

## AMENDMENTS TO HOUSE BILL NO. 2060

Sponsor: REPRESENTATIVE MARSICO

Printer's No. 3035

1 Amend Bill, page 1, lines 1 through 15, by striking out all  
2 of said lines and inserting

3 Amending Titles 18 (Crimes and Offenses) and 23 (Domestic  
4 Relations) of the Pennsylvania Consolidated Statutes, in  
5 firearms and other dangerous articles, further providing for  
6 persons not to possess, use, manufacture, control, sell or  
7 transfer firearms and providing for relinquishment of  
8 firearms and firearm licenses by convicted persons and for  
9 abandonment of firearms, weapons or ammunition; and, in  
10 protection from abuse, further providing for definitions, for  
11 commencement of proceedings, for hearings, for relief, for  
12 return of relinquished firearms, other weapons and ammunition  
13 and additional relief, for relinquishment for consignment  
14 sale, lawful transfer or safekeeping and for relinquishment  
15 to third party for safekeeping and providing for order to  
16 seal record from public view.

17 Amend Bill, page 1, lines 18 through 23; pages 2 through 31,  
18 lines 1 through 30; page 32, lines 1 through 28; by striking out  
19 all of said lines on said pages and inserting

20 Section 1. Section 6105(a)(2), (a.1)(2) and (3) and (c)(6)  
21 and (9) of Title 18 of the Pennsylvania Consolidated Statutes  
22 are amended and subsection (c) is amended by adding a paragraph  
23 to read:

24 § 6105. Persons not to possess, use, manufacture, control, sell  
25 or transfer firearms.

26 (a) Offense defined.--

27 \* \* \*

28 (2) (i) [A] Except as otherwise provided in this  
29 paragraph, a person who is prohibited from possessing,  
30 using, controlling, selling, transferring or  
31 manufacturing a firearm under paragraph (1) or subsection  
32 (b) or (c) shall have a reasonable period of time, not to  
33 exceed 60 days from the date of the imposition of the  
34 disability under this subsection, in which to sell or  
35 transfer that person's firearms to another eligible

1 person who is not a member of the prohibited person's  
2 household.

3 (ii) This paragraph shall not apply to any person  
4 whose disability is imposed pursuant to subsection (c)  
5 (6).

6 (iii) A person whose disability is imposed pursuant  
7 to subsection (c)(9) shall relinquish any firearms and  
8 firearm licenses under that person's possession or  
9 control, as described in section 6105.2 (relating to  
10 relinquishment of firearms and firearm licenses by  
11 convicted persons).

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

17 (a.1) Penalty.--

18 \* \* \*

19 (2) A person who is the subject of an active final  
20 protection from abuse order issued pursuant to 23 Pa.C.S. §  
21 6108 (relating to relief), is the subject of any other active  
22 protection from abuse order issued pursuant to 23 Pa.C.S. §  
23 6107(b) (relating to hearings), which [order] provided for  
24 the relinquishment of firearms[, ] or other weapons or  
25 ammunition during the period of time the order is in effect,  
26 or is otherwise prohibited from possessing or acquiring a  
27 firearm under 18 U.S.C. § 922(g)(8) (relating to unlawful  
28 acts), commits a misdemeanor of the [first] second degree if  
29 he intentionally or knowingly fails to relinquish a  
30 firearm[, ] or other weapon or ammunition to the sheriff as  
31 required by the order unless, in lieu of relinquishment, he  
32 provides an affidavit which lists the firearms[, ] or other  
33 weapons or ammunition to the sheriff in accordance with  
34 [either] 23 Pa.C.S. § 6108(a)(7)(i)(B), 6108.2 (relating to  
35 relinquishment for consignment sale, lawful transfer or  
36 safekeeping) or 6108.3 (relating to relinquishment to third  
37 party for safekeeping).

38 (3) (i) A person commits a misdemeanor of the third  
39 degree if he intentionally or knowingly accepts  
40 possession of a firearm, other weapon or ammunition from  
41 [a] another person he knows is the subject of an active  
42 final protection from abuse order issued pursuant to 23  
43 Pa.C.S. § 6108 or an active protection from abuse order  
44 issued pursuant to 23 Pa.C.S. § [6108] 6107(b), which  
45 order provided for the relinquishment of the firearm,  
46 other weapon or ammunition during the period of time the  
47 order is in effect.

48 (ii) This paragraph shall not apply to:

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

1 (B) a dealer licensed pursuant to section 6113  
2 (relating to licensing of dealers) or subsequent  
3 purchaser from a dealer licensed pursuant to section  
4 6113, who accepts possession of a firearm, other  
5 weapon or ammunition relinquished pursuant to 23  
6 Pa.C.S. § 6108.2.

7 \* \* \*

8 (c) Other persons.--In addition to any person who has been  
9 convicted of any offense listed under subsection (b), the  
10 following persons shall be subject to the prohibition of  
11 subsection (a):

12 \* \* \*

13 (6) A person who is the subject of an active final  
14 protection from abuse order issued pursuant to 23 Pa.C.S. §  
15 6108, is the subject of any other active protection from  
16 abuse order issued pursuant to 23 Pa.C.S. § 6107(b), which  
17 [order] provided for the relinquishment of firearms during  
18 the period of time the order is in effect or is otherwise  
19 prohibited from possessing or acquiring a firearm under 18  
20 U.S.C. § 922(g)(8). This prohibition shall terminate upon the  
21 expiration or vacation of [an active protection from abuse]  
22 the order or portion thereof relating to the relinquishment  
23 of firearms.

24 \* \* \*

25 (9) A person who is prohibited from possessing or  
26 acquiring a firearm under 18 U.S.C. § 922(g)(9) [(relating to  
27 unlawful acts)]. If the offense which resulted in the  
28 prohibition under 18 U.S.C. § 922(g)(9) was committed, as  
29 provided in 18 U.S.C. § 921(a)(33)(A)(ii) (relating to  
30 definitions), by a person in any of the following  
31 relationships:

32 (i) the current or former spouse, parent or guardian  
33 of the victim;

34 (ii) a person with whom the victim shares a child in  
35 common;

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

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

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

42 (10) A person who has been convicted of an offense under  
43 subsection (a.1)(2). The prohibition shall terminate five  
44 years after the date of conviction, final release from  
45 confinement or final release from supervision, whichever is  
46 later.

47 \* \* \*

48 Section 2. Title 18 is amended by adding sections to read:  
49 § 6105.2. Relinquishment of firearms and firearm licenses by  
50 convicted persons.

51 (a) Procedure.--

1       (1) A person subject to a firearms disability pursuant  
2 to section 6105(c)(9) (relating to persons not to possess,  
3 use, manufacture, control, sell or transfer firearms) shall  
4 relinquish any firearms under the person's possession or  
5 control to the appropriate law enforcement agency of the  
6 municipality as described in subsection (b) or to a dealer as  
7 described in subsection (c).

8       (2) The court of conviction shall order the  
9 relinquishment and the order shall be transmitted to the  
10 appropriate law enforcement agency of the municipality and to  
11 the sheriff of the county of which the person is a resident.  
12 The order shall contain a list of any firearm ordered  
13 relinquished.

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

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

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

20       (1) Relinquishment to an appropriate law enforcement  
21 agency shall be made within a period not longer than 24 hours  
22 following conviction, except for cause shown, in which case  
23 the court shall specify the time for relinquishment of any or  
24 all of the person's firearms.

25       (2) In securing custody of the person's relinquished  
26 firearms, the law enforcement agency shall provide the person  
27 subject to the relinquishment order with a signed and dated  
28 written receipt, which shall include a detailed description  
29 of each firearm and its condition.

30       (3) As used in this subsection, the term "cause" shall  
31 be limited to facts relating to the inability of the person  
32 to retrieve a specific firearm within a period not longer  
33 than 24 hours due to the then current location of the  
34 firearm.

35       (c) Relinquishment to dealer.--

36       (1) In lieu of relinquishment to the local law  
37 enforcement agency, the person subject to a court order may,  
38 within 24 hours or within the time ordered by the court upon  
39 cause being shown as in subsection (b), relinquish firearms  
40 to a dealer licensed pursuant to section 6113 (relating to  
41 licensing of dealers).

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

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

47       (i) The caption of the case in which the person was  
48 convicted.

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

51       (iii) A list of the firearms, including the

1 manufacturer, model and serial number.

2 (iv) The name and license number of the dealer  
3 licensed pursuant to section 6113 and the address of the  
4 licensed premises.

5 (v) An acknowledgment that the firearms will not be  
6 returned to the person, unless the person is no longer  
7 prohibited from possessing a firearm under Federal or  
8 State law, or sold or transferred to a person the dealer  
9 knows is a member of the defendant's household.

10 (vi) An acknowledgment that the firearms, if  
11 transferred, will be transferred in compliance with this  
12 chapter.

13 (4) Any person relinquishing a firearm pursuant to this  
14 subsection shall, within the specified time frame, provide to  
15 the appropriate law enforcement agency or the sheriff's  
16 office, or both, the affidavit required by this subsection  
17 and relinquish to the law enforcement agency any firearm  
18 ordered to be relinquished that is not specified in the  
19 affidavit.

20 (d) Notice of noncompliance.--

21 (1) If the person fails to relinquish any firearm within  
22 24 hours or within the time ordered by the court upon cause  
23 being shown, the law enforcement agency shall, at a minimum,  
24 provide immediate notice to the court, the victim, the  
25 prosecutor and the sheriff.

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

30 (e) Alternate relinquishment to dealer.--

31 (1) If the person relinquishes firearms to the  
32 appropriate law enforcement agency pursuant to subsection  
33 (b), the person may request that the appropriate law  
34 enforcement agency make one transfer of any such firearm to a  
35 dealer licensed pursuant to section 6113 within six months of  
36 relinquishment.

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

40 (3) The appropriate law enforcement agency shall make  
41 the transfer, if the person complies with this subsection,  
42 and may charge the person for any costs associated with  
43 making the transfer.

44 (f) Recordkeeping.--Any portion of an order or petition or  
45 other paper that includes a list of firearms ordered to be  
46 relinquished shall be kept in the files of the court as a  
47 permanent record and withheld from public inspection, except  
48 upon an order of the court granted upon cause shown, after  
49 redaction of information relating to the firearms, or as  
50 necessary, by law enforcement and court personnel.

51 (g) Relinquishment of licenses.--

1       (1) A person convicted of a crime resulting in a firearm  
2       disability pursuant to section 6105(c)(9) shall also  
3       relinquish to the sheriff any firearm license issued under  
4       section 6106 (relating to firearms not to be carried without  
5       a license) or 6109 (relating to licenses) or 23 Pa.C.S. §  
6       6108.3 (relating to relinquishment to third party for  
7       safekeeping).

8       (2) The provisions of subsections (a)(2) and (3), (b),  
9       (d) and (f) shall also apply to firearm licenses of the  
10      person.

11      (h) Penalty.--A person convicted of a crime resulting in a  
12      firearm disability pursuant to section 6105(c)(9) commits a  
13      misdemeanor of the second degree if the person intentionally or  
14      knowingly fails to relinquish a firearm or other weapon or  
15      ammunition to an appropriate law enforcement agency or a dealer  
16      in accordance with this section.

17      (i) Definition.--As used in this section, the term "firearm"  
18      means any weapon which is designed to or may readily be  
19      converted to expel any projectile by the action of an explosive  
20      or the frame or receiver of any such weapon.

21      § 6128. Abandonment of firearms, weapons or ammunition.

22      (a) General rule.--Firearms, weapons or ammunition which are  
23      itemized on a list required under 23 Pa.C.S. § 6108(a)(7)(v)  
24      (relating to relief) or the possession or acquisition of which  
25      is prohibited under 18 U.S.C. § 922(g)(9) (relating to unlawful  
26      acts) and relinquished into or otherwise coming into the custody  
27      of a police department, coroner, medical examiner, district  
28      attorney, sheriff or licensed dealer shall be deemed abandoned  
29      when:

30      (1) Relinquished by its lawful owner pursuant to court  
31      order or executed warrant and no written request to return or  
32      otherwise dispose of the firearms, weapons or ammunition is  
33      made by the lawful owner or the lawful owner's attorney or  
34      duly appointed representative after a period of one year from  
35      the date an order of relinquishment or seizure has expired.

36      (2) Found, discovered or otherwise passed into the  
37      custody of the police department, coroner, medical examiner,  
38      district attorney, sheriff or licensed dealer and no owner  
39      can be determined after a documented search of the database  
40      of firearms sales maintained by the Pennsylvania State Police  
41      is made at the time the firearms come into the custody of the  
42      police department, coroner, medical examiner, district  
43      attorney, sheriff or licensed dealer and is again made one  
44      year from the date of the first documented search.

45      (b) Methods of disposal.--If firearms, weapons or ammunition  
46      are deemed abandoned under subsection (a), the custodian may  
47      dispose of the firearms, weapons or ammunition by:

48      (1) Arranging for the sale of the firearms, weapons or  
49      ammunition to a federally licensed firearms dealer by sealed  
50      bid with proceeds of the sale to be retained by the  
51      custodian.

1       (2) Arranging for the lawful and complete destruction of  
2 the firearms, weapons or ammunition. Firearms, weapons or  
3 ammunition that cannot lawfully be sold to a federally  
4 licensed firearms dealer in this Commonwealth shall be  
5 destroyed.

6       (c) Limitation.--A custodian may not dispose of firearms,  
7 weapons or ammunition deemed abandoned under subsection (a)(1)  
8 without first notifying the person who relinquished the  
9 firearms, weapons or ammunition. If the person who relinquished  
10 the firearms, weapons or ammunition fails to respond within 20  
11 days to the notice, the custodian may proceed with disposal of  
12 the firearms, weapons or ammunition. Notification shall be by  
13 certified mail to:

14       (1) an address where the person relinquishing the  
15 firearms, weapons or ammunition is now known by the custodian  
16 to reside;

17       (2) the last known address of the person relinquishing  
18 the firearms, weapons or ammunition;

19       (3) the address of the person relinquishing the  
20 firearms, weapons or ammunition which was provided at the  
21 time of relinquishment; or

22       (4) the address of the person relinquishing the  
23 firearms, weapons or ammunition which is found after  
24 searching the available sources of address data maintained in  
25 the Commonwealth's databases of motor vehicle registration,  
26 motor vehicle driver licensing, occupational and professional  
27 licensure, corrections facilities and public assistance.

28       (d) Illegal seizure.--A custodian who sells or destroys  
29 seized firearms, weapons or ammunition with pending or  
30 unresolved evidentiary challenges to the legality of the seizure  
31 shall be liable to the lawful owner of the illegally seized  
32 firearms, weapons or ammunition for the actual value of the  
33 illegally seized firearms, weapons or ammunition plus reasonable  
34 attorney fees. Actual value shall be determined by the owner,  
35 who shall be required to obtain an estimate of value from a  
36 private third-party licensed firearms dealer.

37       (e) Public inspection.--A portion of an order or petition or  
38 other paper which includes a list of firearms or other weapons  
39 or ammunition in possession of a custodian under this section  
40 shall be withheld from public inspection except:

41       (1) upon an order of a court granted upon cause shown;

42       (2) as necessary, by law enforcement and court  
43 personnel; or

44       (3) after redaction of information listing firearms,  
45 other weapons or ammunition.

46       (f) Definitions.--As used in this section, the following  
47 words and phrases shall have the meanings given to them in this  
48 subsection unless the context clearly indicates otherwise:

49       "Custodian." A police department, coroner, medical examiner,  
50 district attorney, sheriff or licensed dealer into whose custody  
51 firearms, weapons or ammunition has passed.

1     "Firearm." Any weapon which is designed to or may readily be  
2     converted to expel any projectile by the action of an explosive  
3     or the frame or receiver of any such weapon.

4     Section 3. Section 6102(a) of Title 23 is amended by adding  
5     a definition to read:

6     § 6102. Definitions.

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

10    \* \* \*

11    "Appropriate law enforcement agency." The duly constituted  
12    municipal law enforcement agency that regularly provides primary  
13    police services to a political subdivision or, in the absence of  
14    any such municipal law enforcement agency, the Pennsylvania  
15    State Police installation that regularly provides primary police  
16    services to the political subdivision.

17    \* \* \*

18    Section 4. Section 6106(d) of Title 23 is amended and the  
19    section is amended by adding a subsection to read:

20    § 6106. Commencement of proceedings.

21    \* \* \*

22    (a.3) Notification of need to protect plaintiff.--The  
23    plaintiff shall notify the court anytime during the period  
24    commencing upon filing the petition and granting of an order or  
25    approving a consent agreement at a hearing held under section  
26    6107(a) (relating to hearings) if the plaintiff has reason to  
27    believe the plaintiff's safety is at risk. In such a case, the  
28    court shall direct the Pennsylvania State Police, the municipal  
29    police or the sheriff to accompany the plaintiff to the  
30    plaintiff's residence to retrieve personal belongings or to  
31    accompany the plaintiff while the petition or order is served  
32    upon the defendant by the sheriff or competent adult, as set  
33    forth in the Pennsylvania Rules of Civil Procedure.

34    \* \* \*

35    (d) Surcharge on order.--When a protection order is granted  
36    under section 6107(a) [(relating to hearings)], other than  
37    pursuant to an agreement of the parties, a surcharge of \$100  
38    shall be assessed against the defendant. All moneys received  
39    from surcharges shall be distributed in the following order of  
40    priority:

41       (1) \$25 shall be forwarded to the Commonwealth and shall  
42       be appropriated to the Pennsylvania State Police to establish  
43       and maintain the Statewide registry of protection orders  
44       provided for in section 6105.

45       (2) \$50 shall be retained by the county and shall be  
46       used to carry out the provisions of this chapter as follows:

47           (i) \$25 shall be used by the sheriff.

48           (ii) \$25 shall be used by the court.

49       (3) \$25 shall be forwarded to the Department of Public  
50       Welfare for use for victims of domestic violence in  
51       accordance with the provisions of section 2333 of the act of



1 April 9, 1929 (P.L.177, No.175), known as The Administrative  
2 Code of 1929.

3 \* \* \*

4 Section 5. Section 6107(a) and (c) of Title 23 are amended  
5 to read:

6 § 6107. Hearings.

7 (a) General rule.--Within ten business days of the filing of  
8 a petition under this chapter, a hearing shall be held before  
9 the court, at which the plaintiff must prove the allegation of  
10 abuse by a preponderance of the evidence. The court shall, at  
11 the time the defendant is given notice of the hearing, advise  
12 the defendant of the right to be represented by counsel, of the  
13 right to present evidence, of the right to compel attendance of  
14 witnesses, of the method by which witnesses may be compelled, of  
15 the possibility that any firearm, other weapon or ammunition  
16 owned and any firearm license possessed may be ordered  
17 temporarily relinquished, of the options for relinquishment of a  
18 firearm pursuant to this chapter, of the possibility that  
19 Federal or State law may prohibit the possession of firearms,  
20 including an explanation of 18 U.S.C. § 922(g)(8) (relating to  
21 unlawful acts) and 18 Pa.C.S. § 6105 (relating to persons not to  
22 possess, use, manufacture, control, sell or transfer firearms),  
23 and that any protection order granted by a court may be  
24 considered in any subsequent proceedings under this title. This  
25 notice shall be printed and delivered in a manner which easily  
26 attracts attention to its content and shall specify that child  
27 custody is one of the proceedings where prior protection orders  
28 may be considered.

29 \* \* \*

30 (c) Continued hearings.--

31 (1) If a hearing under subsection (a) is continued and  
32 no temporary order is issued, the court may make ex parte  
33 temporary orders under subsection (b) as it deems necessary.

34 (2) If a hearing is scheduled to take place within three  
35 business days after a defendant is served under section 6106  
36 (relating to commencement of proceedings), the court shall  
37 grant a continuance until the three business day-period has  
38 elapsed, if requested by the defendant.

39 (3) The court shall notify the defendant of the right to  
40 such continuance.

41 Section 6. Section 6108(a) introductory paragraph and (7) of  
42 Title 23 are amended, subsection (e)(1) is amended by adding a  
43 subparagraph and the section is amended by adding subsections to  
44 read:

45 § 6108. Relief.

46 (a) General rule.--[The] Subject to subsection (a.1), the  
47 court may grant any protection order or approve any consent  
48 agreement to bring about a cessation of abuse of the plaintiff  
49 or minor children. The order or agreement may include:

50 \* \* \*

51 (7) [Ordering] Prohibiting the defendant from acquiring

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

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

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

1 listed in the affidavit provided to the sheriff  
2 pursuant to this clause for the duration of the  
3 temporary order.

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

9 (ii) The court's order shall contain a list of any  
10 firearm, other weapon or ammunition ordered relinquished.  
11 Upon the entry of a final order, the defendant shall  
12 inform the court in what manner the defendant is going to  
13 relinquish any firearm, other weapon or ammunition  
14 ordered relinquished. Relinquishment may occur pursuant  
15 to section 6108.2 (relating to relinquishment for  
16 consignment sale, lawful transfer or safekeeping) or  
17 6108.3 or to the sheriff pursuant to this paragraph.  
18 Where the sheriff is designated, the sheriff shall secure  
19 custody of the defendant's firearms, other weapons or  
20 ammunition and any firearm license listed in the court's  
21 order for the duration of the order or until otherwise  
22 directed by court order. In securing custody of the  
23 defendant's relinquished firearms, the sheriff shall  
24 comply with 18 Pa.C.S. § 6105(f)(4) (relating to persons  
25 not to possess, use, manufacture, control, sell or  
26 transfer firearms). In securing custody of the  
27 defendant's other weapons and ammunition, the sheriff  
28 shall provide the defendant with a signed and dated  
29 written receipt which shall include a detailed  
30 description of the other weapon or ammunition and its  
31 condition. The court shall inform the defendant that  
32 firearms, other weapons or ammunition shall be deemed  
33 abandoned when the conditions under 18 Pa.C.S. § 6128(a)  
34 (relating to abandonment of firearm, weapon or  
35 ammunition) are satisfied and may then be disposed of in  
36 accordance with 18 Pa.C.S. § 6128.

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

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

49 (v) Any portion of any order or any petition or  
50 other paper which includes a list of any firearm, other  
51 weapon or ammunition ordered relinquished shall be kept

1 in the files of the court as a permanent record thereof  
2 and withheld from public inspection except:

3 (A) upon an order of the court granted upon  
4 cause shown;

5 (B) as necessary, by law enforcement and court  
6 personnel; or

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

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

15 \* \* \*

16 (a.1) Final order or agreement.--Any final order or  
17 agreement must direct the defendant to refrain from abusing,  
18 harassing, stalking, threatening or attempting or threatening to  
19 use physical force against the plaintiff or minor children and  
20 must order that the defendant is subject to the firearms, other  
21 weapons or ammunition and firearm license prohibition and  
22 relinquishment provisions under subsection (a)(7).

23 \* \* \*

24 (e) Extension of protection orders.--

25 (1) An extension of a protection order may be granted:

26 (i) Where the court finds, after a duly filed  
27 petition, notice to the defendant and a hearing, in  
28 accordance with the procedures set forth in sections 6106  
29 and 6107, that the defendant committed one or more acts  
30 of abuse subsequent to the entry of the final order or  
31 that the defendant engaged in a pattern or practice that  
32 indicates continued risk of harm to the plaintiff or  
33 minor child.

34 (ii) When a contempt petition or charge has been  
35 filed with the court or with a hearing officer in  
36 Philadelphia County, but the hearing has not occurred  
37 before the expiration of the protection order, the order  
38 shall be extended, at a minimum, until the disposition of  
39 the contempt petition and may be extended for another  
40 term beyond the disposition of the contempt petition.

41 (iii) If the plaintiff files a petition for an  
42 extension of the order and the defendant is or was  
43 incarcerated and will be released from custody in the  
44 next 90 days or has been released from custody within the  
45 past 90 days. The plaintiff does not need to show that  
46 the defendant committed one or more acts of abuse  
47 subsequent to the entry of the order or that the  
48 defendant engaged in a pattern or practice that indicates  
49 continued risk of harm to the plaintiff or minor children  
50 as set forth in subparagraph (i).

51 \* \* \*

1 (i) Third parties and affidavits.--A court requiring  
2 relinquishment of firearms under this section shall provide for  
3 the hearing of petitions by third parties who request the return  
4 of a firearm relinquished by the defendant under subsection (a)  
5 (7). The following apply:

6 (1) A third party claiming to be the lawful owner of a  
7 firearm relinquished by the defendant under subsection (a)(7)  
8 may request the return of the firearm by providing proof of  
9 ownership and a sworn affidavit.

10 (2) The affidavit under paragraph (1) must affirm all of  
11 the following:

12 (i) The third party who is the lawful owner will not  
13 intentionally or knowingly return to the defendant the  
14 firearm or allow access to the firearm by the defendant.

15 (ii) The third party who is the lawful owner  
16 understands that violating subparagraph (i) constitutes a  
17 misdemeanor of the second degree under 18 Pa.C.S. Ch. 61  
18 (relating to firearms and other dangerous articles).

19 (iii) If the third party who is the lawful owner is  
20 a family or household member of the defendant, any  
21 firearm returned under this section must be stored in a  
22 gun safe to which the defendant does not have access and  
23 will not be permitted to access, or stored in a location  
24 outside the third party's home to which the defendant  
25 does not have access.

26 (3) If the court orders the return of a firearm under  
27 this section, prior to the return of the firearm, the sheriff  
28 shall independently confirm that the person seeking relief  
29 under this section is legally eligible to possess firearms  
30 under Federal and State law. The sheriff shall conduct the  
31 background check as soon as practicable after the court  
32 enters an order under this section.

33 Section 7. Section 6108.1(a) and (b) of Title 23 are amended  
34 and the section is amended by adding subsections to read:

35 § 6108.1. Return of relinquished firearms, other weapons and  
36 ammunition and additional relief.

37 (a) General rule.--Any court order requiring the  
38 relinquishment of firearms, other weapons or ammunition shall  
39 provide for the return of the relinquished firearms, other  
40 weapons or ammunition to the defendant upon expiration of the  
41 order or dismissal of a petition for a protection from abuse  
42 order. The defendant may take custody of the firearms, other  
43 weapons and ammunition provided that the defendant is otherwise  
44 eligible to lawfully possess the relinquished items. The  
45 defendant shall not be required to pay any fees, costs or  
46 charges associated with the returns, whether those fees, costs  
47 or charges are imposed by the Pennsylvania State Police, any  
48 local law enforcement agency or any other entity, including a  
49 licensed importer, licensed manufacturer or licensed dealer in  
50 order to secure return of the relinquished firearms, other  
51 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 firearms, other weapons or ammunition  
8 relinquished must not be evidence of a crime.

9 (2) The defendant or owner must not be otherwise  
10 prohibited by applicable Federal or State law, or another  
11 condition, including, but not limited to, bail, from taking  
12 possession of the firearms, other weapons or ammunition  
13 seized.

14 (3) The defendant or owner must have been given a  
15 clearance by the Pennsylvania State Police Instant Check  
16 System Unit or through the National Instant Criminal  
17 Background Check System (NICS), requested by the sheriff's  
18 office.

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

22 (a.3) Petition for return.--If there is a determination  
23 under subsection (a.1) that the defendant is ineligible to  
24 regain possession of the firearms, other weapons or ammunition,  
25 the defendant or owner may file a petition appealing that  
26 determination and seeking their return. A copy of the petition  
27 must be served upon the plaintiff, sheriff and the district  
28 attorney.

29 (a.4) Abandonment.--Any firearms, other weapons or  
30 ammunition shall be deemed abandoned when the conditions under  
31 18 Pa.C.S. § 6128(a) (relating to abandonment of firearm, weapon  
32 or ammunition) are satisfied and may then be disposed of in  
33 accordance with 18 Pa.C.S. § 6128.

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

36 [(1) The defendant may petition the court to allow for  
37 the return of firearms, other weapons and ammunition to the  
38 defendant prior to the expiration of the court's order. The  
39 petition shall be served upon the plaintiff and the plaintiff  
40 shall be a party to the proceedings regarding that petition.

41 (2)] Any other person may petition the court to allow  
42 for the return of that other person's firearms, other weapons  
43 and ammunition prior to the expiration of the court's order.  
44 The petition shall be served upon the plaintiff, and the  
45 plaintiff shall be given notice and an opportunity to be  
46 heard regarding that petition.

47 \* \* \*

48 Section 8. Section 6108.2(a) and (e) of Title 23 are amended  
49 to read:

50 § 6108.2. Relinquishment for consignment sale, lawful transfer  
51 or safekeeping.

1 (a) General rule.--Notwithstanding any other provision of  
2 law, a defendant who is the subject of a final protection from  
3 abuse order, which order provides for the relinquishment of  
4 firearms, other weapons or ammunition during the period of time  
5 the order is in effect, may, within the time frame specified in  
6 the order and in lieu of relinquishment to the sheriff,  
7 relinquish to a dealer licensed pursuant to 18 Pa.C.S. § 6113  
8 (relating to licensing of dealers) any firearms, other weapons  
9 or ammunition for consignment sale, lawful transfer or  
10 safekeeping. The dealer may charge the defendant a reasonable  
11 fee for accepting relinquishment and for storage of any  
12 firearms, other weapons or ammunition.

13 \* \* \*

14 (e) Transfer upon entry of final order.--Upon entry of a  
15 final protection from abuse order issued pursuant to section  
16 6108, [which order provides for the relinquishment of firearms,  
17 other weapons or ammunition during the period of time the order  
18 is in effect,] a defendant who had relinquished firearms, other  
19 weapons or ammunition to the sheriff pursuant to a temporary  
20 order may request that the firearms, other weapons or ammunition  
21 be relinquished to a dealer for consignment sale, lawful  
22 transfer or safekeeping pursuant to this section. If the  
23 defendant can identify a licensed dealer willing to accept the  
24 firearms, other weapons or ammunition in compliance with this  
25 section, the court shall order the sheriff to transport the  
26 firearms, other weapons or ammunition to the licensed dealer at  
27 no cost to the defendant or the licensed dealer.

28 \* \* \*

29 Section 9. Section 6108.3(a) of Title 23 is amended and  
30 subsection (b) (3) (ii) is amended by adding clauses to read:  
31 § 6108.3. Relinquishment to third party for safekeeping.

32 (a) General rule.--A defendant who is the subject of a  
33 protection from abuse order, which order provides for the  
34 relinquishment of firearms, other weapons or ammunition during  
35 the period of time the order is in effect, may, within the time  
36 frame specified in the order and in lieu of relinquishment to  
37 the sheriff, relinquish any firearms, other weapons or  
38 ammunition [to a third party for safekeeping.] for safekeeping  
39 to a third party who meets the requirements of a third party  
40 under subsection (b) (3).

41 (b) Transfer to third party.--

42 \* \* \*

43 (3) \* \* \*

44 (ii) A third party who will be accepting possession  
45 of firearms, other weapons and ammunition pursuant to  
46 subsection (a) shall, in the presence of the sheriff or  
47 the sheriff's designee, execute an affidavit on a form  
48 prescribed by the Pennsylvania State Police which shall  
49 include, at a minimum, the following:

50 \* \* \*

51 (N) An acknowledgment that the third party and

1           the defendant are not family or household members.

2           (O) An acknowledgment that the third party is an  
3           attorney at law, and that the attorney at law and the  
4           defendant are in an attorney-client relationship. The  
5           attorney at law and the defendant shall sign a  
6           written agreement stating in substantially the  
7           following form: "Firearm(s) can be relinquished to  
8           the attorney at law upon the express, written  
9           condition that firearm(s) will be returned to the  
10           defendant, or otherwise transferred, only if in  
11           strict conformance with applicable law."

12           \* \* \*

13           Section 10. Title 23 is amended by adding a section to read:  
14           § 6108.6. Order to seal record from public view.

15           (a) General rule.--Notwithstanding any other provision of  
16           this chapter, an individual who has entered into a consent  
17           agreement approved by the court under section 6108(a) (relating  
18           to relief) may petition the court for an order to seal the  
19           record of the of the individual from public view. The court may  
20           grant the order if the petitioner proves all of the following by  
21           clear and convincing evidence:

22           (1) The consent agreement for which the individual seeks  
23           relief under this section is the only such consent agreement  
24           to which the individual has ever been subject, and that,  
25           during the period in which the consent agreement was in  
26           effect, the individual did not violate an order or consent  
27           agreement under section 6108.

28           (2) A period of at least 10 years has elapsed since the  
29           expiration of the consent agreement.

30           (3) The individual has not been subject to another final  
31           protection from abuse order under section 6108.

32           (4) The individual has not been convicted of any of the  
33           offenses set forth in 18 Pa.C.S. § 2711 (relating to probable  
34           cause arrests in domestic violence cases) where the victim is  
35           a family or household member.

36           (b) Notice to district attorney and plaintiff.--

37           (1) The petitioner shall serve a copy of the petition  
38           under subsection (a) to the district attorney and to the  
39           plaintiff within 10 days of the filing of the petition.

40           (2) The district attorney and the plaintiff shall have  
41           an opportunity to be heard at the hearing.

42           (3) Within 30 days of receipt of notice, the district  
43           attorney or plaintiff may file objections to the petition.

44           (4) If no objection under paragraph (3) is timely filed,  
45           the court may grant the petition without further hearing if  
46           the requirements of this section have been met.

47           (5) As used in this subsection, the term "plaintiff"  
48           means the person who entered into the consent agreement with  
49           the defendant.

50           (c) Notice to prothonotary.--Notice of an order to seal the  
51           individual's record from public view shall promptly be submitted



1 to the prothonotary of the county holding the record. The  
2 prothonotary may not permit a member of the public from  
3 accessing the individual's record regarding the consent  
4 agreement. Nothing in this section shall be construed to limit  
5 access of the record of the individual by a criminal justice  
6 agency as defined in 18 Pa.C.S. § 9102 (relating to  
7 definitions).

8       Section 11. This act shall apply to orders issued pursuant  
9 to 23 Pa.C.S. § 6108 on or after the effective date of this  
10 section.

11       Section 12. This act shall take effect in 180 days.