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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 134 Session of  
2021

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INTRODUCED BY FONTANA, HUGHES, STREET, MUTH, KEARNEY,  
SANTARSIERO, BLAKE, CAPPELLETTI, SCHWANK, TARTAGLIONE, COSTA,  
KANE AND COMMITTA, JANUARY 27, 2021

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REFERRED TO JUDICIARY, JANUARY 27, 2021

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AN ACT

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

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

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

9 CHAPTER 62B

10 EXTREME RISK PROTECTION ORDERS

11 Sec.

12 62B01. Definitions.

13 62B02. Petition for order.

14 62B03. Procedure.

15 62B04. Ex parte orders.

16 62B05. Service of orders.

17 62B06. Termination and renewal of orders.

18 62B07. Surrender of firearms.

- 1 62B08. Return and disposal of firearms.
- 2 62B09. Reporting of orders.
- 3 62B10. Penalties.
- 4 62B11. Other authority retained.
- 5 62B12. Immunity.
- 6 62B13. Instructional and informational material.
- 7 62B14. Registry.
- 8 § 62B01. Definitions.

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

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

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

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

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

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

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

1 "Petitioner." A person who petitions for an order under this  
2 chapter.

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

5 § 62B02. Petition for order.

6 (a) Establishment of action.--

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

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

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

12 or

13 (ii) a law enforcement officer or agency.

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

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

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

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

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

1 applicable statute.

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

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

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

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

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

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

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

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

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

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

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

1 family or household member of the petitioner, the  
2 petitioner's address may be omitted from all documents filed  
3 with the court.

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

10 (f) Fees and bonds prohibited.--

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

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

18 (g) Jurisdiction.--

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

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

27 § 62B03. Procedure.

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

1 respondent.

2 (b) Service on respondent.--

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

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

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

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

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

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

29 (2) A pattern of acts or threats of violence or injury  
30 by the respondent within the past 12 months, including, but

1 not limited to, acts or threats of violence by the respondent  
2 against self or others.

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

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

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

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

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

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

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

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

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

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

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

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

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

1 affidavit of the petitioner, the respondent and witnesses.

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

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

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

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

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

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

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

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

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

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

23 (7) The following statement:

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

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

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

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

17 § 62B04. Ex parte orders.

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

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

1 custody or control, purchasing, possessing or receiving a  
2 firearm, the court shall issue an ex parte extreme risk  
3 protection order.

4 (c) Hearings.--

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

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

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

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

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

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

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

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

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

24 (7) The following statement:

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

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

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

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

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

24 § 62B05. Service of orders.

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

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

1 respondent personally.

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

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

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

12 § 62B06. Termination and renewal of orders.

13 (a) Procedure to terminate.--

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

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

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

1 The court may consider any relevant evidence, including  
2 evidence of the considerations specified in this chapter for  
3 the issuance of an order.

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

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

11 (c) Motion to renew.--

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

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

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

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

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

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

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

11 § 62B07. Surrender of firearms.

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

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

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

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

30                 (3) If personal service by a law enforcement officer is

1 not possible, or not required because the respondent was  
2 present at the extreme risk protection order hearing, the  
3 respondent shall surrender the firearms in a safe manner to  
4 the control of the local law enforcement agency within 48  
5 hours of being served with the order by alternate service or  
6 within 48 hours of the hearing at which the respondent was  
7 present and ordered to surrender all firearms and the firearm  
8 license.

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

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

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

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

30 (d) Other persons who are lawful owners.--If a person other

1 than the respondent claims title to a firearm surrendered under  
2 this section, and the person is determined by the law  
3 enforcement agency to be the lawful owner of the firearm, the  
4 firearm shall be returned to the person, provided that:

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

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

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

17 (e) Firearm surrender hearing.--

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

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

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

28 (f) Duty of Pennsylvania State Police.--The Pennsylvania  
29 State Police shall develop policies and procedures for use by  
30 all law enforcement agencies within 180 days of the effective

1 date of this section regarding the acceptance, storage and  
2 return of firearms required to be surrendered under this  
3 chapter.

4 § 62B08. Return and disposal of firearms.

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

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

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

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

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

24 § 62B09. Reporting of orders.

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

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

30 (2) The clerk of the court shall forward a copy of an

1 order issued under this chapter the same day the order is  
2 issued to the appropriate law enforcement agency specified in  
3 the order.

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

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

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

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

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

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

1 entered under this section.

2 § 62B10. Penalties.

3 A person who:

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

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

17 § 62B11. Other authority retained.

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

22 § 62B12. Immunity.

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

30 § 62B13. Instructional and informational material.

1 The Office of Attorney General shall develop and prepare  
2 instructions and informational brochures, standard petitions and  
3 extreme risk protection order forms and a staff handbook on the  
4 extreme risk protection order process. The following apply:

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

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

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

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

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

29 (6) The extreme risk protection order form shall  
30 include, in a conspicuous location, notice of criminal

1 penalties resulting from violation of the order and the  
2 following statement:

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

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

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

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

1 distribute a master copy of the translated instructions and  
2 informational brochures to all clerks of court within one  
3 year of the effective date of this section.

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

8 § 62B14. Registry.

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

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

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

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

21 (4) The date the order was entered.

22 (5) The date the order expires.

23 (6) The relief granted under this chapter.

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

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

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

30 (b) Duty of prothonotary.--

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

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

12           (3) Terminated orders shall be purged from the registry.  
13 (c) Availability.--

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

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

24           (3) Information contained in the Statewide registry  
25 shall not be subject to access under the act of February 14,  
26 2008 (P.L.6, No.3), known as the Right-to-Know Law.

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

1 violence between family or household members.

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

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

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

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

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

30 (1) Law enforcement agencies and their agents and

1 employees.

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

4 (3) Prothonotaries and their agents and employees.

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