

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1412 Session of 1997

INTRODUCED BY CIVERA, FICHTER, BARRAR, KIRKLAND, GEIST, JAMES, SERAFINI, TRICH, DALEY, TRELLO, DeLUCA, CORPORA, HARHART, YOUNGBLOOD, COY, THOMAS, PRESTON, BENNINGHOFF, J. TAYLOR, C. WILLIAMS, ROONEY, L. I. COHEN, MICOZZIE, FLICK, ADOLPH AND M. COHEN, APRIL 30, 1997

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF REPRESENTATIVES, AS AMENDED, MAY 13, 1997

AN ACT

1 Amending Title 23 (Domestic Relations) of the Pennsylvania
2 Consolidated Statutes, further providing for responsibilities
3 of law enforcement agencies and court-ordered relief.

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

6 Section 1. Sections 6105(e) and 6108(a)(7) of Title 23 of
7 the Pennsylvania Consolidated Statutes are amended to read:

8 § 6105. Responsibilities of law enforcement agencies.

9 * * *

10 (e) Statewide registry.--

11 (1) The Pennsylvania State Police shall establish a
12 Statewide registry of protection orders and shall maintain a
13 complete and systematic record and index of all valid
14 temporary and final court orders of protection or court-
15 approved consent agreements. The Statewide registry shall
16 include, but need not be limited to, the following:

1 (i) The names of the plaintiff and any protected
2 parties.

3 (ii) The name and address of the defendant.

4 (iii) The date the order was entered.

5 (iv) The date the order expires.

6 (v) The relief granted under sections 6108(a)(1),
7 (2), (4), (6) and (7) (relating to relief) and 6110(a)
8 (relating to emergency relief by minor judiciary).

9 (vi) The judicial district in which the order was
10 entered.

11 (vii) Where furnished, the Social Security number
12 and date of birth of the defendant.

13 (2) The prothonotary shall send, on a form prescribed by
14 the Pennsylvania State Police, a copy of the protection order
15 or approved consent agreement to the Statewide registry of
16 protection orders so that it is received within 24 hours of
17 the entry of the order. Likewise, amendments to or revocation
18 of an order shall be transmitted by the prothonotary within
19 24 hours of the entry of the order for modification or
20 revocation. The Pennsylvania State Police shall enter orders,
21 amendments and revocations in the Statewide registry of
22 protection orders within eight hours of receipt.

23 (3) The registry of the Pennsylvania State Police shall
24 be available at all times to inform courts, dispatchers and
25 law enforcement officers of any valid protection order
26 involving any defendant.

27 (4) When an order granting relief under section
28 6108(a)(7) has been entered by a court, SUCH INFORMATION <—
29 SHALL BE AVAILABLE TO the Pennsylvania State Police shall <—
30 make such information available to sellers of firearms for

<—

1 ~~the purpose of complying~~ FOR THE PURPOSE OF CONDUCTING A
2 CRIMINAL HISTORY RECORDS CHECK IN COMPLIANCE with the
3 applicable provisions of 18 Pa.C.S. Ch. 61 Subch. A (relating
4 to Uniform Firearms Act).

5 * * *

6 § 6108. Relief.

7 (a) General rule.--The court may grant any protection order
8 or approve any consent agreement to bring about a cessation of
9 abuse of the plaintiff or minor children. The order or agreement
10 may include:

11 * * *

12 (7) Ordering the defendant to temporarily relinquish to
13 the sheriff the defendant's weapons which have been used or
14 been threatened to be used in an incident of abuse against
15 the plaintiff or the minor children and prohibiting the
16 defendant from acquiring or possessing any other weapons for
17 the duration of the order and requiring the defendant to
18 relinquish to the sheriff any firearm license the defendant
19 may possess. The court's order shall provide for the return
20 of the weapons AND ANY FIREARM LICENSE to the defendant <—
21 subject to any restrictions and conditions as the court shall
22 deem appropriate to protect the plaintiff or minor children
23 from further abuse through the use of weapons.

24 * * *

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