

## AMENDMENTS TO HOUSE BILL NO. 80

Sponsor: SENATOR LEACH

Printer's No. 4248

1 Amend Bill, page 1, line 1, by striking out "Title" and

2 inserting

3 Titles

4 Amend Bill, page 1, line 1, by inserting after "Offenses)"

5 and 23 (Domestic Relations)

6 Amend Bill, page 1, line 4, by inserting after "metal; "

7 in protection from abuse, further providing for relief; in  
8 firearms and other dangerous articles, further providing for  
9 limitation on the regulation of firearms and ammunition;

10 Amend Bill, page 4, by inserting between lines 2 and 3

11 Section 3. Section 6120(a) of Title 18 is amended and the  
12 section is amended by adding a subsection to read:

13 § 6120. Limitation on the regulation of firearms and  
14 ammunition.

15 (a) General rule.--[No] Except as provided in subsection  
16 (a.2), no county, municipality or township may in any manner  
17 regulate the lawful ownership, possession, transfer or  
18 transportation of firearms, ammunition or ammunition components  
19 when carried or transported for purposes not prohibited by the  
20 laws of this Commonwealth.

21 \* \* \*

22 (a.2) If a political subdivision that has enacted an  
23 ordinance relating to lawful ownership, possession, transfer or  
24 transportation of firearms, ammunition or ammunition pursuant to  
25 its general authority granted by 53 Pa.C.S. (relating to  
26 municipalities) and the municipality prevails in any action it  
27 is entitled to reasonable expenses associated with the  
28 litigation to defend the ordinance and damages the court finds  
29 reasonably necessary.

30 \* \* \*

31 Section 4. Section 6108(a) (7) and (7.1) of Title 23 are  
32 amended and the section is amended by adding a subsection to  
33 read:

34 § 6108. Relief.

1 (a) General rule.--The court may grant any protection order  
2 or approve any consent agreement to bring about a cessation of  
3 abuse of the plaintiff or minor children. The order or agreement  
4 may include:

5 \* \* \*

6 [(7) Ordering the defendant to temporarily relinquish to  
7 the sheriff the defendant's other weapons and ammunition  
8 which have been used or been threatened to be used in an  
9 incident of abuse against the plaintiff or the minor children  
10 and the defendant's firearms and prohibiting the defendant  
11 from acquiring or possessing any firearm for the duration of  
12 the order 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. A copy of the court's order shall be  
18 transmitted to the chief or head of the police force or  
19 police department of the municipality and to the sheriff of  
20 the county of which the defendant is a resident. When  
21 relinquishment is ordered, the following shall apply:

22 (i) (A) The court's order shall require the  
23 defendant to relinquish such firearms, other weapons,  
24 ammunition and any firearm license pursuant to the  
25 provisions of this chapter within 24 hours of service  
26 of a temporary order or the entry of a final order or  
27 the close of the next business day as necessary by  
28 closure of the sheriffs' offices, except for cause  
29 shown at the hearing, in which case the court shall  
30 specify the time for relinquishment of any or all of  
31 the defendant's firearms.

32 (B) A defendant subject to a temporary order  
33 requiring the relinquishment of firearms, other  
34 weapons or ammunition shall, in lieu of relinquishing  
35 specific firearms, other weapons or ammunition which  
36 cannot reasonably be retrieved within the time for  
37 relinquishment in clause (A) due to their current  
38 location, provide the sheriff with an affidavit  
39 listing the firearms, other weapons or ammunition and  
40 their current location. If the defendant, within the  
41 time for relinquishment in clause (A), fails to  
42 provide the affidavit or fails to relinquish,  
43 pursuant to this chapter, any firearms, other weapons  
44 or ammunition ordered to be relinquished which are  
45 not specified in the affidavit, the sheriff shall, at  
46 a minimum, provide immediate notice to the court, the  
47 plaintiff and appropriate law enforcement  
48 authorities. The defendant shall not possess any  
49 firearms, other weapons or ammunition specifically  
50 listed in the affidavit provided to the sheriff  
51 pursuant to this clause for the duration of the

1 temporary order.

2 (C) As used in this subparagraph, the term  
3 "cause" shall be limited to facts relating to the  
4 inability of the defendant to retrieve a specific  
5 firearm within 24 hours due to the current location  
6 of the firearm.

7 (ii) The court's order shall contain a list of any  
8 firearm, other weapon or ammunition ordered relinquished.  
9 Upon the entry of a final order, the defendant shall  
10 inform the court in what manner the defendant is going to  
11 relinquish any firearm, other weapon or ammunition  
12 ordered relinquished. Relinquishment may occur pursuant  
13 to section 6108.2 (relating to relinquishment for  
14 consignment sale, lawful transfer or safekeeping) or  
15 6108.3 or to the sheriff pursuant to this paragraph.  
16 Where the sheriff is designated, the sheriff shall secure  
17 custody of the defendant's firearms, other weapons or  
18 ammunition and any firearm license listed in the court's  
19 order for the duration of the order or until otherwise  
20 directed by court order. In securing custody of the  
21 defendant's relinquished firearms, the sheriff shall  
22 comply with 18 Pa.C.S. § 6105(f)(4) (relating to persons  
23 not to possess, use, manufacture, control, sell or  
24 transfer firearms). In securing custody of the  
25 defendant's other weapons and ammunition, the sheriff  
26 shall provide the defendant with a signed and dated  
27 written receipt which shall include a detailed  
28 description of the other weapon or ammunition and its  
29 condition.

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

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

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

47 (A) upon an order of the court granted upon  
48 cause shown;

49 (B) as necessary, by law enforcement and court  
50 personnel; or

51 (C) after redaction of information listing any

firearm, other weapon or ammunition.

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

(7.1) If the defendant is a licensed firearms dealer, ordering the defendant to follow such restrictions as the court may require concerning the conduct of his business, which may include ordering the defendant to relinquish any Federal or State license for the sale, manufacture or importation of firearms as well as firearms in the defendant's business inventory. In restricting the defendant pursuant to this paragraph, the court shall make a reasonable effort to preserve the financial assets of the defendant's business while fulfilling the goals of this chapter.]

\* \* \*

(a.1) Relinquishing firearms.--Any protection order or consent agreement to bring about a cessation of abuse of the plaintiff or minor children under subsection (a) shall include all of the following:

(1) Ordering the defendant to temporarily relinquish to the sheriff the defendant's other weapons and ammunition which have been used or been threatened to be used in an incident of abuse against the plaintiff or the minor children and the defendant's firearms and prohibiting the defendant from acquiring or possessing any firearm for the duration of the order and requiring the defendant to relinquish to the sheriff any firearm license issued under section 6108.3 (relating to relinquishment to third party for safekeeping) or 18 Pa.C.S. § 6106 (relating to firearms not to be carried without a license) or 6109 (relating to licenses) the defendant may possess. A copy of the court's order shall be transmitted to the chief or head of the police force or police department of the municipality and to the sheriff of the county of which the defendant is a resident. When relinquishment is ordered, the following shall apply:

(i) (A) The court's order shall require the defendant to relinquish such firearms, other weapons, ammunition and any firearm license pursuant to the provisions of this chapter within 24 hours of service of a temporary order or the entry of a final order or the close of the next business day as necessary by closure of the sheriffs' offices, except for cause shown at the hearing, in which case the court shall specify the time for relinquishment of any or all of the defendant's firearms.

(B) A defendant subject to a temporary order requiring the relinquishment of firearms, other weapons or ammunition shall, in lieu of relinquishing

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

19 (C) As used in this subparagraph, the term  
20 "cause" shall be limited to facts relating to the  
21 inability of the defendant to retrieve a specific  
22 firearm within 24 hours due to the current location  
23 of the firearm.

24 (ii) The court's order shall contain a list of any  
25 firearm, other weapon or ammunition ordered relinquished.  
26 Upon the entry of a final order, the defendant shall  
27 inform the court in what manner the defendant is going to  
28 relinquish any firearm, other weapon or ammunition  
29 ordered relinquished. Relinquishment may occur pursuant  
30 to section 6108.2 (relating to relinquishment for  
31 consignment sale, lawful transfer or safekeeping) or  
32 6108.3 or to the sheriff pursuant to this paragraph.  
33 Where the sheriff is designated, the sheriff shall secure  
34 custody of the defendant's firearms, other weapons or  
35 ammunition and any firearm license listed in the court's  
36 order for the duration of the order or until otherwise  
37 directed by court order. In securing custody of the  
38 defendant's relinquished firearms, the sheriff shall  
39 comply with 18 Pa.C.S. § 6105(f)(4) (relating to persons  
40 not to possess, use, manufacture, control, sell or  
41 transfer firearms). In securing custody of the  
42 defendant's other weapons and ammunition, the sheriff  
43 shall provide the defendant with a signed and dated  
44 written receipt which shall include a detailed  
45 description of the other weapon or ammunition and its  
46 condition.

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

50 (iv) Unless the defendant has complied with  
51 subparagraph (i)(B) or section 6108.2 or 6108.3, if the

1 defendant fails to relinquish any firearm, other weapon,  
2 ammunition or firearm license within 24 hours or upon the  
3 close of the next business day due to closure of  
4 sheriffs' offices or within the time ordered by the court  
5 upon cause being shown at the hearing, the sheriff shall,  
6 at a minimum, provide immediate notice to the court, the  
7 plaintiff and appropriate law enforcement agencies.

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

13 (A) upon an order of the court granted upon  
14 cause shown;

15 (B) as necessary, by law enforcement and court  
16 personnel; or

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

19 (vi) As used in this paragraph, the term  
20 "defendant's firearms" shall, if the defendant is a  
21 licensed firearms dealer, only include firearms in the  
22 defendant's personal firearms collection pursuant to 27  
23 CFR § 478.125a (relating to personal firearms  
24 collection).

25 (2) If the defendant is a licensed firearms dealer,  
26 ordering the defendant to follow such restrictions as the  
27 court may require concerning the conduct of his business,  
28 which may include ordering the defendant to relinquish any  
29 Federal or State license for the sale, manufacture or  
30 importation of firearms as well as firearms in the  
31 defendant's business inventory. In restricting the defendant  
32 pursuant to this paragraph, the court shall make a reasonable  
33 effort to preserve the financial assets of the defendant's  
34 business while fulfilling the goals of this chapter.

35 \* \* \*

36 Section 5. Any statute that impairs the authority of a  
37 municipality to enact an ordinance that pursuant to 53 Pa.C.S.,  
38 or any other statute, shall not apply to an ordinance adopted by  
39 a municipality prior to the effective date of this section and  
40 such an ordinance shall continue in full force and effect.

41 Amend Bill, page 4, line 3, by striking out "3" and inserting