16 possesses OR 23 PA.C.S. § 6108.3 (RELATING TO RELINQUISHMENT <--  
17 TO THIRD PARTY FOR SAFEKEEPING).

18 (2) The provisions of subsections (a)(2) and (3), (b),  
19 (d) and (f) shall also apply to firearm licenses of the  
20 person.

21 Section 3. Sections 6106(b)(8) and 6115(b)(4) of Title 18 <--  
22 are amended to read:

23 § 6106. Firearms not to be carried without a license.

24 \* \* \*

25 (b) Exceptions. The provisions of subsection (a) shall not  
26 apply to:

27 \* \* \*

28 (8) Any person while carrying a firearm which is not  
29 loaded and is in a secure wrapper from the place of purchase  
30 to his home or place of business, or to a place of repair,

1 ~~sale or appraisal or back to his home or place of business,~~  
2 ~~or in moving from one place of abode or business to another~~  
3 ~~or from his home to a vacation or recreational home or~~  
4 ~~dwelling or back, or to recover stolen property under section~~  
5 ~~6111.1(b)(4) (relating to Pennsylvania State Police), or to a~~  
6 ~~place of instruction intended to teach the safe handling, use~~  
7 ~~or maintenance of firearms or back or to a location to which~~  
8 ~~the person has been directed to relinquish firearms under 23~~  
9 ~~Pa.C.S. § 6108 (relating to relief) or back upon return of~~  
10 ~~the relinquished firearm or to a licensed dealer's place of~~  
11 ~~business for relinquishment pursuant to 23 Pa.C.S. § 6108.2~~  
12 ~~(relating to relinquishment for consignment sale[, ] or lawful~~  
13 ~~transfer [or safekeeping]) or back upon return of the~~  
14 ~~relinquished firearm [or to a location for safekeeping~~  
15 ~~pursuant to 23 Pa.C.S. § 6108.3 (relating to relinquishment~~  
16 ~~to third party for safekeeping) or back upon return of the~~  
17 ~~relinquished firearm].~~

18 \* \* \*

19 ~~§ 6115. Loans on, or lending or giving firearms prohibited.~~

20 \* \* \*

21 ~~(b) Exception.~~

22 \* \* \*

23 ~~{(4) Nothing in this section shall prohibit the~~  
24 ~~relinquishment of firearms to a third party in accordance~~  
25 ~~with 23 Pa.C.S. § 6108.3 (relating to relinquishment to third~~  
26 ~~party for safekeeping).}~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 OR THE FRAME OR RECEIVER OF ANY SUCH WEAPON.

2 SECTION 3. SECTION 9122.1(A) OF TITLE 18 IS AMENDED BY  
3 ADDING A PARAGRAPH TO READ:

4 § 9122.1. ORDER FOR LIMITED ACCESS.

5 (A) GENERAL RULE.--THE FOLLOWING SHALL APPLY:

6 \* \* \*

7 (1.1) AN INDIVIDUAL SUBJECT FOR THE FIRST TIME TO THE  
8 ENTRY OF A FINAL PROTECTION FROM ABUSE ORDER PURSUANT TO 23  
9 PA.C.S. § 6108(A) (RELATING TO RELIEF), WHO CONSENTED TO THE  
10 ENTRY OF THE ORDER BY STIPULATION, SHALL, UPON PETITION, BE  
11 ELIGIBLE FOR AN ORDER FOR LIMITED ACCESS UNDER PARAGRAPH (1)  
12 SO LONG AS:

13 (I) AT LEAST 10 CALENDAR YEARS HAVE PASSED SINCE THE  
14 EXPIRATION OR CANCELLATION OF THE PROTECTION FROM ABUSE  
15 ORDER;

16 (II) THE INDIVIDUAL HAS NOT BEEN SUBJECT TO ANY  
17 SUBSEQUENT FINAL PROTECTION FROM ABUSE ORDER;

18 (III) THE INDIVIDUAL HAS NOT BEEN CONVICTED OF ANY  
19 MISDEMEANOR CRIME OF DOMESTIC VIOLENCE AND HAS NOT BEEN  
20 CONVICTED OF ANY FELONY SINCE THE EXPIRATION OF THE  
21 PROTECTION FROM ABUSE ORDER; AND

22 (IV) DURING THE TERM OF THE PROTECTION FROM ABUSE  
23 ORDER, THE INDIVIDUAL WAS NOT CONVICTED OF INDIRECT  
24 CRIMINAL CONTEMPT FOR VIOLATING THE PROTECTION FROM ABUSE  
25 ORDER.

26 \* \* \*

27 Section 4. The ~~definitions~~ DEFINITION of "domestic violence <--  
28 counselor/advocate" and "~~safekeeping permit~~" in section 6102(a) <--  
29 of Title 23 ~~are~~ IS amended and the subsection is amended by <--  
30 adding a definition to read:

1 § 6102. Definitions.

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

5 \* \* \*

6 "Appropriate law enforcement agency." The duly constituted  
7 municipal law enforcement agency that regularly provides primary  
8 police services to a political subdivision or, in the absence of  
9 any such municipal law enforcement agency, the Pennsylvania  
10 State Police installation that regularly provides primary police  
11 services to the political subdivision.

12 \* \* \*

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

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

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

18 (3) is under the supervision of a supervisor of a  
19 domestic violence program.

20 \* \* \*

21 ~~["Safekeeping permit." A permit issued by a sheriff allowing <--~~  
22 ~~a person to take possession of any firearm, other weapon or~~  
23 ~~ammunition that a judge ordered a defendant to relinquish in a~~  
24 ~~protection from abuse proceeding.]~~

25 \* \* \*

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

28 § 6106. Commencement of proceedings.

29 \* \* \*

30 [(e) Court to adopt means of service.--The court shall adopt

1 a means of prompt and effective service in those instances where  
2 the plaintiff avers that service cannot be safely effected by an  
3 adult individual other than a law enforcement officer or where  
4 the court so orders.]

5 (f) Service by sheriff.--[If the court so orders, the  
6 sheriff or other designated agency or individual shall serve the  
7 petition and order.] For all petitions and temporary orders for  
8 protection from abuse, original process shall be served by a  
9 sheriff or by the sheriff's duly authorized deputy, which deputy  
10 may not be a party to or a family member of a party to the  
11 protection from abuse petition, unless the petitioner chooses an  
12 alternative means of personal service.

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

17 \* \* \*

18 Section 6. Sections 6107(a), ~~(b)(4)~~ and (c), ~~6108(a)(3)~~ <--  
19 6108(A) INTRODUCTORY PARAGRAPH and (7), 6108.1 and ~~6108.2~~ <--  
20 heading, ~~(a)~~, ~~(c)~~ 6108.2(A) and (e) of Title 23 are amended to <--  
21 read:

22 § 6107. Hearings.

23 (a) General rule.--Within ten business days of the filing of  
24 a petition under this chapter, a hearing shall be held before  
25 the court, at which the plaintiff must prove the allegation of  
26 abuse by a preponderance of the evidence. The court shall, at  
27 the time the defendant is given notice of the hearing, advise  
28 the defendant of the right to be represented by counsel, of the  
29 right to present evidence, of the right to compel attendance of  
30 witnesses, of the method by which witnesses may be compelled, of

1 the possibility that any firearm, other weapon or ammunition  
2 owned and any firearm license possessed may be ordered  
3 temporarily relinquished, of the options for relinquishment of a  
4 firearm pursuant to this chapter, of the possibility that  
5 Federal or State law may prohibit the possession of firearms,  
6 including an explanation of 18 U.S.C. § 922(g) (8) (relating to  
7 unlawful acts) and 18 Pa.C.S. § 6105 (relating to persons not to  
8 possess, use, manufacture, control, sell or transfer firearms),  
9 and that any protection order granted by a court may be  
10 considered in any subsequent proceedings under this title. This  
11 notice shall be printed and delivered in a manner which easily  
12 attracts attention to its content and shall specify that child  
13 custody is one of the proceedings where prior protection orders  
14 may be considered.

15 ~~(b) Temporary orders.~~ <--

16 \* \* \*

17 ~~(4) If the court orders the defendant to temporarily~~  
18 ~~relinquish any firearm, other weapon or ammunition pursuant~~  
19 ~~to paragraph (3), the defendant shall decide in what manner~~  
20 ~~the defendant is going to relinquish any firearm, other~~  
21 ~~weapon or ammunition listed in the order. Relinquishment may~~  
22 ~~be to the sheriff pursuant to section 6108(a) (7) [or to a~~  
23 ~~third party for safekeeping pursuant to section 6108.3~~  
24 ~~(relating to relinquishment to third party for safekeeping)]~~  
25 ~~or to a dealer pursuant to section 6108.2 (relating to~~  
26 ~~relinquishment for consignment sale or lawful transfer).~~

27 \* \* \* <--

28 (c) Continued hearings.--

29 (1) If a hearing under subsection (a) is continued and  
30 no temporary order is issued, the court may make ex parte

1 temporary orders under subsection (b) as it deems necessary.

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

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

9 § 6108. Relief.

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

20 \* \* \*

21 ~~(3) If the defendant has a duty to support the plaintiff <--~~  
22 ~~or minor children living in the residence or household and~~  
23 ~~the defendant is the sole owner or lessee, granting~~  
24 ~~possession to the plaintiff of the residence or household to~~  
25 ~~the exclusion of the defendant by evicting the defendant or~~  
26 ~~restoring possession to the plaintiff or, with the consent of~~  
27 ~~the plaintiff, ordering the defendant to provide suitable~~  
28 ~~alternate housing. An order may not grant possession to the~~  
29 ~~plaintiff of the residence or household to the exclusion of~~  
30 ~~the defendant other than as provided under paragraph (2) or~~

1 ~~this paragraph.~~

2 \* \* \*

3 (7) [Ordering] Prohibiting the defendant from acquiring  
4 or possessing any firearm for the duration of the order,  
5 ordering the defendant to temporarily relinquish to the  
6 sheriff [the defendant's other weapons and ammunition which  
7 have been used or been threatened to be used in an incident  
8 of abuse against the plaintiff or the minor children and the  
9 defendant's firearms and prohibiting the defendant from  
10 acquiring or possessing any firearm for the duration of the  
11 order] any firearms under the defendant's possession or  
12 control, and requiring the defendant to relinquish to the  
13 sheriff any firearm license issued under †section 6108.3 <--  
14 (relating to relinquishment to third party for safekeeping)  
15 or† 18 Pa.C.S. § 6106 (relating to firearms not to be carried <--  
16 without a license) or 6109 (relating to licenses) the  
17 defendant may possess. The court may also order the defendant  
18 to relinquish the defendant's other weapons or ammunition  
19 that have been used or been threatened to be used in an  
20 incident of abuse against the plaintiff or the minor  
21 children. A copy of the court's order shall be transmitted to  
22 the chief or head of the [police force or police department]  
23 appropriate law enforcement agency of the municipality and to  
24 the sheriff of the county of which the defendant is a  
25 resident. When relinquishment is ordered, the following shall  
26 apply:

27 (i) (A) The court's order shall require the  
28 defendant to relinquish such firearms, other weapons,  
29 ammunition and any firearm license pursuant to the  
30 provisions of this chapter within 24 hours of service

1 of a temporary order or the entry of a final order or  
2 the close of the next business day as necessary by  
3 closure of the sheriffs' offices, except for cause  
4 shown at the hearing, in which case the court shall  
5 specify the time for relinquishment of any or all of  
6 the defendant's firearms.

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

28 (C) As used in this subparagraph, the term  
29 "cause" shall be limited to facts relating to the  
30 inability of the defendant to retrieve a specific

1 firearm within 24 hours due to the current location  
2 of the firearm.

3 (ii) The court's order shall contain a list of any  
4 firearm, other weapon or ammunition ordered relinquished.  
5 Upon the entry of a final order, the defendant shall  
6 inform the court in what manner the defendant is going to  
7 relinquish any firearm, other weapon or ammunition  
8 ordered relinquished. Relinquishment may occur pursuant  
9 to section 6108.2 (relating to relinquishment for  
10 consignment sale~~†, †~~~~or~~ lawful transfer †for safekeeping†) <--  
11 †for 6108.3† or to the sheriff pursuant to this paragraph. <--  
12 Where the sheriff is designated, the sheriff shall secure  
13 custody of the defendant's firearms, other weapons or  
14 ammunition and any firearm license listed in the court's  
15 order for the duration of the order or until otherwise  
16 directed by court order. In securing custody of the  
17 defendant's relinquished firearms, the sheriff shall  
18 comply with 18 Pa.C.S. § †6105(f)(4)† ~~6105(f)(3)~~ <--  
19 (relating to persons not to possess, use, manufacture,  
20 control, sell or transfer firearms). In securing custody  
21 of the defendant's other weapons and ammunition, the  
22 sheriff shall provide the defendant with a signed and  
23 dated written receipt which shall include a detailed  
24 description of the other weapon or ammunition and its  
25 condition. ~~The court shall inform the defendant that~~ <--  
26 ~~firearms, other weapons or ammunition will be considered~~  
27 ~~abandoned if the defendant does not request return within~~  
28 ~~six months after expiration of the order or dismissal of~~  
29 ~~a petition for a protection from abuse order, as provided~~  
30 ~~under section 6108.1 (relating to return of relinquished~~

~~firearms, other weapons and ammunition and additional relief). The sheriff may dispose of the firearms, other weapons or ammunition after that period, provided the defendant is notified of the disposal and receives any proceeds from the disposal, less the costs to the sheriff associated with taking possession of, storing and disposing of the firearms, other weapons or ammunition.~~

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

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

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

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

1 (A) upon an order of the court granted upon  
2 cause shown;

3 (B) as necessary, by law enforcement and court  
4 personnel; or

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

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

13 \* \* \*

14 § 6108.1. Return of relinquished firearms, other weapons and  
15 ammunition and additional relief.

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

1 weapons return form that the defendant may fill out and return  
2 to the office once a temporary or final protection from abuse  
3 order has been dismissed or expires.

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

7 ~~(1) The defendant or owner must provide reasonable proof~~<--  
8 ~~of ownership or of rightful possession of the firearms, other~~  
9 ~~weapon or ammunition seized.~~

10 ~~(2) (1) The firearms, other weapons or ammunition seized~~<--  
11 RELINQUISHED must not be evidence of a crime. <--

12 ~~(3) (2) The defendant or owner must not be otherwise~~<--  
13 prohibited by applicable Federal or State law, or another  
14 condition, including, but not limited to, bail, from taking  
15 possession of the firearms, other weapons or ammunition  
16 seized.

17 ~~(4) (3) The defendant or owner must have been given a~~<--  
18 clearance by the Pennsylvania State Police Instant Check  
19 System Unit OR THROUGH THE NATIONAL INSTANT CRIMINAL <--  
20 BACKGROUND CHECK SYSTEM (NICS), requested by the sheriff's  
21 office.

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

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

1 protection from abuse order petition.

2 ~~(a.4) Abandonment.~~ <--

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

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

13 (A.4) ABANDONMENT.--ANY FIREARMS, OTHER WEAPONS OR <--  
14 AMMUNITION SHALL BE DEEMED ABANDONED WHEN THE CONDITIONS UNDER  
15 18 PA.C.S. § 6128(A) (RELATING TO ABANDONMENT OF FIREARM, WEAPON  
16 OR AMMUNITION) ARE SATISFIED AND MAY THEN BE DISPOSED OF IN  
17 ACCORDANCE WITH 18 PA.C.S. § 6128.

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

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

25 (2)] Any other person may petition the court to allow  
26 for the return of that other person's firearms, other weapons  
27 and ammunition prior to the expiration of the court's order.  
28 The petition shall be served upon the plaintiff, and the  
29 plaintiff shall be given notice and an opportunity to be  
30 heard regarding that petition.

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

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

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

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

21 †"Safekeeping." The secure custody of a firearm, other ‹--  
22 weapon or ammunition ordered relinquished by an active  
23 protection from abuse order.† ‹--

24 § 6108.2. Relinquishment for consignment sale†,†~~or~~ lawful ‹--  
25 transfer †for safekeeping†. ‹--

26 (a) General rule.--Notwithstanding any other provision of  
27 law, a defendant who is the subject of a final protection from  
28 abuse order†, which order†~~or a temporary order which~~ provides ‹--  
29 for the relinquishment of firearms, other weapons or ammunition  
30 during the period of time the order is in effect, may, within

1 the time frame specified in the order and in lieu of  
2 relinquishment to the sheriff, relinquish to a dealer licensed  
3 pursuant to 18 Pa.C.S. § 6113 (relating to licensing of dealers)  
4 any firearms, other weapons or ammunition for consignment  
5 sale~~†,] or~~ lawful transfer ~~for safekeeping~~. The dealer may <--  
6 charge the defendant a reasonable fee for accepting  
7 relinquishment and for storage of any firearms, other weapons or  
8 ammunition.

9 \* \* \*

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

25 \* \* \*

26 †(e) Transfer upon entry of final order.--Upon entry of a  
27 final protection from abuse order issued pursuant to section  
28 6108, [which order provides for the relinquishment of firearms, <--  
29 other weapons or ammunition during the period of time the order  
30 is in effect,] a defendant who had relinquished firearms, other <--

1 weapons or ammunition to the sheriff pursuant to a temporary  
2 order may request that the firearms, other weapons or ammunition  
3 be relinquished to a dealer for consignment sale, lawful  
4 transfer or safekeeping pursuant to this section. If the  
5 defendant can identify a licensed dealer willing to accept the  
6 firearms, other weapons or ammunition in compliance with this  
7 section, the court shall order the sheriff to transport the  
8 firearms, other weapons or ammunition to the licensed dealer at  
9 no cost to the defendant or the licensed dealer.† <--

10 \* \* \*

11 ~~Section 7. Section 6108.3 of Title 23 is repealed:~~ <--

12 SECTION 7. SECTION 6108.3(B)(3)(II) OF TITLE 23 IS AMENDED <--  
13 BY ADDING CLAUSES TO READ:

14 †§ 6108.3. Relinquishment to third party for safekeeping. <--

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

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

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

29 ~~(2) Upon determination by the sheriff that the third~~  
30 ~~party is not prohibited from possessing firearms, other~~

1 ~~weapons or ammunition pursuant to any Federal or State law~~  
2 ~~and after the defendant and third party have executed the~~  
3 ~~affidavits required under paragraph (3), the sheriff shall~~  
4 ~~issue a safekeeping permit to the third party, which shall~~  
5 ~~include, at a minimum, a list of the firearms, other weapons~~  
6 ~~and ammunition which will be relinquished to the third party.~~  
7 ~~The permit shall be issued at no cost to the third party or~~  
8 ~~defendant. The permit shall require the third party to~~  
9 ~~possess the defendant's firearms, other weapons and~~  
10 ~~ammunition until the time that:~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

28           ~~(E) An acknowledgment that no firearm, other~~  
29           ~~weapon or ammunition relinquished to the third party~~  
30           ~~will be returned to the defendant until the sheriff~~

1 ~~accepts return of the safekeeping permit pursuant to~~  
2 ~~subsection (d).~~

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

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

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

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

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

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

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

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

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

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

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

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

29           ~~(1) The sheriff shall revoke a third party's safekeeping~~  
30 ~~permit and require the third party to relinquish to the~~

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

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

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

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

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

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

23 ~~(i) Required pursuant to paragraph (1) (i) or (ii),~~  
24 ~~the sheriff shall notify the defendant that the firearms,~~  
25 ~~other weapons and ammunition which were relinquished to~~  
26 ~~the third party are in the sheriff's possession and that~~  
27 ~~the defendant may report to the sheriff's office in order~~  
28 ~~to relinquish the firearms, other weapons and ammunition~~  
29 ~~to a subsequent third party pursuant to this section or~~  
30 ~~to a licensed dealer pursuant to section 6108.2.~~

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

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

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

13           ~~(d) Return of safekeeping permit.—~~

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

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

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

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

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

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

27 ~~(e) Civil liability. A third party who intentionally or~~  
28 ~~knowingly violates any of the provisions of this section shall,~~  
29 ~~in addition to any other penalty prescribed in this chapter or~~  
30 ~~18 Pa.C.S. Ch. 61, be civilly liable to any person for any~~

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

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

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

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

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

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

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

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

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

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

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

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

6 \* \* \*

<--

7 (B) TRANSFER TO THIRD PARTY.--

8 \* \* \*

9 (3) \* \* \*

10 (II) A THIRD PARTY WHO WILL BE ACCEPTING POSSESSION  
11 OF FIREARMS, OTHER WEAPONS AND AMMUNITION PURSUANT TO  
12 SUBSECTION (A) SHALL, IN THE PRESENCE OF THE SHERIFF OR  
13 THE SHERIFF'S DESIGNEE, EXECUTE AN AFFIDAVIT ON A FORM  
14 PRESCRIBED BY THE PENNSYLVANIA STATE POLICE WHICH SHALL  
15 INCLUDE, AT A MINIMUM, THE FOLLOWING:

16 \* \* \*

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

19 (O) AN ACKNOWLEDGMENT THAT THE THIRD PARTY IS AN  
20 ATTORNEY AT LAW, AND THAT THE ATTORNEY AT LAW AND THE  
21 DEFENDANT ARE IN AN ATTORNEY-CLIENT RELATIONSHIP. THE  
22 ATTORNEY AT LAW AND THE DEFENDANT SHALL SIGN A  
23 WRITTEN AGREEMENT STATING IN SUBSTANTIALLY THE  
24 FOLLOWING FORM: "FIREARM(S) CAN BE RELINQUISHED TO  
25 THE ATTORNEY AT LAW UPON THE EXPRESS, WRITTEN  
26 CONDITION THAT FIREARM(S) WILL BE RETURNED TO THE  
27 DEFENDANT, OR OTHERWISE TRANSFERRED, ONLY IF IN  
28 STRICT CONFORMANCE WITH APPLICABLE LAW."

29 \* \* \*

30 SECTION 8. THIS ACT SHALL APPLY TO ORDERS ISSUED PURSUANT TO

1 23 PA.C.S. § 6108 ON OR AFTER THE EFFECTIVE DATE OF THIS  
2 SECTION.

3 SECTION 9. THIS ACT SHALL TAKE EFFECT IN 180 DAYS.