

## AMENDMENTS TO SENATE BILL NO. 501

Sponsor: SENATOR RAFFERTY

Printer's No. 604

1 Amend Bill, page 1, line 5, by striking out the comma after  
2 "firearms" and inserting  
3 and

4 Amend Bill, page 1, lines 6 through 8, by striking out "and  
5 further" in line 6, all of line 7 and "and for loans on, or  
6 lending or giving firearms prohibited" in line 8 and inserting  
7 and for abandonment of firearms, weapons or ammunition; in  
8 criminal history record information, further providing for  
9 order for limited access

10 Amend Bill, page 1, line 12, by striking out "and" where it  
11 occurs the third time and inserting a comma

12 Amend Bill, page 1, line 14, by striking out "repealing  
13 provisions relating to" and inserting  
14 for

15 Amend Bill, page 1, lines 18 through 20, by striking out all  
16 of said lines and inserting

17 Section 1. Section 6105(a)(2), (a.1)(2) and (3) and (c)(6)  
18 and (9) of Title 18 of the Pennsylvania Consolidated Statutes  
19 are amended to read:

20 Amend Bill, page 2, line 28, by striking out the bracket  
21 before "issued"

22 Amend Bill, page 2, line 29, by striking out "]" described in  
23 23 Pa.C.S. § 6108(b)" and inserting a comma

24 Amend Bill, page 3, line 1, by striking out "6108" and

1 inserting  
2 6107(b) (relating to hearings)  
3 Amend Bill, page 3, line 6, by inserting a bracket before  
4 "first"  
5 Amend Bill, page 3, line 6, by inserting after "first"  
6 ] second  
7 Amend Bill, page 3, line 12, by striking out the bracket  
8 before the comma after "6108(a)(7)(i)(B)"  
9 Amend Bill, page 3, line 12, by striking out "] or"  
10 Amend Bill, page 3, line 13, by striking out the bracket  
11 before the comma after "sale"  
12 Amend Bill, page 3, line 13, by striking out "] or"  
13 Amend Bill, page 3, line 14, by striking out the bracket  
14 before "or"  
15 Amend Bill, page 3, line 15, by striking out the bracket  
16 after "safekeeping"  
17 Amend Bill, page 3, line 19, by inserting after "of"  
18 an active final protection from abuse order issued  
19 pursuant to 23 Pa.C.S. § 6108 or  
20 Amend Bill, page 3, line 21, by inserting a bracket before  
21 "6108,"  
22 Amend Bill, page 3, line 21, by inserting after "6108"  
23 ] 6107(b)  
24 Amend Bill, page 3, line 24, by striking out the bracket  
25 before the colon after "to"  
26 Amend Bill, page 3, line 28, by striking out the bracket  
27 after "(B)"

1 Amend Bill, page 4, lines 5 through 25, by striking out all  
2 of said lines

3 Amend Bill, page 5, lines 2 through 9, by striking out  
4 "[issued pursuant to 23 Pa.C.S. §" in line 2 and all of lines 3  
5 through 9 and inserting

6 issued pursuant to 23 Pa.C.S. § 6108, is the subject of  
7 any other active protection from abuse order issued pursuant  
8 to 23 Pa.C.S. § 6107(b), which [order] provided for the  
9 relinquishment of firearms during the period of time the  
10 order is in effect or is otherwise prohibited from possessing  
11 or acquiring a firearm under 18 U.S.C. § 922(g)(8). This  
12 prohibition shall

13 Amend Bill, page 6, line 2, by striking out "a section" and  
14 inserting

15 sections

16 Amend Bill, page 6, line 26, by striking out "24" and  
17 inserting

18 a period not longer than 48

19 Amend Bill, page 7, lines 5 through 12, by striking out "Any  
20 relinquished firearm shall be considered to be" in line 5, all  
21 of lines 6 through 11 and "(4)" in line 12

22 Amend Bill, page 7, line 14, by striking out "24" and  
23 inserting

24 a period not longer than 48

25 Amend Bill, page 7, line 19, by striking out "24" and  
26 inserting

27 48

28 Amend Bill, page 8, line 10, by inserting after "law"

29 , or sold or transferred to a person the dealer knows  
30 is a member of the defendant's household

31 Amend Bill, page 8, line 14, by striking out "A" and  
32 inserting

33 Any

Amend Bill, page 8, line 16, by inserting after "agency"

or the sheriff's office, or both,

Amend Bill, page 8, line 21, by striking out "a" and  
inserting

any

Amend Bill, page 8, line 22, by striking out "24" and  
inserting

48

Amend Bill, page 9, line 22, by striking out "described in  
this section" and inserting

convicted of a crime resulting in a firearm disability  
pursuant to section 6105(c)(9)

Amend Bill, page 9, line 23, by striking out "appropriate law  
enforcement agency" and inserting

sheriff

Amend Bill, page 9, line 26, by striking out "that the person  
possesses" and inserting

or 23 Pa.C.S. § 6108.3 (relating to relinquishment to  
third party for safekeeping)

Amend Bill, page 9, line 30; page 10, lines 1 through 30;  
page 11, lines 1 through 5; by striking out all of said lines on  
said pages and inserting

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

(i) Definition.--As used in this section, the term "firearm"  
means any weapon which is designed to or may readily be  
converted to expel any projectile by the action of an explosive  
or the frame or receiver of any such weapon.  
§ 6128. Abandonment of firearms, weapons or ammunition.

(a) General rule.--Firearms, weapons or ammunition which are  
itemized on a list required under 23 Pa.C.S. § 6108(a)(7)(v)  
(relating to relief) or the possession or acquisition of which  
is prohibited under 18 U.S.C. § 922(g)(9) (relating to unlawful

1 acts) and relinquished into or otherwise coming into the custody  
2 of a police department, coroner, medical examiner, district  
3 attorney, sheriff or licensed dealer shall be deemed abandoned  
4 when:

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

11 (2) Found, discovered or otherwise passed into the  
12 custody of the police department, coroner, medical examiner,  
13 district attorney, sheriff or licensed dealer and no owner  
14 can be determined after a documented search of the database  
15 of firearms sales maintained by the Pennsylvania State Police  
16 is made at the time the firearms come into the custody of the  
17 police department, coroner, medical examiner, district  
18 attorney, sheriff or licensed dealer and is again made one  
19 year from the date of the first documented search.

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

23 (1) Arranging for the sale of the firearms, weapons or  
24 ammunition to a federally licensed firearms dealer by sealed  
25 bid with proceeds of the sale to be retained by the  
26 custodian.

27 (2) Arranging for the lawful and complete destruction of  
28 the firearms, weapons or ammunition. Firearms, weapons or  
29 ammunition that cannot lawfully be sold to a federally  
30 licensed firearms dealer in this Commonwealth shall be  
31 destroyed.

32 (c) Limitation.--A custodian may not dispose of firearms,  
33 weapons or ammunition deemed abandoned under subsection (a)(1)  
34 without first notifying the person who relinquished the  
35 firearms, weapons or ammunition. If the person who relinquished  
36 the firearms, weapons or ammunition fails to respond within 20  
37 days to the notice, the custodian may proceed with disposal of  
38 the firearms, weapons or ammunition. Notification shall be by  
39 certified mail to:

40 (1) an address where the person relinquishing the  
41 firearms, weapons or ammunition is now known by the custodian  
42 to reside;

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

45 (3) the address of the person relinquishing the  
46 firearms, weapons or ammunition which was provided at the  
47 time of relinquishment; or

48 (4) the address of the person relinquishing the  
49 firearms, weapons or ammunition which is found after  
50 searching the available sources of address data maintained in  
51 the Commonwealth's databases of motor vehicle registration,

1 motor vehicle driver licensing, occupational and professional  
2 licensure, corrections facilities and public assistance.  
3 (d) Illegal seizure.--A custodian who sells or destroys  
4 seized firearms, weapons or ammunition with pending or  
5 unresolved evidentiary challenges to the legality of the seizure  
6 shall be liable to the lawful owner of the illegally seized  
7 firearms, weapons or ammunition for the actual value of the  
8 illegally seized firearms, weapons or ammunition plus reasonable  
9 attorney fees. Actual value shall be determined by the owner,  
10 who shall be required to obtain an estimate of value from a  
11 private third-party licensed firearms dealer.

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

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

17 (2) as necessary, by law enforcement and court  
18 personnel; or

19 (3) after redaction of information listing firearms,  
20 other weapons or ammunition.

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

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

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

30 Section 3. Section 9122.1(a) of Title 18 is amended by  
31 adding a paragraph to read:

32 § 9122.1. Order for limited access.

33 (a) General rule.--The following shall apply:

34 \* \* \*

35 (1.1) An individual subject for the first time to the  
36 entry of a final protection from abuse order pursuant to 23  
37 Pa.C.S. § 6108(a) (relating to relief), who consented to the  
38 entry of the order by stipulation, shall, upon petition, be  
39 eligible for an order for limited access under paragraph (1)  
40 so long as:

41 (i) at least 10 calendar years have passed since the  
42 expiration or cancellation of the protection from abuse  
43 order;

44 (ii) the individual has not been subject to any  
45 subsequent final protection from abuse order;

46 (iii) the individual has not been convicted of any  
47 misdemeanor crime of domestic violence and has not been  
48 convicted of any felony since the expiration of the  
49 protection from abuse order; and

50 (iv) during the term of the protection from abuse  
51 order, the individual was not convicted of indirect

1        criminal contempt for violating the protection from abuse  
2        order.  
3        \* \* \*

4        Amend Bill, page 11, line 6, by striking out "definitions"  
5        and inserting  
6        definition

7        Amend Bill, page 11, line 7, by striking out "and  
8        "safekeeping permit""

9        Amend Bill, page 11, line 8, by striking out "are" and  
10       inserting  
11       is

12       Amend Bill, page 11, line 30; page 12, lines 1 through 4; by  
13       striking out all of said lines on said pages

14       Amend Bill, page 12, line 27, by striking out ", (b) (4) "

15       Amend Bill, page 12, line 27, by striking out "6108(a) (3) "  
16       and inserting  
17       6108(a) introductory paragraph

18       Amend Bill, page 12, line 28, by striking out "6108.2  
19       heading, (a), (c) " and inserting  
20       6108.2(a)

21       Amend Bill, page 13, lines 23 through 30; page 14, lines 1  
22       through 4; by striking out all of said lines on said pages and  
23       inserting  
24       \* \* \*

25       Amend Bill, page 14, lines 28 through 30; page 15, lines 1  
26       through 9; by striking out all of said lines on said pages

27       Amend Bill, page 15, line 20, by striking out the bracket  
28       before "section"

29       Amend Bill, page 15, line 22, by striking out the bracket  
30       after "or"

1 Amend Bill, page 17, line 17, by striking out the bracket  
2 before the comma after "sale"

3 Amend Bill, page 17, line 17, by striking out "] or"

4 Amend Bill, page 17, line 17, by striking out the bracket  
5 before "or"

6 Amend Bill, page 17, line 17, by striking out the bracket  
7 after "safekeeping"

8 Amend Bill, page 17, line 18, by striking out the bracket  
9 before "or"

10 Amend Bill, page 17, line 18, by striking out the bracket  
11 after "6108.3"

12 Amend Bill, page 17, line 25, by striking out the bracket  
13 before "6105(f)(4)"

14 Amend Bill, page 17, line 25, by striking out "] 6105(f)(3)"

15 Amend Bill, page 18, lines 2 through 14, by striking out "The  
16 court shall inform the defendant that" in line 2 and all of  
17 lines 3 through 14 and inserting

18 The court shall inform the defendant that firearms,  
19 other weapons or ammunition shall be deemed abandoned  
20 when the conditions under 18 Pa.C.S. § 6128(a) (relating  
21 to abandonment of firearm, weapon or ammunition) are  
22 satisfied and may then be disposed of in accordance with  
23 18 Pa.C.S. § 6128.

24 Amend Bill, page 18, line 19, by striking out the bracket  
25 before "or"

26 Amend Bill, page 18, line 19, by striking out the bracket  
27 after "6108.3"

28 Amend Bill, page 20, lines 8 through 11, by striking out all  
29 of lines 8 through 10 and "(2)" in line 11 and inserting



1           (1)

2           Amend Bill, page 20, line 11, by striking out "seized" and  
3 inserting

4           relinquished

5           Amend Bill, page 20, line 13, by striking out "(3)" and  
6 inserting

7           (2)

8           Amend Bill, page 20, line 18, by striking out "(4)" and  
9 inserting

10          (3)

11          Amend Bill, page 20, line 20, by inserting after "Unit"  
12           or through the National Instant Criminal Background  
13           Check System (NICS)

14          Amend Bill, page 20, line 28, by inserting after "the" where  
15 it occurs the first time

16          plaintiff, the

17          Amend Bill, page 20, line 28, by striking out the comma after  
18 "office" and inserting

19          and

20          Amend Bill, page 20, line 29, by striking out "and counsel  
21 for the plaintiff"

22          Amend Bill, page 21, lines 1 through 11, by striking out all  
23 of said lines and inserting

24          (a.4) Abandonment.--Any firearms, other weapons or  
25 ammunition shall be deemed abandoned when the conditions under  
26 18 Pa.C.S. § 6128(a) (relating to abandonment of firearm, weapon  
27 or ammunition) are satisfied and may then be disposed of in  
28 accordance with 18 Pa.C.S. § 6128.

29          Amend Bill, page 21, line 25, by striking out the bracket  
30 before "(c)"

31          Amend Bill, page 22, line 5, by striking out the bracket  
32 after "court."

1 Amend Bill, page 22, line 15, by striking out the bracket  
2 before ""Safekeeping."""

3 Amend Bill, page 22, line 17, by striking out the bracket  
4 after "order."

5 Amend Bill, page 22, line 18, by striking out the bracket  
6 before the comma after "sale"

7 Amend Bill, page 22, line 18, by striking out "] or"

8 Amend Bill, page 22, line 19, by striking out the bracket  
9 before "or"

10 Amend Bill, page 22, line 19, by striking out the bracket  
11 after "safekeeping"

12 Amend Bill, page 22, line 22, by striking out the bracket  
13 before the comma after "order"

14 Amend Bill, page 22, line 22, by striking out "] or a  
15 temporary order which"

16 Amend Bill, page 22, line 29, by striking out the bracket  
17 before the comma after "sale"

18 Amend Bill, page 22, line 29, by striking out "] or"

19 Amend Bill, page 22, line 29, by striking out the bracket  
20 before "or"

21 Amend Bill, page 22, line 29, by striking out the bracket  
22 after "safekeeping"

23 Amend Bill, page 23, lines 4 through 20, by striking out all  
24 of lines 4 through 19 and the bracket in line 20

25 Amend Bill, page 23, line 22, by inserting a bracket before  
26 "which"

1 Amend Bill, page 23, line 24, by inserting a bracket after  
2 "effect,"

3 Amend Bill, page 24, line 3, by striking out the bracket  
4 after "dealer."

5 Amend Bill, page 24, line 5, by striking out all of said line  
6 and inserting

7 Section 7. Section 6108.3(b)(3)(ii) of Title 23 is amended  
8 by adding clauses to read:

9 Amend Bill, page 24, line 6, by striking out the bracket  
10 before "\$"

11 Amend Bill, page 24, lines 7 through 30; pages 25 through 31,  
12 lines 1 through 30; page 32, lines 1 through 27; by striking out  
13 all of said lines on said pages and inserting

14 \* \* \*

15 (b) Transfer to third party.--

16 \* \* \*

17 (3) \* \* \*

18 (ii) A third party who will be accepting possession  
19 of firearms, other weapons and ammunition pursuant to  
20 subsection (a) shall, in the presence of the sheriff or  
21 the sheriff's designee, execute an affidavit on a form  
22 prescribed by the Pennsylvania State Police which shall  
23 include, at a minimum, the following:

24 \* \* \*

25 (N) An acknowledgment that the third party and  
26 the defendant are not family or household members.

27 (O) An acknowledgment that the third party is an  
28 attorney at law, and that the attorney at law and the  
29 defendant are in an attorney-client relationship. The  
30 attorney at law and the defendant shall sign a  
31 written agreement stating in substantially the  
32 following form: "Firearm(s) can be relinquished to  
33 the attorney at law upon the express, written  
34 condition that firearm(s) will be returned to the  
35 defendant, or otherwise transferred, only if in  
36 strict conformance with applicable law."

37 \* \* \*

38 Section 8. This act shall apply to orders issued pursuant to  
39 23 Pa.C.S. § 6108 on or after the effective date of this  
40 section.

1       Section 9.   This act shall take effect in 180 days.