
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1717 Session of 2005

INTRODUCED BY TRUE, MANDERINO, ADOLPH, ALLEN, ARGALL, BAKER, BALDWIN, BEBKO-JONES, BELARDI, BISHOP, BLACKWELL, BOYD, BUNT, BUTKOVITZ, BUXTON, CAWLEY, CIVERA, CLYMER, COHEN, CORNELL, CRAHALLA, CURRY, DALLY, DeWEESE, DiGIROLAMO, EACHUS, J. EVANS, FABRIZIO, FAIRCHILD, FEESE, FLICK, FORCIER, FRANKEL, FREEMAN, GANNON, GEIST, GEORGE, GERBER, GERGELY, GINGRICH, GODSHALL, GOOD, GRELL, HARHART, HARPER, HARRIS, HENNESSEY, HERSHEY, HICKERNELL, HUTCHINSON, JAMES, JOSEPHS, KAUFFMAN, M. KELLER, W. KELLER, KENNEY, KILLION, LaGROTTA, LEACH, LEDERER, MACKERETH, MAHER, MAITLAND, MAJOR, MANN, McCALL, McGEEHAN, McGILL, McILHATTAN, McILHINNEY, METCALFE, MICOZZIE, R. MILLER, MUNDY, NAILOR, NICKOL, O'BRIEN, OLIVER, O'NEILL, PERZEL, PHILLIPS, PICKETT, PISTELLA, PRESTON, PYLE, QUIGLEY, RAYMOND, REED, REICHLEY, RIEGER, ROEBUCK, ROONEY, ROSS, RUBLEY, SANTONI, SAYLOR, SCHRODER, SHAPIRO, SIPTROTH, B. SMITH, S. H. SMITH, SOLOBAY, STABACK, STEIL, STERN, STETLER, T. STEVENSON, STURLA, TANGRETTI, E. Z. TAYLOR, J. TAYLOR, THOMAS, VEON, WALKO, WATSON, WHEATLEY, WILLIAMS, WRIGHT, YOUNGBLOOD, ZUG, ARMSTRONG, RAPP, MUSTIO, McNAUGHTON, GABIG, S. MILLER, CREIGHTON, SATHER, R. STEVENSON, WILT, ROHRER, CAPPELLI, HERMAN, CAUSER, GOODMAN, DENLINGER AND MELIO, JUNE 13, 2005

SENATOR THOMPSON, APPROPRIATIONS, IN SENATE, RE-REPORTED AS
AMENDED, OCTOBER 24, 2005

AN ACT

1 Amending Titles 18 (Crimes and Offenses) and 23 (Domestic
2 Relations) of the Pennsylvania Consolidated Statutes, further
3 providing for persons not to possess, use, manufacture,
4 control, sell or transfer firearms, for firearms not to be
5 carried without licenses, for licenses, for loans, lending or
6 giving of firearms, for definitions, for jurisdiction, for
7 full faith and credit and foreign protection orders, for
8 responsibilities of law enforcement agencies, for
9 commencement of proceedings, for hearings and for relief;
10 providing for return of relinquished firearms, other weapons
11 and ammunition, for relinquishment for consignment sale or
12 lawful transfer, for relinquishment to third party for

1 safekeeping and for registry or database of firearm
2 ownership; further providing for emergency relief by minor
3 judiciary, for arrest for violation of order, for private
4 criminal complaints for violation of order or agreement, for
5 contempt for violation of order or agreement and for
6 procedures and other remedies; and providing for immunity,
7 for inability to pay and for limitation on warrantless
8 searches.

9 The General Assembly finds and declares as follows:

10 (1) The provisions of 23 Pa.C.S. Ch. 61 (relating to
11 protection from abuse) are necessary and proper in that they
12 further the Commonwealth's compelling State interest to
13 protect victims of domestic violence from abuse.

14 (2) The Second Amendment to the Constitution of the
15 United States and section 21 of Article I of the Constitution
16 of Pennsylvania recognize a fundamental right to keep and
17 bear arms.

18 (3) The limitation of firearm rights for the duration of
19 a protection from abuse order as authorized by 23 Pa.C.S. Ch.
20 61 is a reasonable regulation, a valid exercise of the police
21 power of the Commonwealth and furthers the compelling State
22 interest to protect victims from abuse.

23 (4) As provided in 23 Pa.C.S. Ch. 61 a court may impose
24 limitations on firearm rights prohibiting someone who has
25 engaged in domestic violence from possessing firearms when
26 the court deems it appropriate to do so in order to protect a
27 victim.

28 The General Assembly of the Commonwealth of Pennsylvania
29 hereby enacts as follows:

30 Section 1. Section 6102 of Title 18 of the Pennsylvania
31 Consolidated Statutes is amended by adding definitions to read:
32 § 6102. Definitions.

33 Subject to additional definitions contained in subsequent

1 provisions of this subchapter which are applicable to specific
2 provisions of this subchapter, the following words and phrases,
3 when used in this subchapter shall have, unless the context
4 clearly indicates otherwise, the meanings given to them in this
5 section:

6 * * *

7 "Commonwealth Photo Imaging Network." The computer network
8 administered by the Commonwealth and used to record and store
9 digital photographs of an individual's face and any scars,
10 marks, tattoos or other unique features of the individual.

11 * * *

12 "Pennsylvania Sheriffs' Association." The State association
13 of sheriffs authorized by the act of June 14, 1923 (P.L.774,
14 No.305), entitled "An act authorizing the sheriffs of the
15 several counties of this Commonwealth to organize themselves
16 into a State Association, for the purpose of holding annual
17 meetings, to secure more uniformity and cooperation in the
18 conduct of their offices, and providing for the payment of
19 certain expenses in connection with such meetings by the various
20 counties."

21 "Safekeeping permit." As defined in 23 Pa.C.S. § 6102
22 (relating to definitions).

23 * * *

24 "STATE." WHEN USED IN REFERENCE TO DIFFERENT PARTS OF THE
25 UNITED STATES, INCLUDES THE DISTRICT OF COLUMBIA, THE
26 COMMONWEALTH OF PUERTO RICO AND TERRITORIES AND POSSESSIONS OF
27 THE UNITED STATES.

<—

28 Section 2. Section 6105(a), (a.1), (c)(6), (d), (e)(1) and
29 (f)(2) and (4) of Title 18 are amended and subsection (c) is
30 amended by adding a paragraph to read:

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

(a) Offense defined.--

(1) A person who has been convicted of an offense enumerated in subsection (b), within or without this Commonwealth, regardless of the length of sentence or whose conduct meets the criteria in subsection (c) shall not possess, use, control, sell, transfer or manufacture or obtain a license to possess, use, control, sell, transfer or manufacture a firearm in this Commonwealth.

(2) (i) A person who is prohibited from possessing, using, controlling, selling, transferring or manufacturing a firearm under paragraph (1) or subsection (b) or (c) shall have a reasonable period of time, not to exceed 60 days from the date of the imposition of the disability under this subsection, in which to sell or transfer that person's firearms to another eligible person who is not a member of the prohibited person's household.

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

(a.1) Penalty.--[Any]

(1) A person convicted of a felony enumerated under subsection (b) or a felony under the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act, or any equivalent Federal statute or equivalent statute of any other state, who violates subsection (a) commits a felony of the second degree.

(2) A person who is the subject of an active protection

1 from abuse order issued pursuant to 23 Pa.C.S. § 6108
2 (relating to relief), which order provided for the
3 relinquishment of firearms, other weapons or ammunition
4 during the period of time the order is in effect commits a
5 misdemeanor of the first degree if he intentionally or
6 knowingly fails to relinquish a firearm, other weapon or
7 ammunition to the sheriff as required by the order unless, in
8 lieu of relinquishment, he provides an affidavit which lists
9 the firearms, other weapons or ammunition to the sheriff in
10 accordance with either 23 Pa.C.S. § 6108(a)(7)(i)(B), 6108.2
11 (relating to relinquishment for consignment sale, lawful
12 transfer or safekeeping) or 6108.3 (relating to
13 relinquishment to third party for safekeeping).

14 (3) (i) A person commits a misdemeanor of the third
15 degree if he intentionally or knowingly accepts
16 possession of a firearm, other weapon or ammunition from
17 a person he knows is the subject of an active protection
18 from abuse order issued pursuant to 23 Pa.C.S. § 6108,
19 which order provided for the relinquishment of the
20 firearm, other weapon or ammunition during the period of
21 time the order is in effect.

22 (ii) This paragraph shall not apply to:

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

26 (B) a dealer licensed pursuant to section 6113
27 (relating to licensing of dealers) or subsequent
28 purchaser from a dealer licensed pursuant to section
29 6113, who accepts possession of a firearm, other
30 weapon or ammunition relinquished pursuant to 23

Pa.C.S. § 6108.2.

(4) It shall be an affirmative defense to any prosecution under paragraph (3) that the person accepting possession of a firearm, other weapon or ammunition in violation of paragraph (3):

(i) notified the sheriff as soon as practicable that
he has taken possession; and

(ii) relinquished possession of any firearm, other weapon or ammunition possessed in violation of paragraph (3) as directed by the sheriff.

(5) A person who has accepted possession of a firearm, other weapon or ammunition pursuant to 23 Pa.C.S. § 6108.3 commits a misdemeanor of the first degree if he intentionally or knowingly returns a firearm, other weapon or ammunition to a defendant or intentionally or knowingly allows a defendant to have access to the firearm, other weapon or ammunition prior to either of the following:

(i) The sheriff accepts return of the safekeeping permit issued to the party pursuant to 23 Pa.C.S. § 6108.3(d)(1)(i).

(ii) The issuance of a court order pursuant to subsection (f)(2) or 23 Pa.C.S. § 6108.1(b) (relating to return of relinquished firearms, other weapons ~~or ammunition~~) AND AMMUNITION AND ADDITIONAL RELIEF) which modifies a valid protection from abuse order issued pursuant to 23 Pa.C.S. § 6108, which order provided for the relinquishment of the firearm, other weapon or ammunition, by allowing the defendant to take possession of the firearm, other weapon or ammunition that had previously been ordered relinquished.

1 * * *

2 (c) Other persons.--In addition to any person who has been
3 convicted of any offense listed under subsection (b), the
4 following persons shall be subject to the prohibition of
5 subsection (a):

6 * * *

7 (6) A person who is the subject of an active protection
8 from abuse order issued pursuant to 23 Pa.C.S. § 6108
9 [(relating to relief)], which order provided for the
10 [confiscation] relinquishment of firearms during the period
11 of time the order is in effect. This prohibition shall
12 terminate upon the expiration or vacation of an active
13 protection from abuse order or portion thereof relating to
14 the [confiscation] relinquishment of firearms.

15 * * *

16 (9) A person who is prohibited from possessing or
17 acquiring a firearm under 18 U.S.C. § 922(g)(9) (relating to
18 unlawful acts). If the offense which resulted in the
19 prohibition under 18 U.S.C. § 922(g)(9) was committed, as
20 provided in 18 U.S.C. § 921(a)(33)(A)(ii) (relating to
21 definitions), by a person in any of the following
22 relationships:

23 (i) the current or former spouse, parent or guardian
24 of the victim;

25 (ii) a person with whom the victim shares a child in
26 common;

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

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

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

3 (d) Exemption.--A person who has been convicted of a crime
4 specified in subsection (a) or (b) or a person whose conduct
5 meets the criteria in subsection (c)(1), (2), (5) [or (7)], (7)
6 or (9) may make application to the court of common pleas of the
7 county where the principal residence of the applicant is
8 situated for relief from the disability imposed by this section
9 upon the possession, transfer or control of a firearm. The court
10 shall grant such relief if it determines that any of the
11 following apply:

12 (1) The conviction has been vacated under circumstances
13 where all appeals have been exhausted or where the right to
14 appeal has expired.

15 (2) The conviction has been the subject of a full pardon
16 by the Governor.

17 (3) Each of the following conditions is met:

18 (i) The Secretary of the Treasury of the United
19 States has relieved the applicant of an applicable
20 disability imposed by Federal law upon the possession,
21 ownership or control of a firearm as a result of the
22 applicant's prior conviction, except that the court may
23 waive this condition if the court determines that the
24 Congress of the United States has not appropriated
25 sufficient funds to enable the Secretary of the Treasury
26 to grant relief to applicants eligible for the relief.

27 (ii) A period of ten years, not including any time
28 spent in incarceration, has elapsed since the most recent
29 conviction of the applicant of a crime enumerated in
30 subsection (b) [or] a felony violation of The Controlled

Substance, Drug, Device and Cosmetic Act or the offense
which resulted in the prohibition under 18 U.S.C. §
922(g)(9).

(e) Proceedings.--

(1) If a person convicted of an offense under subsection
(a), (b) or (c)(1), (2), (5) [or (7)], (7) or (9) makes
application to the court, a hearing shall be held in open
court to determine whether the requirements of this section
have been met. The commissioner and the district attorney of
the county where the application is filed and any victim or
survivor of a victim of the offense upon which the disability
is based may be parties to the proceeding.

* * *

(f) Other exemptions and proceedings.--

* * *

(2) If application is made under this subsection for
relief from the disability imposed under subsection (c)(6),
notice of such application shall be given to the person who
had petitioned for the protection from abuse order, and such
person shall be a party to the proceedings. Notice of any
court order or amendment to a court order restoring firearms
possession or control shall be given to the person who had
petitioned for the protection from abuse order[.], to the
sheriff and to the Pennsylvania State Police. The application
and any proceedings on the application shall comply with 23
Pa.C.S. Ch. 61 (relating to ~~abuse of family~~ PROTECTION FROM
ABUSE).

* * *

(4) (i) The owner of any seized or confiscated firearms
or of any firearms ordered relinquished under 23 Pa.C.S.

1 § 6108 shall be provided with a signed and dated written
2 receipt by the appropriate law enforcement agency. This
3 receipt shall include, but not limited to, a detailed
4 identifying description indicating the serial number and
5 condition of the firearm. In addition, the appropriate
6 law enforcement agency shall be liable to the lawful
7 owner of said confiscated [or], seized or relinquished
8 firearm for any loss, damage or substantial decrease in
9 value of said firearm that is a direct result of a lack
10 of reasonable care by the appropriate law enforcement
11 agency.

12 (ii) Firearms shall not be engraved or permanently
13 marked in any manner, including, but not limited to,
14 engraving of evidence or other identification numbers.
15 Unless reasonable suspicion exists to believe that a
16 particular firearm has been used in the commission of a
17 crime, no firearm shall be test fired. Any reduction in
18 the value of a firearm due to test firing, engraving or
19 permanently marking in violation of this paragraph shall
20 be considered damage and the law enforcement agency shall
21 be liable to the lawful owner of the firearm for the
22 reduction in value caused by the test firing, engraving
23 or permanently marking.

24 (iii) For purposes of this paragraph, the term
25 "firearm" shall include any scope, sight, bipod, sling,
26 light, magazine, clip, ammunition or other firearm
27 accessory attached to or seized, confiscated or
28 relinquished with a firearm.

29 * * *

30 Section 3. Sections 6106(b) and 6109(c), (d), (e), (h), (i)

1 and (k) of Title 18 are amended and the sections are amended by
2 adding subsections to read:

3 § 6106. Firearms not to be carried without a license.

4 * * *

5 (b) Exceptions.--The provisions of subsection (a) shall not
6 apply to:

7 (1) Constables, sheriffs, prison or jail wardens, or
8 their deputies, policemen of this Commonwealth or its
9 political subdivisions, or other law-enforcement officers.

10 (2) Members of the army, navy [or], marine corps, air
11 force or coast guard of the United States or of the National
12 Guard or organized reserves when on duty.

13 (3) The regularly enrolled members of any organization
14 duly organized to purchase or receive such [weapons] firearms
15 from the United States or from this Commonwealth.

16 (4) Any persons engaged in target shooting with [rifle,
17 pistol, or revolver] a firearm, if such persons are at or are
18 going to or from their places of assembly or target practice
19 and if, while going to or from their places of assembly or
20 target practice, [the cartridges or shells are carried in a
21 separate container and the rifle, pistol or revolver is
22 unloaded] the firearm is not loaded.

23 (5) Officers or employees of the United States duly
24 authorized to carry a concealed firearm.

25 (6) Agents, messengers and other employees of common
26 carriers, banks, or business firms, whose duties require them
27 to protect moneys, valuables and other property in the
28 discharge of such duties.

29 (7) Any person engaged in the business of manufacturing,
30 repairing, or dealing in firearms, or the agent or

1 representative of any such person, having in his possession,
2 using or carrying a firearm in the usual or ordinary course
3 of such business.

4 (8) Any person while carrying a firearm [unloaded and]
5 which is not loaded and is in a secure wrapper from the place
6 of purchase to his home or place of business, or to a place
7 of repair, sale or appraisal or back to his home or place of
8 business, or in moving from one place of abode or business to
9 another or from his home to a vacation or recreational home
10 or dwelling or back, or to recover stolen property under
11 section 6111.1(b)(4) (relating to Pennsylvania State Police),
12 or to a place of instruction intended to teach the safe
13 handling, use or maintenance of firearms or back or to a
14 location to which the person has been directed to [surrender]
15 relinquish firearms under 23 Pa.C.S. § 6108 (relating to
16 relief) or back upon return of the [surrendered firearm.]
17 relinquished firearm or to a licensed dealer's place of
18 business for relinquishment pursuant to 23 Pa.C.S. § 6108.2
19 (relating to relinquishment for consignment sale, lawful
20 transfer or safekeeping) or back upon return of the
21 relinquished firearm or to a location for safekeeping
22 pursuant to 23 Pa.C.S. § 6108.3 (relating to relinquishment
23 to third party for safekeeping) or back upon return of the
24 relinquished firearm.

25 (9) Persons licensed to hunt, take furbearers or fish in
26 this Commonwealth, if such persons are actually hunting,
27 taking furbearers or fishing as permitted by such license, or
28 are going to the places where they desire to hunt, take
29 furbearers or fish or returning from such places.

30 (10) Persons training dogs, if such persons are actually

1 training dogs during the regular training season.

2 (11) Any person while carrying a firearm in any vehicle,
3 which person possesses a valid and lawfully issued license
4 for that firearm which has been issued under the laws of the
5 United States or any other state.

6 (12) A person who has a lawfully issued license to carry
7 a firearm pursuant to section 6109 (relating to licenses) and
8 that said license expired within six months prior to the date
9 of arrest and that the individual is otherwise eligible for
10 renewal of the license.

11 (13) Any person who is otherwise eligible to possess a
12 firearm under this chapter and who is operating a motor
13 vehicle which is registered in the person's name or the name
14 of a spouse or parent and which contains a firearm for which
15 a valid license has been issued pursuant to section 6109 to
16 the spouse or parent owning the firearm.

17 (14) A person lawfully engaged in the interstate
18 transportation of a firearm as defined under 18 U.S.C §
19 921(a)(3) (relating to definitions) in compliance with 18
20 U.S.C. § 926A (relating to interstate transportation of
21 firearms).

22 (15) Any person who possesses a valid and lawfully
23 issued license or permit to carry a firearm which has been
24 issued under the laws of another state ~~or jurisdiction,~~ <—
25 regardless of whether a reciprocity agreement exists between
26 the Commonwealth and the state ~~or jurisdiction~~ under section <—
27 6109(k), provided:

28 (i) The state ~~or jurisdiction~~ provides a reciprocal <—
29 privilege for individuals licensed to carry firearms
30 under section 6109.

1 (ii) The Attorney General has determined that the
2 firearm laws of the state or ~~jurisdiction~~ are similar to <—
3 the firearm laws of this Commonwealth.

4 * * *

5 (e) Definitions.--

6 (1) For purposes of subsection (b)(3), (4), (5), (7) and
7 (8), the term "firearm" shall include any weapon which is
8 designed to or may readily be converted to expel any
9 projectile by the action of an explosive or the frame or
10 receiver of the weapon.

11 (2) As used in this section, the phrase "place of
12 instruction" shall include any hunting club, rifle club,
13 rifle range, pistol range, shooting range, the premises of a
14 licensed firearms dealer or a lawful gun show or meet.

15 § 6109. Licenses.

16 * * *

17 (c) Form of application and content.--The application for a
18 license to carry a firearm shall be uniform throughout this
19 Commonwealth and shall be on a form prescribed by the
20 Pennsylvania State Police. The form may contain provisions, not
21 exceeding one page, to assure compliance with this section.
22 Issuing authorities shall use only the application form
23 prescribed by the Pennsylvania State Police. One of the
24 following reasons for obtaining a firearm license shall be set
25 forth in the application: self-defense, employment, hunting and
26 fishing, target shooting, gun collecting or another proper
27 reason. The application form shall be dated and signed by the
28 applicant and shall contain the following statement:

29 I have never been convicted of a crime [of violence in
30 the Commonwealth of Pennsylvania or elsewhere] that

1 prohibits me from possessing or acquiring a firearm under
2 Federal or State law. I am of sound mind and have never
3 been committed to a mental institution. I hereby certify
4 that the statements contained herein are true and correct
5 to the best of my knowledge and belief. I understand
6 that, if I knowingly make any false statements herein, I
7 am subject to penalties prescribed by law. I authorize
8 the sheriff, or his designee, or, in the case of first
9 class cities, the chief or head of the police department,
10 or his designee, to inspect only those records or
11 documents relevant to information required for this
12 application. If I am issued a license and knowingly
13 become ineligible to legally possess or acquire firearms,
14 I will promptly notify the sheriff of the county in which
15 I reside or, if I reside in a city of the first class,
16 the chief of police of that city.

17 (d) Sheriff to conduct investigation.--The sheriff to whom
18 the application is made shall:

19 (1) investigate the applicant's record of criminal
20 [convictions, shall] conviction;

21 (2) investigate whether or not the applicant is under
22 indictment for or has ever been convicted of a crime
23 punishable by imprisonment exceeding one year[, shall];

24 (3) investigate whether the applicant's character and
25 reputation are such that the applicant will not be likely to
26 act in a manner dangerous to public safety [and shall];

27 (4) investigate whether the applicant would be precluded
28 from receiving a license under subsection (e)(1) or section
29 6105(h) (relating to persons not to possess, use,
30 manufacture, control, sell or transfer firearms) [and shall];

1 and

2 (5) conduct a criminal background, juvenile delinquency
3 [or mental health check following the procedures set forth in
4 section 6111 (relating to firearm ownership)] and mental
5 health check following the procedures set forth in section
6 6111 (relating to sale or transfer of firearms), receive a
7 unique approval number for that inquiry and record the date
8 and number on the application.

9 (e) Issuance of license.--

10 (1) A license to carry a firearm shall be for the
11 purpose of carrying a firearm concealed on or about one's
12 person or in a vehicle and shall be issued if, after an
13 investigation not to exceed 45 days, it appears that the
14 applicant is an individual concerning whom no good cause
15 exists to deny the license. A license shall not be issued to
16 any of the following:

17 (i) An individual whose character and reputation is
18 such that the individual would be likely to act in a
19 manner dangerous to public safety.

20 (ii) An individual who has been convicted of an
21 offense under the act of April 14, 1972 (P.L.233, No.64),
22 known as The Controlled Substance, Drug, Device and
23 Cosmetic Act.

24 (iii) An individual convicted of a crime enumerated
25 in section 6105.

26 (iv) An individual who, within the past ten years,
27 has been adjudicated delinquent for a crime enumerated in
28 section 6105 or for an offense under The Controlled
29 Substance, Drug, Device and Cosmetic Act.

30 (v) An individual who is not of sound mind or who

1 has ever been committed to a mental institution.

2 (vi) An individual who is addicted to or is an
3 unlawful user of marijuana or a stimulant, depressant or
4 narcotic drug.

5 (vii) An individual who is a habitual drunkard.

6 (viii) An individual who is charged with or has been
7 convicted of a crime punishable by imprisonment for a
8 term exceeding one year except as provided for in section
9 6123 (relating to waiver of disability or pardons).

10 (ix) A resident of another state who does not
11 possess a current license or permit or similar document
12 to carry a firearm issued by that state if a license is
13 provided for by the laws of that state, as published
14 annually in the Federal Register by the Bureau of
15 Alcohol, Tobacco and Firearms of the Department of the
16 Treasury under 18 U.S.C. § 921(a)(19) (relating to
17 definitions).

18 (x) An alien who is illegally in the United States.

19 (xi) An individual who has been discharged from the
20 armed forces of the United States under dishonorable
21 conditions.

22 (xii) An individual who is a fugitive from justice.
23 This subparagraph does not apply to an individual whose
24 fugitive status is based upon nonmoving or moving summary
25 offense under Title 75 (relating to vehicles).

26 (xiii) An individual who is otherwise prohibited
27 from possessing, using, manufacturing, controlling,
28 purchasing, selling or transferring a firearm as provided
29 by section 6105.

30 (xiv) An individual who is prohibited from

1 possessing or acquiring a firearm under the statutes of
2 the United States.

3 (3) The license [shall bear the] to carry a firearm
4 shall be designed to be uniform throughout this Commonwealth
5 and shall be in a form prescribed by the Pennsylvania State
6 Police. The license shall bear the following:

7 (i) The name, address, date of birth, race, sex,
8 citizenship, [Social Security number,] height, weight,
9 color of hair, color of eyes and signature of the
10 licensee[; the].

11 (ii) The signature of the sheriff issuing the
12 license[; the].

13 (iii) A license number of which the first two
14 numbers shall be a county location code followed by
15 numbers issued in numerical sequence.

16 (iv) The point-of-contact telephone number
17 designated by the Pennsylvania State Police under
18 subsection (1).

19 (v) The reason for issuance[; and the].

20 (vi) The period of validation.

21 (4) The sheriff [may also] shall require a photograph of
22 the licensee on the license. The photograph shall be in a
23 form compatible with the Commonwealth Photo Imaging Network.

24 (5) The original license shall be issued to the
25 applicant. The first copy of the license shall be forwarded
26 to the [commissioner] Pennsylvania State Police within seven
27 days of the date of issue[, and a]. THE second copy shall be <—
28 retained by the issuing authority for a period of [six
29 years.] seven years. Except pursuant to court order, both
30 copies and the application shall, at the end of the seven-

1 year period, be destroyed unless the license has been renewed
2 within the seven-year period.

3 * * *

4 (h) Fee.--[The]

5 (1) In addition to fees described in paragraphs (2)(ii)
6 and (3), the fee for a license to carry a firearm is \$19.

7 This includes [a] all of the following:

8 (i) A renewal notice processing fee of \$1.50. [This
9 includes an]

10 (ii) An administrative fee of \$5 under section 14(2)
11 of the act of July 6, 1984 (P.L.614, No.127), known as
12 the Sheriff Fee Act.

13 (2) (i) The Pennsylvania Commission on Crime and
14 Delinquency shall ~~design and develop~~ IMPLEMENT, within <—
15 five years of the effective date of this paragraph, a
16 system in conjunction with the Pennsylvania State Police
17 and the Pennsylvania Sheriffs' Association to standardize
18 and modernize the process of issuing licenses to carry
19 firearms. Upon ~~adoption~~ IMPLEMENTATION of the system <—
20 under this paragraph, the Pennsylvania Commission on
21 Crime and Delinquency shall publish notice thereof in the
22 Pennsylvania Bulletin.

23 (ii) A AN ADDITIONAL temporary fee of \$5 shall be <—
24 remitted by the sheriff to the Firearms License to Carry
25 Modernization Account, which is hereby established as a
26 special restricted receipt account within the General
27 Fund of the State Treasury. Moneys and investment income
28 in the account shall be awarded as grants to sheriffs to
29 implement the system ~~designed and developed under this~~ <—
30 paragraph, including grants to reimburse sheriffs for

1 expenses incurred prior to the effective date of this
2 paragraph.

3 (iii) Moneys credited to the account and any
4 investment income accrued are hereby appropriated on a
5 continuing basis to the Pennsylvania Commission on Crime
6 and Delinquency. The commission shall ~~administer the~~ <—
7 ~~account and~~ establish procedures related to the
8 application process for, and distribution of funds to,
9 sheriffs under this paragraph. Notwithstanding the
10 provisions of subparagraph (ii), the commission may
11 withhold annually an amount not exceeding 5% of the funds
12 credited to the account in that fiscal year for THE COST <—
13 TO IMPLEMENT THE SYSTEM UNDER SUBPARAGRAPH (I) AND FOR
14 administrative costs directly related to the
15 responsibilities of the commission under this paragraph. <—
16 ~~including costs incurred in administering the account. <—~~

17 (iv) This paragraph shall expire five years after
18 its effective date. Any surplus funds remaining in the
19 account established in subparagraph (ii) at such time
20 shall lapse into the General Fund.

21 (3) ~~A fee of \$1 shall be~~ AN ADDITIONAL FEE OF \$1 SHALL <—
22 BE PAID BY THE APPLICANT FOR A LICENSE TO CARRY A FIREARM AND
23 SHALL BE remitted by the sheriff to the Firearms License
24 Validation System Account, which is hereby established as a
25 special restricted receipt account within the General Fund of
26 the State Treasury. The account shall be ~~administered by the~~ <—
27 ~~Pennsylvania State Police and~~ used for purposes under
28 subsection (1). Moneys credited to the account and any
29 investment income accrued are hereby appropriated on a
30 continuing basis to the Pennsylvania State Police.

1 (4) No fee other than that provided by this [paragraph]
2 subsection or the Sheriff Fee Act may be assessed by the
3 sheriff for the performance of any background check made
4 pursuant to this act.

5 (5) The fee is payable to the sheriff to whom the
6 application is submitted and is payable at the time of
7 application for the license.

8 (6) Except for the administrative fee of \$5 under
9 section 14(2) of the Sheriff Fee Act, all other fees shall be
10 refunded if the application is denied but shall not be
11 refunded if a license is issued and subsequently revoked.

12 (7) A person who sells or attempts to sell a license to
13 carry a firearm for a fee in excess of the amounts fixed
14 under this subsection commits a summary offense.

15 (i) Revocation.--A license to carry firearms may be revoked
16 by the issuing authority for good cause. A license to carry
17 firearms shall be revoked by the issuing authority for any
18 reason stated in subsection (e)(1) which occurs during the term
19 of the permit. Notice of revocation shall be in writing and
20 shall state the specific reason for revocation. Notice shall be
21 sent by certified mail to the individual whose license is
22 revoked, and, at that time, [a copy shall be forwarded to the
23 commissioner.] notice shall also be provided to the Pennsylvania
24 State Police, by electronic means, including e-mail or facsimile
25 transmission, that the license is no longer valid. An individual
26 whose license is revoked shall surrender the license to the
27 issuing authority within five days of receipt of the notice. An
28 individual whose license is revoked may appeal to the court of
29 common pleas for the judicial district in which the individual
30 resides. An individual who violates this section commits a

1 summary offense.

2 (i.1) Notice to sheriff.--Notwithstanding any statute to the
3 contrary:

4 (1) Upon conviction of a person for a crime specified in
5 section 6105(a) or (b) or upon conviction of a person for a
6 crime punishable by imprisonment exceeding one year or upon a
7 determination that the conduct of a person meets the criteria
8 specified in section 6105(c)(1), (2), (3), (5) ~~or (6), a~~ <—
9 ~~judge of the court of common pleas shall, (6) OR (9), THE~~ <—
10 COURT SHALL DETERMINE IF THE DEFENDANT HAS A LICENSE TO CARRY
11 FIREARMS ISSUED PURSUANT TO THIS SECTION. IF THE DEFENDANT
12 HAS SUCH A LICENSE, THE COURT SHALL notify the sheriff of the
13 county in which that person resides, on a form developed by
14 the Pennsylvania State Police, of the identity of the person
15 and the nature of the crime or conduct which resulted in the
16 notification. The notification shall be transmitted by the
17 judge within seven days of the conviction or determination.

18 (2) Upon adjudication that a person is incompetent or
19 upon the involuntary commitment of a person to a mental
20 institution for inpatient care and treatment under the act of
21 July 9, 1976 (P.L.817, No.143), known as the Mental Health
22 Procedures Act, or upon involuntary treatment of a person as
23 described under section 6105(c)(4), the judge of the court of
24 common pleas, mental health review officer or county mental
25 health and mental retardation administrator shall notify the
26 sheriff of the county in which that person resides, on a form
27 developed by the Pennsylvania State Police, of the identity
28 of the person who has been adjudicated, committed or treated
29 and the nature of the adjudication, commitment or treatment.
30 The notification shall be transmitted by the judge, mental

1 health review officer or county mental health and mental
2 retardation administrator within seven days of the
3 adjudication, commitment or treatment.

4 * * *

5 (k) Reciprocity.--

6 (1) The Attorney General [may] shall have the power and
7 duty to enter into reciprocity agreements with other states
8 ~~or jurisdictions~~ providing for the mutual recognition of <—
9 [each state's license to carry a firearm.] a license to carry
10 a firearm issued by the Commonwealth and a license or permit
11 to carry a firearm issued by the other state ~~or jurisdiction.~~ <—
12 To carry out this duty, the Attorney General is authorized to
13 negotiate reciprocity agreements and grant recognition of a
14 license or permit to carry a firearm issued by another state
15 ~~or jurisdiction.~~ <—

16 (2) The Attorney General shall report to the General
17 Assembly within 180 days of the effective date of this
18 paragraph and annually thereafter concerning the agreements
19 which have been consummated under this subsection.

20 (l) Firearms License Validation System.--

21 (1) The Pennsylvania State Police shall establish a
22 nationwide toll-free telephone number, known as the Firearms
23 License Validation System, which shall be operational seven
24 days a week, 24 hours per day, for the purpose of responding
25 to law enforcement inquiries regarding the validity of any
26 Pennsylvania license to carry a firearm.

27 (2) Notwithstanding any other law regarding the
28 confidentiality of information, inquiries to the Firearms
29 License Validation System regarding the validity of any
30 Pennsylvania license to carry a firearm may only be made by

1 law enforcement personnel acting within the scope of their
2 official duties.

3 (3) Law enforcement personnel outside this Commonwealth
4 shall provide their originating agency identifier number and
5 the license number of the license to carry a firearm which is
6 the subject of the inquiry.

7 (4) Responses to inquiries by law enforcement personnel
8 outside this Commonwealth shall be limited to the name of the
9 licensee, the validity of the license and any information
10 which may be provided to a criminal justice agency pursuant
11 to Chapter 91 (relating to criminal history record
12 information).

13 (m) Inquiries.--

14 (1) The Attorney General shall, not later than one year
15 after the effective date of this subsection and not less than
16 once annually, contact in writing the appropriate authorities
17 in any other state ~~or jurisdiction~~ which does not have a <—
18 current reciprocity agreement with the Commonwealth to
19 determine if:

20 (i) the state ~~or jurisdiction~~ will negotiate a <—
21 reciprocity agreement;

22 (ii) a licensee may carry a concealed firearm in the
23 state ~~or jurisdiction~~; or <—

24 (iii) a licensee may apply for a license or permit
25 to carry a firearm issued by the state ~~or jurisdiction~~. <—

26 (2) The Attorney General shall maintain a current list
27 of those states ~~and jurisdictions~~ which have a reciprocity <—
28 agreement with the Commonwealth, those states ~~and~~ <—
29 ~~jurisdictions~~ which allow licensees to carry a concealed
30 firearm and those states ~~and jurisdictions~~ which allow <—

1 licensees to apply for a license or permit to carry a
2 firearm. This list shall be posted on the Internet, provided
3 to the Pennsylvania State Police and made available to the
4 public upon request.

5 (n) Definition.--As used in this section, the term
6 "licensee" means an individual who is licensed to carry a
7 firearm under this section.

8 Section 4. Section 6115(b) of Title 18 is amended by adding
9 a paragraph to read:

10 § 6115. Loans on, or lending or giving firearms prohibited.

11 * * *

12 (b) Exception.--

13 * * *

14 (4) Nothing in this section shall prohibit the
15 relinquishment of firearms to a third party in accordance
16 with 23 Pa.C.S. § 6108.3 (relating to relinquishment to third
17 party for safekeeping).

18 Section 5. The definitions of "confidential communications"
19 and "hearing officer" in section 6102(a) of Title 23, ~~amended~~ <—
20 ~~November 30, 2004 (P.L.1618, No.207),~~ are amended and the
21 section is amended by adding definitions to read:

22 § 6102. Definitions.

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

26 * * *

27 "Confidential communications." All information, whether
28 written or spoken, transmitted between a victim and a domestic
29 violence counselor or advocate in the course of the
30 relationship. The term includes information received or given by

1 the domestic violence counselor or advocate in the course of the
2 relationship, as well as advice, reports, statistical data,
3 memoranda or working papers, records or the like, given or made
4 in the course of the relationship. The term also includes
5 communications made by or to a linguistic interpreter assisting
6 the victim, counselor or advocate in the course of the
7 relationship.

8 * * *

9 "Firearm." Any weapon which is designed to or may readily be
10 converted to expel any projectile by the action of an explosive
11 or the frame or receiver of any such weapon as defined by 18
12 Pa.C.S. § 6105(i) (relating to persons not to possess, use,
13 manufacture, control, sell or transfer firearms).

14 * * *

15 "Hearing officer." A magisterial district judge, judge of
16 the Philadelphia Municipal Court, bail commissioner appointed
17 under 42 Pa.C.S. § 1123 (relating to jurisdiction and venue)
18 [and], master appointed under 42 Pa.C.S. § 1126 (relating to
19 masters) and master for emergency relief.

20 "Master for emergency relief." A member of the bar of the
21 Commonwealth appointed under section 6110(e) (relating to
22 emergency relief by minor judiciary).

23 * * *

24 "OTHER WEAPON." ANYTHING READILY CAPABLE OF LETHAL USE AND
25 POSSESSED UNDER CIRCUMSTANCES NOT MANIFESTLY APPROPRIATE FOR
26 LAWFUL USES WHICH IT MAY HAVE. THE TERM DOES NOT INCLUDE A
27 FIREARM.

<—

28 "Safekeeping permit." A permit issued by a sheriff allowing
29 a person to take possession of any firearm, other weapon or
30 ammunition that a judge ordered a defendant to relinquish in a

1 protection from abuse proceeding.

2 * * *

3 "Sheriff."

4 (1) Except as provided in paragraph (2), the sheriff of
5 the county.

6 (2) In a city of the first class, the chief or head of
7 the police department.

8 * * *

9 "Weapon." Anything readily capable of lethal use and
10 possessed under circumstances not manifestly appropriate for
11 lawful uses which it may have. The term includes a firearm which
12 is not loaded or lacks a magazine, clip or other components to
13 render it immediately operable and components which can readily
14 be assembled into a weapon as defined by 18 Pa.C.S. § 907
15 (relating to possessing instruments of crime).

16 * * *

17 Section 6. Sections 6103, 6104(d) and 6105(e) of Title 23
18 are amended to read:

19 § 6103. [Effect of departure to avoid abuse.] Jurisdiction.

20 (a) General rule.--The court shall have jurisdiction over
21 all proceedings under this chapter. [The right of plaintiff to
22 relief under this chapter shall not be affected by plaintiff
23 leaving the residence or household to avoid further abuse.]

24 (b) Effect of departure and nonresidence.--The right of the
25 plaintiff to relief under this chapter shall not be affected by
26 either of the following:

27 (1) The plaintiff's leaving the residence or household
28 to avoid further abuse.

29 (2) The defendant's absence from this Commonwealth or
30 the defendant's nonresidence in this Commonwealth, provided

1 that the court has personal jurisdiction over the defendant
2 in accordance with 42 Pa.C.S. § 5322 (relating to bases of
3 personal jurisdiction over persons outside this
4 Commonwealth).

5 § 6104. Full faith and credit and foreign protection orders.

6 * * *

7 (d) Filing a foreign protection order.--A plaintiff may file
8 a certified copy of a foreign protection order with the
9 prothonotary in any county within this Commonwealth where the
10 plaintiff believes enforcement may be necessary. The following
11 provisions shall apply:

12 (1) [Filing of a foreign protection order shall be
13 without fee or cost.] No costs or fees associated with filing
14 a foreign protection order shall be assigned to the
15 plaintiff, including the cost of obtaining certified copies
16 of the order. Costs and fees associated with filing a foreign
17 protection order may be assessed against the defendant.

18 (2) Upon filing of a foreign protection order, a
19 prothonotary shall transmit, in a manner prescribed by the
20 Pennsylvania State Police, a copy of the order to the
21 Pennsylvania State Police registry of protection orders.

22 (3) Filing of a foreign protection order shall not be a
23 prerequisite for service and enforcement.

24 * * *

25 § 6105. Responsibilities of law enforcement agencies.

26 * * *

27 (e) Statewide registry.--

28 (1) The Pennsylvania State Police shall establish a
29 Statewide registry of protection orders and shall maintain a
30 complete and systematic record and index of all valid

1 temporary and final court orders of protection, court-
2 approved consent agreements and a foreign protection order
3 filed pursuant to section 6104(d) (relating to full faith and
4 credit and foreign protection orders). The Statewide registry
5 shall include, but need not be limited to, the following:

6 (i) The names of the plaintiff and any protected
7 parties.

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

9 (iii) The relationship between the plaintiff and
10 defendant.

11 [(iii)] (iv) The date the order was entered.

12 [(iv)] (v) The date the order expires.

13 [(v)] (vi) The relief granted under sections
14 6108(a)(1), (2), (4), (6) and (7) (relating to relief)
15 and 6110(a) (relating to emergency relief by minor
16 judiciary).

17 [(vi)] (vii) The judicial district in which the
18 order was entered.

19 [(vii)] (viii) Where furnished, the Social Security
20 number and date of birth of the defendant.

21 (ix) Whether or not any or all firearms, other
22 weapons or ammunition were ordered relinquished.

23 (2) The prothonotary shall send, on a form prescribed by
24 the Pennsylvania State Police, a copy of the protection order
25 or approved consent agreement to the Statewide registry of
26 protection orders so that it is received within 24 hours of
27 the entry of the order. Likewise, amendments to or revocation
28 of an order shall be transmitted by the prothonotary within
29 24 hours of the entry of the order for modification or
30 revocation. The Pennsylvania State Police shall enter orders,

1 amendments and revocations in the Statewide registry of
2 protection orders within eight hours of receipt. Vacated or
3 expired orders shall be purged from the registry.

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

8 (4) When an order granting relief under section
9 6108(a)(7) has been entered by a court, such information
10 shall be available to the Pennsylvania State Police for the
11 purpose of conducting a criminal history records check in
12 compliance with the applicable provisions of 18 Pa.C.S. Ch.
13 61 Subch. A (relating to Uniform Firearms Act).

14 (5) Information contained in the Statewide registry
15 shall not be subject to access under the act of June 21, 1957
16 (P.L.390, No.212), referred to as the Right-to-Know Law.

17 * * *

18 Section 7. Section 6106(b), (c), (d), (g) and (g.1) of Title
19 23 are amended and the section is amended by adding subsections
20 to read:

21 § 6106. Commencement of proceedings.

22 * * *

23 (a.2) Notification of defendant's occupation.--The plaintiff
24 shall notify the court if the plaintiff has reason to believe
25 that the defendant is a licensed firearms dealer, is employed by
26 a licensed firearms dealer or manufacturer, is employed as a
27 writer, researcher or technician in the firearms or hunting
28 industry or is required to carry a firearm as a condition of
29 employment.

30 (b) [No prepayment of fees.--The petition shall be filed and

1 service shall be made without prepayment of fees.] Plaintiff
2 fees not permitted.--No plaintiff seeking relief under this
3 chapter shall be charged any fees or costs associated with the
4 filing, issuance, registration or service of a petition, motion,
5 complaint, order or any other filing. Prohibited fees or costs
6 shall include, but are not limited to, those associated with
7 modifying, withdrawing, dismissing or certifying copies of a
8 petition, motion, complaint, order or any other filing, as well
9 as any judicial surcharge or computer system fee. No plaintiff
10 seeking relief under this chapter shall be charged any fees or
11 costs associated with filing a motion for reconsideration or an
12 appeal from any order or action taken pursuant to this chapter.
13 Nothing in this subsection is intended to expand or diminish the
14 court's authority to enter an order pursuant to Pa.R.C.P. No.
15 1023.1 (relating to Scope. Signing of Documents. Representations
16 to the Court. Violation).

17 (c) Assessment of fees and costs[.--If the plaintiff
18 prevails in the action] against the defendant.--When an order is
19 granted pursuant to this chapter, fees and costs shall be
20 [assigned to] assessed against the defendant.[, or, should the
21 court determine that the defendant is not able to pay the costs
22 of filing and service, the court shall waive fees and costs. If
23 the plaintiff does not prevail, costs of filing and service may
24 be assigned to the plaintiff or, should the court determine that
25 the plaintiff is not able to pay the costs of filing and
26 service, the] The court shall waive fees and costs[.] upon a
27 showing of good cause or when the court makes a finding that the
28 defendant is not able to pay the costs. Nothing in this
29 subsection is intended to expand or diminish the court's
30 authority to enter an order pursuant to Pa.R.C.P. No. 1023.1.

(d) Surcharge on order.--When a protection order is granted under section 6107(a) (relating to hearings), other than pursuant to an agreement of the parties, a surcharge of [\$25] \$100 shall be assessed against the defendant. All moneys received from surcharges shall [be forwarded to the Commonwealth and shall be used by the Pennsylvania State Police to establish and maintain the Statewide registry of protection orders provided for in section 6105 (relating to responsibilities of law enforcement agencies).] be distributed in the following order of priority:

(1) \$25 shall be forwarded to the Commonwealth and shall be used by APPROPRIATED TO the Pennsylvania State Police to establish and maintain the Statewide registry of protection orders provided for in section 6105. <—

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

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

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

(3) \$25 shall be forwarded to the Department of Public Welfare for use for victims of domestic violence in accordance with the provisions of section 2333 of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929.

(d.1) Limitation.--The surcharge allocated under subsection ~~(d)(2)(i)~~ (D)(1) and (3) shall be used to supplement and not to supplant any other source of funds received for the purpose of carrying out the provisions of this chapter. <—

* * *

(g) Service of petition and orders.--The petition and orders shall be served upon the defendant, and orders shall be served

1 upon the police departments and sheriff with appropriate
2 jurisdiction to enforce the orders. Orders shall be promptly
3 served on the police and sheriff. Failure to serve shall not
4 stay the effect of a valid order.

5 (g.1) Service of original process of a foreign protection
6 order.--[There shall be no prepayment of fees for service of
7 original process of a foreign protection order.] No plaintiff or
8 petitioner shall be charged any costs or fees associated with
9 the service of original process of a foreign protection order.
10 Costs or fees associated with the service of original process of
11 a foreign protection order may be assessed against the
12 defendant.

13 * * *

14 Section 8. Sections 6107(a) and (b) and 6108 of Title 23 are
15 amended to read:

16 § 6107. Hearings.

17 (a) General rule.--Within ten business days of the filing of
18 a petition under this chapter, a hearing shall be held before
19 the court, at which the plaintiff must prove the allegation of
20 abuse by a preponderance of the evidence. The court shall, at
21 the time the defendant is given notice of the hearing, advise
22 the defendant of the right to be represented by counsel, of the
23 possibility that any firearm, other weapon or ammunition owned
24 and any firearm license possessed may be ordered temporarily
25 relinquished, OF THE OPTIONS FOR RELINQUISHMENT OF A FIREARM <—
26 PURSUANT TO THIS CHAPTER, of the possibility that Federal law
27 may prohibit the possession of firearms, including an
28 explanation of 18 U.S.C. § 922(g)(8) (relating to unlawful acts)
29 and [of the fact] that any protection order granted by a court
30 may be considered in any subsequent proceedings under this

1 title. This notice shall be printed and delivered in a manner
2 which easily attracts attention to its content and shall specify
3 that child custody is one of the proceedings where prior
4 protection orders may be considered.

5 (b) Temporary orders.--

6 (1) If a plaintiff petitions for temporary order for
7 protection from abuse and alleges immediate and present
8 danger of abuse to the plaintiff or minor children, the court
9 shall conduct an ex parte proceeding.

10 (2) The court may enter such a temporary order as it
11 deems necessary to protect the plaintiff or minor children
12 when it finds they are in immediate and present danger of
13 abuse. The order shall remain in effect until modified or
14 terminated by the court after notice and hearing. [Any order
15 issued under this section shall, where furnished by the
16 plaintiff, specify the Social Security number and date of
17 birth of the defendant.]

18 (3) In addition to any other relief, the court may,
19 pursuant to section 6108 (relating to relief), direct that
20 the defendant temporarily relinquish to the sheriff any
21 firearms, other weapons or ammunition for the duration of the
22 temporary order if the petition demonstrates any of the
23 following:

24 (i) Abuse which involves a firearm or other weapon.

25 (ii) An immediate and present danger of abuse. In
26 determining whether an immediate and present danger of
27 abuse exists, the court shall consider a number of
28 factors, including, but not limited to:

29 (A) Whether the temporary order of protection
30 from abuse is not likely to achieve its purpose in

1 the absence of such a condition.

2 (B) Whether the defendant has previously
3 violated a protection from abuse order.

4 (C) Whether past or present abuse to the
5 plaintiff or any of the plaintiff's minor children
6 resulted in injury.

7 (D) Whether the abuse occurred in public.

8 (E) Whether the abuse includes:

9 (I) threats of abuse or suicide;

10 (II) killing or threatening to kill pets;

11 (III) an escalation of violence;

12 (IV) stalking or obsessive behavior;

13 (V) sexual violence; or

14 (VI) drug or excessive alcohol use.

15 ~~(4) If the court orders the defendant to temporarily~~ <—
16 ~~relinquish any firearm, other weapon or ammunition pursuant~~
17 ~~to paragraph (3), section 6108(a)(7) shall apply with respect~~
18 ~~to any firearm, other weapon or ammunition ordered~~
19 ~~relinquished.~~

20 (4) IF THE COURT ORDERS THE DEFENDANT TO TEMPORARILY <—
21 RELINQUISH ANY FIREARM, OTHER WEAPON OR AMMUNITION PURSUANT
22 TO PARAGRAPH (3), THE DEFENDANT SHALL DECIDE IN WHAT MANNER
23 THE DEFENDANT IS GOING TO RELINQUISH ANY FIREARM, OTHER
24 WEAPON OR AMMUNITION LISTED IN THE ORDER. RELINQUISHMENT MAY
25 BE TO THE SHERIFF PURSUANT TO SECTION 6108(A)(7) OR TO A
26 THIRD PARTY FOR SAFEKEEPING PURSUANT TO SECTION 6108.3
27 (RELATING TO RELINQUISHMENT TO THIRD PARTY FOR SAFEKEEPING).

28 * * *

29 § 6108. Relief.

30 (a) General rule.--The court may grant any protection order

1 or approve any consent agreement to bring about a cessation of
2 abuse of the plaintiff or minor children. The order or agreement
3 may include:

4 (1) Directing the defendant to refrain from abusing the
5 plaintiff or minor children.

6 (2) Granting possession to the plaintiff of the
7 residence or household to the exclusion of the defendant by
8 evicting the defendant or restoring possession to the
9 plaintiff [when] if the residence or household is jointly
10 owned or leased by the parties, is owned or leased by the
11 entirety or is owned or leased solely by the plaintiff.

12 (3) [When] If the defendant has a duty to support the
13 plaintiff or minor children living in the residence or
14 household and the defendant is the sole owner or lessee,
15 granting possession to the plaintiff of the residence or
16 household to the exclusion of the defendant by evicting the
17 defendant or restoring possession to the plaintiff or, with
18 the consent of the plaintiff, ordering the defendant to
19 provide suitable alternate housing.

20 (4) Awarding temporary custody of or establishing
21 temporary visitation rights with regard to minor children. In
22 determining whether to award temporary custody or establish
23 temporary visitation rights pursuant to this paragraph, the
24 court shall consider any risk posed by the defendant to the
25 children, as well as risk to the plaintiff. The following
26 shall apply:

27 (i) A defendant shall not be granted custody,
28 partial custody or unsupervised visitation where it is
29 alleged in the petition, and the court finds after a
30 hearing under this chapter, that the defendant:

1 (A) abused the minor children of the parties or
2 [where the defendant] poses a risk of abuse toward
3 the minor children of the parties; or

4 (B) has been convicted of violating 18 Pa.C.S. §
5 2904 (relating to interference with custody of
6 children) within two calendar years prior to the
7 filing of the petition for protection order[.] or
8 that the defendant poses a risk of violating 18
9 Pa.C.S. § 2904.

10 (ii) Where the court finds after a hearing under
11 this chapter that the defendant has inflicted abuse upon
12 the plaintiff or a child, the court may require
13 supervised custodial access by a third party. The third
14 party must agree to be accountable to the court for
15 supervision and execute an affidavit of accountability.

16 (iii) Where the court finds after a hearing under
17 this chapter that the defendant has inflicted serious
18 abuse upon the plaintiff or a child or poses a risk of
19 abuse toward the plaintiff or a child, the court ~~may~~ <—
20 ~~award supervised~~ MAY: <—

21 (A) AWARD SUPERVISED visitation in a secure
22 visitation facility; or <—

23 (B) [may] deny the defendant custodial access to <—
24 a child.

25 (iv) If a plaintiff petitions for a temporary order
26 under section 6107(b) (relating to hearings) and the
27 defendant has partial, shared or full custody of the
28 minor children of the parties by order of court or
29 written agreement of the parties, the custody shall not
30 be disturbed or changed unless the court finds that the

1 defendant is likely to inflict abuse upon the children or
2 to remove the children from the jurisdiction of the court
3 prior to the hearing under section 6107(a). Where the
4 defendant has forcibly or fraudulently removed any minor
5 child from the care and custody of a plaintiff, the court
6 shall order the return of the child to the plaintiff
7 unless the child would be endangered by restoration to
8 the plaintiff.

9 (v) Nothing in this paragraph shall bar either party
10 from filing a petition for custody under Chapter 53
11 (relating to custody) or under the Pennsylvania Rules of
12 Civil Procedure.

13 (vi) In order to prevent further abuse during
14 periods of access to the plaintiff and child during the
15 exercise of custodial rights, the court shall consider,
16 and may impose on a custody award, conditions necessary
17 to assure the safety of the plaintiff and minor children
18 from abuse.

19 (5) After a hearing in accordance with section 6107(a),
20 directing the defendant to pay financial support to those
21 persons the defendant has a duty to support, requiring the
22 defendant, under sections 4324 (relating to inclusion of
23 medical support) and 4326 (relating to mandatory inclusion of
24 child medical support), to provide health coverage for the
25 minor child and spouse, directing the defendant to pay all of
26 the unreimbursed medical expenses of a spouse or minor child
27 of the defendant to the provider or to the plaintiff when he
28 or she has paid for the medical treatment, and directing the
29 defendant to make or continue to make rent or mortgage
30 payments on the residence of the plaintiff to the extent that

1 the defendant has a duty to support the plaintiff or other
2 dependent household members. The support order shall be
3 temporary, and any beneficiary of the order must file a
4 complaint for support under the provisions of Chapters 43
5 (relating to support matters generally) and 45 (relating to
6 reciprocal enforcement of support orders) within two weeks of
7 the date of the issuance of the protection order. If a
8 complaint for support is not filed, that portion of the
9 protection order requiring the defendant to pay support is
10 void. When there is a subsequent ruling on a complaint for
11 support, the portion of the protection order requiring the
12 defendant to pay support expires.

13 (6) Prohibiting the defendant from having any contact
14 with the plaintiff or minor children, including, but not
15 limited to, restraining the defendant from entering the place
16 of employment or business or school of the plaintiff or minor
17 children and from harassing the plaintiff or plaintiff's
18 relatives or minor children.

19 (7) Ordering the defendant to temporarily relinquish to
20 the sheriff the defendant's [weapons which] other weapons and
21 ammunition which have been used or been threatened to be used
22 in an incident of abuse against the plaintiff or the minor
23 children and the defendant's firearms and prohibiting the
24 defendant from acquiring or possessing any [other weapons]
25 firearm for the duration of the order and requiring the
26 defendant to relinquish to the sheriff any firearm license, <—
27 ~~other than a license under 18 Pa.C.S. § 6113 (relating to~~
28 ~~licensing of dealers), 18 U.S.C. § 923 (relating to~~
29 ~~licensing) or any other Federal or State license for the~~
30 ~~sale, manufacture or importation of firearms, ISSUED UNDER~~ <—

1 SECTION 6108.3 (RELATING TO RELINQUISHMENT TO THIRD PARTY FOR
2 SAFEKEEPING) OR 18 PA.C.S. § 6106 (RELATING TO FIREARMS NOT
3 TO BE CARRIED WITHOUT A LICENSE) OR 6109 (RELATING TO
4 LICENSES) the defendant may possess. [The court's order shall
5 provide for the return of the weapons and any firearm license
6 to the defendant subject to any restrictions and conditions
7 as the court shall deem appropriate to protect the plaintiff
8 or minor children from further abuse through the use of
9 weapons.] A copy of the court's order shall be transmitted to
10 the chief or head of the police force or police department of
11 the municipality and to the sheriff of the county of which
12 the defendant is a resident. When relinquishment is ordered,
13 the following shall apply:

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

24 (B) A defendant subject to a temporary order
25 requiring the relinquishment of firearms, other
26 weapons or ammunition shall, in lieu of relinquishing
27 specific firearms, other weapons or ammunition which
28 cannot reasonably be retrieved within the time for
29 relinquishment in clause (A) due to their current
30 location, provide the sheriff with an affidavit

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

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

20 (ii) The court's order shall contain a list of any
21 firearm, other weapon or ammunition ordered relinquished.
22 ~~Except as provided in subparagraph(i)(B), section 6108.2~~ <—
23 ~~(relating to relinquishment for consignment sale, lawful~~
24 ~~transfer or safekeeping) or 6108.3 (relating to~~
25 ~~relinquishment to third party for safekeeping) the~~
26 ~~sheriff shall secure custody of all of the defendant's~~
27 ~~firearms, other weapons or ammunition and any firearm~~
28 ~~license for the duration of the order or until directed~~
29 ~~otherwise by court order.~~ UPON THE ENTRY OF A FINAL <—
30 ORDER, THE DEFENDANT SHALL INFORM THE COURT IN WHAT

1 MANNER THE DEFENDANT IS GOING TO RELINQUISH ANY FIREARM,
2 OTHER WEAPON OR AMMUNITION ORDERED RELINQUISHED.
3 RELINQUISHMENT MAY OCCUR PURSUANT TO SECTION 6108.2
4 (RELATING TO RELINQUISHMENT FOR CONSIGNMENT SALE, LAWFUL
5 TRANSFER OR SAFEKEEPING) OR 6108.3 OR TO THE SHERIFF
6 PURSUANT TO THIS PARAGRAPH. WHERE THE SHERIFF IS
7 DESIGNATED, THE SHERIFF SHALL SECURE CUSTODY OF THE
8 DEFENDANT'S FIREARMS, OTHER WEAPONS OR AMMUNITION AND ANY
9 FIREARM LICENSE LISTED IN THE COURT'S ORDER FOR THE
10 DURATION OF THE ORDER OR UNTIL OTHERWISE DIRECTED BY
11 COURT ORDER. In securing custody of the defendant's
12 relinquished firearms, the sheriff shall comply with 18
13 Pa.C.S. § 6105(f)(4) (relating to persons not to possess,
14 use, manufacture, control, sell or transfer firearms). In
15 securing custody of the defendant's other weapons and
16 ammunition, the sheriff shall provide the defendant with
17 a signed and dated written receipt which shall include a
18 detailed description of the other weapon or ammunition
19 and its condition.

20 (iii) The sheriff shall provide the plaintiff with
21 the name of the person ~~or agency~~ to which any firearm, <—
22 other weapon or ammunition was relinquished.

23 (iv) Unless the defendant has complied with
24 subparagraph (i)(B) or section 6108.2 or 6108.3, if the
25 defendant fails to relinquish any firearm, other weapon,
26 ammunition or firearm license within 24 hours or upon the
27 close of the next business day due to closure of
28 sheriffs' offices or within the time ordered by the court
29 upon cause being shown at the hearing, the sheriff shall,
30 at a minimum, provide immediate notice to the court, the

1 plaintiff and appropriate law enforcement agencies.

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

7 (A) upon an order of the court granted upon
8 cause shown;

9 (B) as necessary, by law enforcement, and court
10 personnel; or

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

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

19 (7.1) If the defendant is a licensed firearms dealer,
20 ordering the defendant to follow such restrictions as the
21 court may require concerning the conduct of his business,
22 which may include ordering the defendant to relinquish any
23 Federal or State license for the sale, manufacture or
24 importation of firearms as well as firearms in the
25 defendant's business inventory. In restricting the defendant
26 pursuant to this paragraph, the court shall make a reasonable
27 effort to preserve the financial assets of the defendant's
28 business while fulfilling the goals of this chapter.

29 (8) Directing the defendant to pay the plaintiff for
30 reasonable losses suffered as a result of the abuse,

1 including medical, dental, relocation and moving expenses;
2 counseling; loss of earnings or support; costs of repair or
3 replacement of real or personal property damaged, destroyed
4 or taken by the defendant or at the direction of the
5 defendant; and other out-of-pocket losses for injuries
6 sustained. In addition to out-of-pocket losses, the court may
7 direct the defendant to pay reasonable attorney fees. An
8 award under this chapter shall not constitute a bar to
9 litigation for civil damages for injuries sustained from the
10 acts of abuse giving rise to the award or a finding of
11 contempt under this chapter.

12 (9) Directing the defendant to refrain from stalking or
13 harassing the plaintiff and other designated persons as
14 defined in 18 Pa.C.S. §§ 2709 (relating to harassment) and
15 2709.1 (relating to stalking).

16 (10) Granting any other appropriate relief sought by the
17 plaintiff.

18 (b) Identifying information.--Any order issued under this
19 section shall, where furnished by either party, specify the
20 Social Security number and date of birth of the defendant.

21 (c) Mutual orders of protection.--Mutual orders of
22 protection shall not be awarded unless both parties have filed
23 timely written petitions, complied with service requirements
24 under section 6106 (relating to commencement of proceedings) and
25 are eligible for protection under this chapter. The court shall
26 make separate findings and, where issuing orders on behalf of
27 both petitioners, enter separate orders.

28 (d) Duration and amendment of order or agreement.--A
29 protection order or approved consent agreement shall be for a
30 fixed period of time not to exceed [18 months] three years. The

1 court may amend its order or agreement at any time upon
2 subsequent petition filed by either party.

3 (e) Extension of protection orders.--

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

5 (i) Where the court finds, after a duly filed
6 petition, notice to the defendant and a hearing, in
7 accordance with the procedures set forth in sections 6106
8 and 6107, that the defendant committed one or more acts
9 of abuse subsequent to the entry of the final order or
10 that the defendant engaged in a pattern or practice that
11 indicates continued risk of harm to the plaintiff or
12 minor child.

13 (ii) When a contempt petition or charge has been
14 filed with the court or with a hearing officer in
15 Philadelphia County, but the hearing has not occurred
16 before the expiration of the protection order, the order
17 shall be extended, at a minimum, until the disposition of
18 the contempt petition and may be extended for another
19 term beyond the disposition of the contempt petition.

20 (2) Service of an extended order shall be made in
21 accordance with section 6109 (relating to service of orders).

22 (3) There shall be no limitation on the number of
23 extensions that may be granted.

24 (f) Support procedure.--The domestic relations section shall
25 enforce any support award in a protection order where the
26 plaintiff files a complaint for support under subsection (a)(5).

27 (g) Notice.--Notice shall be given to the defendant, in
28 orders issued under this section, stating that violations of an
29 order will subject the defendant to arrest under section 6113
30 (relating to arrest for violation of order) or contempt of court

1 under section 6114 (relating to contempt for violation of order
2 or agreement). Resumption of coresidency on the part of the
3 plaintiff and defendant shall not nullify the provisions of the
4 court order.

5 (h) Title to real property unaffected.--No order or
6 agreement under this chapter shall in any manner affect title to
7 any real property.

8 Section 9. Title 23 is amended by adding sections to read:

9 § 6108.1. Return of relinquished firearms, other weapons and
10 ammunition AND ADDITIONAL RELIEF. <—

11 (a) General rule.--Any court order requiring the
12 relinquishment of firearms, other weapons or ammunition shall
13 provide for the return of the relinquished firearms, other
14 weapons or ammunition to the defendant upon expiration of the
15 order or dismissal of a petition for a protection from abuse
16 order. The defendant may take custody of the firearms, other
17 weapons and ammunition provided that the defendant is otherwise
18 eligible to lawfully possess the relinquished items. The
19 defendant shall not be required to pay any fees, costs or
20 charges associated with the returns, whether those fees, costs
21 or charges are imposed by the Pennsylvania State Police, any
22 local law enforcement agency or any other entity, including a
23 licensed importer, licensed manufacturer or licensed dealer in
24 order to secure return of the relinquished firearms, other
25 weapons or ammunition.

26 (b) Modification of court's order PROVIDING FOR RETURN OF <—
27 RELINQUISHED FIREARM, OTHER WEAPON OR AMMUNITION.--

28 (1) The defendant may petition the court to allow for
29 the return of firearms, other weapons and ammunition to the
30 defendant prior to the expiration of the court's order. The

petition shall be served upon the plaintiff and the plaintiff shall be a party to the proceedings regarding that petition.

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

~~(c) Sale, lawful transfer or safekeeping of relinquished~~

(C) MODIFICATION OF COURT'S ORDER TO PROVIDE FOR ALTERNATIVE MEANS OF RELINQUISHING firearms, other weapons or ammunition.--

~~The defendant may petition the court to allow for the sale, lawful transfer or safekeeping of any of the defendant's firearms, other weapons or ammunition relinquished in accordance with this chapter. Any petition or other application for the sale, lawful transfer or safekeeping of firearms, other weapons or ammunition filed prior to the expiration of the court's order shall be served upon the plaintiff, and the plaintiff shall have an opportunity to be heard prior to the issuance of a court order allowing for the sale, lawful transfer or safekeeping of firearms, other weapons or ammunition. Upon court order directing the sale, lawful transfer or safekeeping of a relinquished firearm, other weapons or ammunition the sheriff shall proceed as directed by the court.~~

FOR MODIFICATION OF THE ORDER TO PROVIDE FOR AN ALTERNATIVE MEANS OF RELINQUISHMENT IN ACCORDANCE WITH THIS CHAPTER. THE PETITION SHALL BE SERVED UPON THE PLAINTIFF, AND THE PLAINTIFF SHALL HAVE AN OPPORTUNITY TO BE HEARD AT THE HEARING AS PROVIDED IN SUBSECTION (D). WHERE THE COURT ORDERS A MODIFICATION PURSUANT TO THIS SUBSECTION PROVIDING FOR ALTERNATIVE MEANS OF RELINQUISHMENT, THE SHERIFF

1 SHALL PROCEED AS DIRECTED BY THE COURT.

2 (d) Hearing.--Within ten business days of the filing of any
3 petition under this section, a hearing shall be held before the
4 court.

5 (e) Definitions.--As used in this section, the following
6 words and phrases shall have the meanings given to them in this
7 subsection:

8 "Other person." Any person, except the defendant, who is the
9 lawful owner of a firearm, other weapon or ammunition
10 relinquished pursuant to this chapter.

11 "Safekeeping." The secure custody of a firearm, other weapon
12 or ammunition ordered relinquished by an active protection from
13 abuse order. ~~as authorized pursuant to a court order until such~~ <—
14 ~~time as the court directs the relinquishment of said firearm,~~
15 ~~other weapon or ammunition and the person to whom it shall be~~
16 ~~relinquished.~~

17 § 6108.2. Relinquishment for consignment sale, lawful transfer
18 or safekeeping.

19 (a) General rule.--Notwithstanding any other provision of
20 law, a defendant who is the subject of a final protection from
21 abuse order, which order ~~provided~~ PROVIDES for the <—
22 relinquishment of firearms, other weapons or ammunition during
23 the period of time the order is in effect may, within the time
24 frame specified in the order and in lieu of relinquishment to
25 the sheriff, relinquish to a dealer licensed pursuant to 18
26 Pa.C.S. § 6113 (relating to licensing of dealers) any firearms,
27 other weapons or ammunition for consignment sale, lawful
28 transfer or safekeeping.

29 (b) Affidavit.--A defendant relinquishing firearms, other
30 weapons or ammunition to a dealer pursuant to subsection (a)

1 shall obtain an affidavit from the dealer on a form prescribed
2 by the Pennsylvania State Police which shall include, at a
3 minimum, the following:

4 (1) The caption of the case in which the protection from
5 abuse order was issued.

6 (2) The name, address, date of birth and Social Security
7 number of the defendant.

8 (3) A list of the firearms, other weapons or ammunition,
9 including, if applicable, the manufacturer, model and serial
10 number.

11 (4) The name and license number of the dealer licensed
12 pursuant to 18 Pa.C.S. § 6113 and the address of the licensed
13 premises.

14 (5) An acknowledgment that the firearms, other weapons
15 or ammunition will not be returned to the defendant or sold
16 or transferred to a person the dealer knows is a member of
17 the defendant's household, while the defendant is the subject
18 of an active protection from abuse order pursuant to section
19 6108, which order ~~provided~~ PROVIDES for the relinquishment of <—
20 the firearm, other weapon or ammunition being returned, sold
21 or transferred.

22 (6) An acknowledgment that the firearms, other weapons
23 or ammunition, if sold or transferred, will be sold or
24 lawfully transferred in compliance with 18 Pa.C.S. Ch. 61
25 (relating to firearms and other dangerous articles).

26 (c) Failure to provide affidavit.--A defendant relinquishing
27 firearms, other weapons or ammunition to a dealer pursuant to
28 subsection (a) shall, within the time frame specified in the
29 order for relinquishing firearms, other weapons or ammunition
30 provide to the sheriff the affidavit obtained pursuant to

1 subsection (b) and relinquish to the sheriff any firearms, other
2 weapons or ammunition ordered to be relinquished which are not
3 specified in the affidavit, in an affidavit provided in
4 accordance with section 6108(a)(7)(i)(B) (relating to relief) or
5 in an acknowledgment of receipt from a third party provided to
6 the sheriff pursuant to section 6108.3 (relating to
7 relinquishment to third party for safekeeping). If the defendant
8 fails to comply with this subsection, the sheriff shall, at a
9 minimum, provide immediate notice to the court, the plaintiff
10 and appropriate law enforcement agencies.

11 (d) Form.--The Pennsylvania State Police shall develop and
12 make available a form to be used by dealers to accept possession
13 of firearms, other weapons and ammunition for consignment sale,
14 lawful transfer or safekeeping pursuant to this section.

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

29 (f) Nondisclosure.--The affidavit obtained under subsection
30 (c) shall not be subject to access under the act of June 21,

1 1957 (P.L.390, No.212), referred to as the Right-to-Know Law.

2 (g) Definitions.--As used in this section, the following
3 words and phrases shall have the meanings given to them in this
4 subsection:

5 "Safekeeping." The secure custody of firearms, other weapons
6 or ammunition ordered relinquished by an active protection from
7 abuse order. ~~issued pursuant to section 6108 (relating to~~ <—
8 ~~relief) by a dealer licensed pursuant to 18 Pa.C.S. § 6113~~
9 ~~(relating to licensing of dealers).~~

10 "Sale or lawful transfer." Any sale or transfer to a person
11 other than the defendant or a member of the defendant's
12 household which is conducted in accordance with 18 Pa.C.S. Ch.
13 61 (relating to firearms and other dangerous articles).

14 § 6108.3. Relinquishment to third party for safekeeping.

15 (a) General rule.--A defendant who is the subject of a
16 protection from abuse order, which order ~~provided~~ PROVIDES for <—
17 the relinquishment of firearms, other weapons or ammunition
18 during the period of time the order is in effect may, within the
19 time frame specified in the order and in lieu of relinquishment
20 to the sheriff, relinquish any firearms, other weapons or
21 ammunition to a third party for safekeeping.

22 (b) Transfer to third party.--

23 (1) A defendant wishing to relinquish firearms, other
24 weapons or ammunition to a third party pursuant to subsection
25 (a) shall, within the time frame specified in the order for
26 relinquishing firearms, other weapons and ammunition, report
27 to the sheriff's office in the county where the order was
28 entered along with the third party.

29 (2) Upon determination by the sheriff that the third
30 party is not prohibited from possessing firearms, other

weapons or ammunition pursuant to any Federal or State law
and after the defendant and third party have executed the
affidavits required under paragraph (3), the sheriff shall
issue a safekeeping permit to the third party, which shall
include, at a minimum, a list of the firearms, other weapons
and ammunition which will be relinquished to the third party.
The permit shall be issued at no cost to the third party or
defendant. The permit shall require the third party to
possess the defendant's firearms, other weapons and
ammunition until the time that:

(i) the sheriff revokes the safekeeping permit
pursuant to subsection (c)(1); or

(ii) the sheriff accepts return of the safekeeping
permit pursuant to subsection (d).

(3) (i) A defendant wishing to relinquish firearms,
other weapons or ammunition to a third party pursuant to
subsection (a) shall, in the presence of the sheriff or
the sheriff's designee, execute an affidavit on a form
prescribed by the Pennsylvania State Police which shall
include, at a minimum, the following:

(A) The caption of the case in which the
protection from abuse order was issued.

(B) The name, address, date of birth and the
Social Security number of the defendant.

(C) The name, address and date of birth of the
third party.

(D) A list of the firearms, other weapons and
ammunition which will be relinquished to the third
party, including, if applicable, the manufacturer,
model and serial number.

1 (E) An acknowledgment that the defendant will
2 not take possession of any firearm, other weapon or
3 ammunition relinquished to the third party, until the
4 sheriff accepts return of the safekeeping permit
5 pursuant to subsection (d).

6 (F) A plain language summary of 18 Pa.C.S. §
7 6105(a.1)(2) and (c)(6) (relating to persons not to
8 possess, use, manufacture, control, sell or transfer
9 firearms).

10 (G) A plain language summary of 18 U.S.C. §
11 922(g)(8) (relating to unlawful acts).

12 (ii) A third party who will be accepting possession
13 of firearms, other weapons and ammunition pursuant to
14 subsection (a) shall, in the presence of the sheriff or
15 the sheriff's designee, execute an affidavit on a form
16 prescribed by the Pennsylvania State Police which shall
17 include, at a minimum, the following:

18 (A) The caption of the case in which the
19 protection from abuse order was issued.

20 (B) The name, address and date of birth of the
21 defendant.

22 (C) The name, address, date of birth and the
23 Social Security number of the third party.

24 (D) A list of the firearms, other weapons and
25 ammunition which will be relinquished to the third
26 party, including, if applicable, the manufacturer,
27 model and serial number.

28 (E) An acknowledgment that no firearm, other
29 weapon or ammunition relinquished to the third party
30 will be returned to the defendant, until the sheriff

1 accepts return of the safekeeping permit pursuant to
2 subsection (d).

3 (F) A plain language summary of 18 Pa.C.S. §§
4 6105(a.1)(5) and (c)(6), 6111(c) (relating to sale or
5 transfer of firearms) and 6115 (relating to loans on,
6 or lending or giving firearms prohibited).

7 (G) A plain language summary of this section.

8 (H) An acknowledgment that the third party is
9 not prohibited from possessing firearms, other
10 weapons or ammunition pursuant to any Federal or
11 State law.

12 (I) An acknowledgment that the third party is
13 not subject to an active protection from abuse order.

14 (J) An acknowledgment that the defendant has
15 never been the subject of a protection from abuse
16 order issued on behalf of the third party.

17 (K) An acknowledgment that any firearms, other
18 weapons and ammunition relinquished to the third
19 party will be stored using a locking device as
20 defined in paragraph (1) of the definition of
21 "locking device" in 18 Pa.C.S. § 6142(f) (relating to
22 locking device for firearms) or in a secure location
23 to which the defendant does not have access.

24 (L) A DETAILED DESCRIPTION OF THE THIRD PARTY <—
25 LIABILITY PURSUANT TO THIS SECTION RELATING TO CIVIL
26 LIABILITY.

27 (M) AN ACKNOWLEDGMENT THAT THE THIRD PARTY SHALL
28 INFORM THE SHERIFF OF ANY CHANGE OF ADDRESS FOR THE
29 THIRD PARTY WITHIN SEVEN DAYS OF THE CHANGE OF
30 ADDRESS.

1 (4) The defendant shall, within the time frame specified
2 in the order and in lieu of relinquishment to the sheriff,
3 relinquish the firearms, other weapons and ammunition
4 specified in the affidavits provided to the sheriff pursuant
5 to paragraph (3) to the third party who has been issued a
6 safekeeping permit pursuant to paragraph (2). Upon
7 relinquishment of the firearms to the third party, the third
8 party shall sign an acknowledgment of receipt on a form
9 prescribed by the Pennsylvania State Police, which shall
10 include, at a minimum, an acknowledgment that the firearms
11 were relinquished to the third party within the time frame
12 specified in the order.

13 (5) Within 24 hours of the issuance of the safekeeping
14 permit issued to the third party pursuant to paragraph (2) or
15 by close of the next business day as necessary due to the
16 closure of the sheriff's office, the defendant shall return
17 the signed acknowledgment of receipt required under paragraph
18 (4) to the sheriff in the county where the order was entered.

19 (6) If the defendant fails to provide the acknowledgment
20 of receipt to the sheriff as required under paragraph (5), an
21 affidavit prepared in accordance with section
22 6108(a)(7)(i)(B) (relating to relief), an affidavit under
23 section 6108.2 (relating to relinquishment for consignment
24 sale, lawful transfer or safekeeping) or fails to relinquish
25 any firearms, other weapons or ammunition, the sheriff shall,
26 at a minimum, provide immediate notice to the court, the
27 plaintiff and appropriate law enforcement agencies.

28 (c) Revocation of safekeeping permit.--

29 (1) The sheriff shall revoke a third party's safekeeping
30 permit and require the third party to relinquish to the

1 sheriff any firearms, other weapons or ammunition which were
2 relinquished to the third party by a defendant pursuant to
3 subsection (a) upon determining or being notified that any of
4 the following apply:

5 (i) A protection from abuse order has been entered
6 against the third party.

7 (ii) The third party is prohibited from possessing
8 firearms, other weapons or ammunition pursuant to any
9 Federal or State law.

10 (iii) The defendant has been convicted of a
11 violation of 18 Pa.C.S. Ch. 61 (relating to firearms and
12 other dangerous articles), or any other offense involving
13 the use of a firearm.

14 (iv) The defendant has been held in indirect
15 criminal contempt for violating a provision of the
16 protection from abuse order consistent with section
17 6108(a)(1), (2), (6), (7) or (9) (relating to relief).

18 (2) Upon revocation of a safekeeping permit, the sheriff
19 shall seize the safekeeping permit and all of the defendant's
20 firearms, other weapons and ammunition which were
21 relinquished to the third party. If revocation of the
22 safekeeping permit was:

23 (i) Required pursuant to paragraph (1)(i) or (ii),
24 the sheriff shall notify the defendant that the firearms,
25 other weapons and ammunition which were relinquished to
26 the third party are in the sheriff's possession and that
27 the defendant may report to the sheriff's office in order
28 to relinquish the firearms, other weapons and ammunition
29 to a subsequent third party pursuant to this section or
30 to a licensed dealer pursuant to section 6108.2 (relating

<—

1 ~~to relinquishment for consignment sale, lawful transfer~~
2 ~~or safekeeping).~~

3 (ii) Required pursuant to paragraph (1)(iii) or
4 (iv), the sheriff shall maintain possession of the
5 firearms, other weapons and ammunition until the
6 defendant is no longer prohibited from possessing
7 firearms, other weapons and ammunition pursuant to any
8 Federal or State law unless:

9 (A) the defendant has the firearms, other
10 weapons and ammunition relinquished to a licensed
11 dealer pursuant to section 6108.2; or

12 (B) the sheriff is directed to relinquish the
13 firearms, other weapons and ammunition pursuant to a
14 court order.

15 (d) Return of safekeeping permit.--

16 (1) Following expiration of a protection from abuse
17 order, which order provided for the relinquishment of
18 firearms, other weapons or ammunition, the defendant and the
19 third party shall report to the sheriff's office to return
20 the safekeeping permit. Upon a determination by the sheriff
21 that the defendant is:

22 (i) Not prohibited from possessing firearms, other
23 weapons and ammunition, the sheriff shall accept the
24 return of the safekeeping permit and the third party
25 shall relinquish to the defendant all of the defendant's
26 firearms, other weapons and ammunition which were
27 relinquished to the third party pursuant to this section.

28 (ii) Prohibited from possessing a firearm, other
29 weapon or ammunition pursuant to any Federal or State
30 law, the sheriff shall accept return of the permit and

1 seize from the third party all of the defendant's
2 firearms, other weapons and ammunition, which were
3 relinquished to the third party pursuant to this section.
4 The sheriff shall return to the defendant any firearm,
5 other weapon or ammunition, which the defendant is
6 lawfully entitled to possess.

7 (2) Upon issuance of a court order pursuant to 18
8 Pa.C.S. §§ 6105(f)(2) or 6108.1(b) (relating to return of
9 relinquished firearms, other weapons and ammunition AND <—
10 ADDITIONAL RELIEF) which modifies a valid protection from
11 abuse order by allowing the defendant to take possession of a
12 firearm, other weapon or ammunition that had previously been
13 ordered relinquished, the defendant and the third party shall
14 report to the sheriff's office to return the safekeeping
15 permit. The sheriff shall proceed as directed by the court
16 order.

17 (3) If a third party wishes to relinquish the
18 defendant's firearms, other weapons and ammunition prior to
19 return of the safekeeping permit pursuant to paragraph (1),
20 the sheriff shall accept return of the safekeeping permit and
21 shall seize all of the defendant's firearms, other weapons
22 and ammunition from the third party. The sheriff shall notify
23 the defendant that the firearms, other weapons and
24 ammunition, which were relinquished to the third party are in
25 the sheriff's possession and that the defendant may
26 relinquish the firearms, other weapons and ammunition to a
27 subsequent third party pursuant to this section or to a
28 licensed dealer pursuant to section 6108.2.

29 (e) Civil liability.--A third party who intentionally or
30 knowingly violates any of the provisions of this section shall,

1 in addition to any other penalty prescribed in this chapter or
2 18 Pa.C.S. Ch. 61 be civilly liable to any person for any
3 damages caused thereby and, in addition, shall be liable to any
4 person for punitive damages in an amount not to exceed \$5,000,
5 and the court shall award a prevailing plaintiff a reasonable
6 attorney fee as part of the costs.

7 (f) Forms.--The Pennsylvania State Police shall develop and
8 make available:

9 (1) Forms to be used by sheriffs to issue safekeeping
10 permits pursuant to subsection (b)(2).

11 (2) Affidavit forms and receipt forms to be used by
12 defendants and third parties as required under subsection
13 (b)(3) and (4).

14 (g) Transfer upon final entry.--A defendant who has
15 previously relinquished firearms, other weapons or ammunition to
16 the sheriff pursuant to a temporary order, shall be permitted to
17 have the firearms, other weapons and ammunition relinquished to
18 a third party pursuant to this section following entry of a
19 final protection from abuse order, which order provides for the
20 relinquishment of firearms, other weapons or ammunition during
21 the period of time the order is in effect.

22 (h) Nondisclosure.--All copies of the safekeeping permit
23 issued under subsection (b)(2) retained by the sheriff and the
24 affidavits and forms obtained under subsection (b)(3) and (4)
25 shall not be subject to access under the act of June 21, 1957
26 (P.L.390, No.212), referred to as the Right-to-Know Law.

27 (i) Definitions.--As used in this section, the following
28 words and phrases shall have the meanings given to them in this
29 subsection:

30 "Safekeeping." The secure custody of firearms, other weapons

1 or ammunition, which were ordered relinquished by a valid AN <—
2 ACTIVE protection from abuse order, by a third party. <—

3 "Third party." A person, other than the defendant, who:

4 (1) Is not a member of the defendant's household.

5 (2) Is not prohibited from possessing firearms pursuant
6 to any Federal or State law.

7 § 6108.4. Registry or database of firearm ownership.

8 (a) Confidentiality.--Information retained to ensure
9 compliance with this chapter and to document the return of
10 firearms shall not be subject to access under the act of June
11 21, 1957 (P.L.390, No.212), referred to as the Right-to-Know
12 Law.

13 (b) Construction.--Nothing in this chapter shall be
14 construed to allow a government AGENCY or law enforcement <—
15 agency, or an agent or employee of either, or any other person
16 or entity to create, maintain or operate a database or registry
17 of firearm ownership within this Commonwealth. However,
18 information may be retained to ensure compliance with this
19 chapter and to document the return of firearms.

20 § 6108.5. Penalties for release of information.

21 Any person who violates section 6108(a)(7)(v) (relating to
22 relief) by releasing information with the intent and purpose of
23 committing such violation commits a misdemeanor of the third
24 degree.

25 Section 10. Section 6110 of Title 23 is amended by adding a
26 subsection to read:

27 § 6110. Emergency relief by minor judiciary.

28 * * *

29 (e) Master for emergency relief.--The president judge of a
30 court of common pleas of a judicial district may, WITH THE <—

1 APPROVAL OF THE ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS,
2 provide for the selection and appointment of a master for
3 emergency relief on a full-time or part-time basis. The number
4 of masters for emergency relief shall be fixed by the president
5 judge WITH THE APPROVAL OF THE ADMINISTRATIVE OFFICE OF <—
6 PENNSYLVANIA COURTS. The compensation of a master for emergency
7 relief shall be fixed and paid by the county.

8 Section 11. Sections 6113 and 6113.1 of Title 23, ~~amended~~ <—
9 ~~November 30, 2004 (P.L.1618, No.207),~~ are amended to read:

10 § 6113. Arrest for violation of order.

11 (a) General rule.--An arrest for violation of an order
12 issued pursuant to this chapter or a foreign protection order
13 may be without warrant upon probable cause whether or not the
14 violation is committed in the presence of the police officer or
15 sheriff in circumstances where the defendant has violated a
16 provision of an order consistent with section 6108(a)(1), (2),
17 (3), (4), (6), (7) or (9) (relating to relief). The police
18 officer or sheriff may verify the existence of a protection
19 order by telephone, radio or other electronic communication with
20 the appropriate police department, Pennsylvania State Police
21 registry, protection order file or issuing authority. A police
22 officer or sheriff shall arrest a defendant for violating an
23 order issued under this chapter by a court within the judicial
24 district, issued by a court in another judicial district within
25 this Commonwealth or a foreign protection order issued by a
26 comparable court.

27 (b) Seizure of [weapons] firearms, other weapons and
28 ammunition.--Subsequent to an arrest, the police officer or
29 sheriff shall seize all [weapons] firearms, other weapons and
30 ammunition used or threatened to be used during the violation of

1 the protection order or during prior incidents of abuse and any
2 other firearms in the defendant's possession. As soon as it is
3 reasonably possible, the arresting officer shall deliver the
4 confiscated [weapons] firearms, other weapons and ammunition to
5 the office of the sheriff. The sheriff shall maintain possession
6 of the [weapons] firearms, other weapons and ammunition until
7 the court issues an order specifying the [weapons] firearms,
8 other weapons and ammunition to be relinquished and the persons
9 to whom the [weapons] firearms, other weapons and ammunition
10 shall be relinquished.

11 (c) Procedure following arrest.--Subsequent to an arrest,
12 the defendant shall be taken by the police officer or sheriff
13 without unnecessary delay before the court in the judicial
14 district where the contempt is alleged to have occurred. When
15 that court is unavailable, the police officer or sheriff shall
16 convey the defendant to a magisterial district judge designated
17 as appropriate by local rules of court or, in the city of
18 Pittsburgh, to a magistrate of the Pittsburgh Magistrates Court
19 or, in counties of the first class, to the appropriate hearing
20 officer. For purposes of procedure relating to arraignments for
21 arrest for violation of an order issued under this chapter, the
22 judges of Pittsburgh Magistrates Court shall be deemed to be
23 magisterial district judges.

24 (d) Preliminary arraignment.--The defendant shall be
25 afforded a preliminary arraignment without unnecessary delay.

26 (e) Other emergency powers unaffected.--This section shall
27 not be construed to in any way limit any of the other powers for
28 emergency relief provided in this chapter.

29 (f) Hearing.--A hearing shall be scheduled within ten days
30 of the filing of the charge or complaint of indirect criminal

1 contempt. The hearing and any adjudication shall not preclude a
2 hearing on other criminal charges underlying the contempt, nor
3 shall a hearing or adjudication on other criminal charges
4 preclude a hearing on a charge of indirect criminal contempt.

5 § 6113.1. Private criminal complaints for violation of order or
6 agreement.

7 (a) General rule.--A plaintiff may file a private criminal
8 complaint against a defendant, alleging indirect criminal
9 contempt for a noneconomic violation of any provision of an
10 order or court-approved consent agreement issued under this
11 chapter or a foreign protection order, with the court, the
12 office of the district attorney or the magisterial district
13 judge in the jurisdiction or county where the violation
14 occurred, except that, in a city of the first class, a complaint
15 may only be filed with the family division of the court of
16 common pleas or the office of the district attorney.

17 (b) Procedure service.--Procedure for filing and service of
18 a private criminal complaint shall be provided as set forth by
19 local rule. No fees or costs associated with the prosecution of
20 the private criminal complaint shall be assigned to the
21 plaintiff at any stage of the proceeding, including, but not
22 limited to, filing, service, failure to prosecute, withdrawal or
23 dismissal. Nothing in this subsection is intended to expand or
24 diminish the court's authority to enter an order pursuant to
25 Pa.R.C.P. No. 1023.1 (relating to Scope. Signing of Documents.
26 Representations to the Court. Violation).

27 (c) Fees and costs.--After a finding of indirect criminal
28 contempt, fees and costs may be assessed against the defendant.
29 The court shall waive fees and costs imposed pursuant to this
30 chapter, upon a showing of good cause or when the court makes a

1 finding that the defendant is not able to pay the costs
2 associated with the indirect criminal contempt action. Nothing
3 in this subsection is intended to expand or diminish the court's
4 authority to enter an order pursuant to Pa.R.C.P. No. 1023.1.

5 Section 12. Sections 6114 and 6117 of Title 23 are amended
6 to read:

7 § 6114. Contempt for violation of order or agreement.

8 (a) General rule.--Where the police, sheriff or the
9 plaintiff have filed charges of indirect criminal contempt
10 against a defendant for violation of a protection order issued
11 under this chapter, a foreign protection order or a court-
12 approved consent agreement, the court may hold the defendant in
13 indirect criminal contempt and punish the defendant in
14 accordance with law.

15 (a.1) Jurisdiction.--A court shall have jurisdiction over
16 indirect criminal contempt charges for violation of a protection
17 order issued pursuant to this chapter [or a foreign protection
18 order] in the county where the violation occurred[.] and in the
19 county where the protection order was granted. A court shall
20 have jurisdiction over indirect criminal contempt charges for
21 violation of a foreign protection order in the county where the
22 violation occurred.

23 (a.2) Minor defendant.--Any defendant who is a minor and who
24 is charged with indirect criminal contempt for allegedly
25 violating a protection from abuse order shall be considered to
26 have committed an alleged delinquent act as that term is defined
27 in 42 Pa.C.S. § 6302 (relating to definitions) and shall be
28 treated as provided in 42 Pa.C.S. Ch. 63 (relating to juvenile
29 matters).

30 (b) Trial and punishment.--

1 (1) A sentence for contempt under this chapter may
2 include [imprisonment up to six months or a fine of not less
3 than \$100 nor more than \$1,000, or both, and may include
4 other relief set forth in this chapter. All moneys received
5 under this section shall be forwarded to the Commonwealth and
6 shall be used by the Pennsylvania State Police to establish
7 and maintain the Statewide registry of protection orders
8 provided for in section 6105 (relating to responsibilities of
9 law enforcement agencies). The defendant shall not have a
10 right to a jury trial on such a charge; however, the
11 defendant shall be entitled to counsel.]:

12 (i) (A) a fine of not less than \$300 nor more than
13 \$1,000 and imprisonment up to six months; or

14 (B) a fine of not less than \$300 nor more than
15 \$1,000 and supervised probation not to exceed six
16 months; and

17 (ii) an order for other relief set forth in this
18 chapter.

19 (2) All money received under this section shall be
20 distributed in the following order of priority:

21 (i) \$100 shall be forwarded to the Commonwealth and
22 shall be ~~used by~~ APPROPRIATED TO the Pennsylvania State <—
23 Police to establish and maintain the Statewide registry
24 of protection orders provided for in section 6105
25 (relating to responsibilities of law enforcement
26 agencies).

27 (ii) \$100 shall be retained by the county and shall
28 be used to carry out the provisions of this chapter as
29 follows:

30 (A) \$50 shall be used by the sheriff.

1 (B) \$50 shall be used by the court.

2 (iii) \$100 shall be forwarded to the Department of
3 Public Welfare for use for victims of domestic violence
4 in accordance with the provisions of section 2333 of the
5 act of April 9, 1929 (P.L.177, No.175), known as The
6 Administrative Code of 1929.

7 (iv) Any additional money shall be forwarded to the
8 Commonwealth and shall be used by the Pennsylvania State
9 Police to establish and maintain the Statewide registry
10 of protection orders provided for in section 6105.

11 (3) The defendant shall not have a right to a jury trial
12 on a charge of indirect criminal contempt. However, the
13 defendant shall be entitled to counsel.

14 (4) Upon conviction for indirect criminal contempt and
15 at the request of the plaintiff, the court shall also grant
16 an extension of the protection order for an additional term.

17 (5) Upon conviction for indirect criminal contempt, the
18 court shall notify the sheriff of the jurisdiction which
19 issued the protection order of the conviction.

20 (6) The minimum fine required by subsection (b)(1)
21 allocated pursuant to subsection (b)(2)(i) and (iii) shall be
22 used to supplement and not to supplant any other source of
23 funds received for the purpose of carrying out the provisions
24 of this chapter.

25 (c) Notification upon release.--The appropriate releasing
26 authority or other official as designated by local rule shall
27 use all reasonable means to notify the victim sufficiently in
28 advance of the release of the offender from any incarceration
29 imposed under subsection (b). Notification shall be required for
30 work release, furlough, medical leave, community service,

1 discharge, escape and recapture. Notification shall include the
2 terms and conditions imposed on any temporary release from
3 custody. The plaintiff must keep the appropriate releasing
4 authority or other official as designated by local rule advised
5 of contact information; failure to do so will constitute waiver
6 of any right to notification under this section.

7 (d) Multiple remedies.--Disposition of a charge of indirect
8 criminal contempt shall not preclude the prosecution of other
9 criminal charges associated with the incident giving rise to the
10 contempt, nor shall disposition of other criminal charges
11 preclude prosecution of indirect criminal contempt associated
12 with the criminal conduct giving rise to the charges.

13 § 6117. Procedure and other remedies.

14 (a) General rule.--Unless otherwise indicated in this
15 chapter, a proceeding under this chapter shall be in accordance
16 with applicable general rules and shall be in addition to any
17 other available civil or criminal remedies. The plaintiff and
18 the defendant may seek modification of an order issued under
19 section 6108 (relating to relief) at any time during the
20 pendency of an order. [Modification] Except as otherwise
21 indicated in this chapter, modification may be ordered after the
22 filing of a petition for modification, service of the petition
23 and a hearing on the petition.

24 (b) Remedies for bad faith.--Notwithstanding any other
25 provision of law, upon finding that an individual commenced a
26 proceeding under this chapter in bad faith, a court shall direct
27 the individual to pay to the defendant actual damages and
28 reasonable attorney fees. Failure to prove an allegation of
29 abuse by a preponderance of the evidence shall not, by itself,
30 result in a finding of bad faith.

Section 13. Title 23 is amended by adding sections to read:

§ 6119. Immunity.

(a) General rule.--Law enforcement agencies and their employees, including police officers and sheriffs, shall, except as provided in subsection (b), be immune from civil liability for actions taken in good faith to carry out their duties relating to the seizure and relinquishment of firearms, other weapons and ammunition as provided for in this chapter, except for gross negligence, intentional misconduct or reckless, willful or wanton misconduct.

(b) Exception.--Law enforcement agencies and their employees, including police officers and sheriffs, shall be liable to the lawful owner of confiscated, seized or relinquished firearms in accordance with 18 Pa.C.S. § 6105(f) (relating to persons not to possess, use, manufacture, control, sell or transfer firearms) and shall be liable to the lawful owner of confiscated, seized or relinquished other weapons or ammunition for any loss, damage or substantial decrease in the value of the other weapons or ammunition that is a direct result of a lack of reasonable care by the law enforcement agency or its employees.

§ 6120. Inability to pay.

(a) Order for installment payments.--Upon plea and proof that a person is without the financial means to pay a fine, a fee, economic relief ordered under section 6108(a)(8) (relating to relief) or a cost, a court may order payment of money owed in installments appropriate to the circumstances of the person and shall fix the amounts, times and manner of payment. ~~Installment payments shall not exceed two years.~~

(b) Use of credit cards.--The treasurer of each county may

1 allow the use of credit cards and bank cards in the payment of
2 money owed under this chapter.

3 § 6121. Warrantless searches.

4 Except as provided in section 6113 (relating to arrest for
5 violation of order), nothing in this chapter shall authorize a
6 warrantless search for firearms, other weapons or ammunition.

7 § 6122. Construction.

8 Nothing in this chapter shall be construed to preclude an
9 action for wrongful use of civil process pursuant to 42 Pa.C.S.
10 Ch. 83 Subch. E (relating to wrongful use of civil proceedings)
11 or criminal prosecution for a violation of 18 Pa.C.S. Ch. 49
12 (relating to falsification and intimidation).

13 Section 14. The Pennsylvania Commission on Crime and
14 Delinquency shall submit a report to the General Assembly three
15 years after the effective date of this section on the progress
16 of the Firearms License to Carry Modernization ~~Fund~~ ACCOUNT. <—

17 Section 15. This act shall take effect as follows:

18 (1) The addition or amendment of 18 Pa.C.S. § 6109(e)(3)
19 introductory paragraph, (i), (ii), (v) and (vi) shall take
20 effect in 90 days.

21 (2) The addition or amendment of 18 Pa.C.S. §
22 6109(e)(3)(iii), (iv) and (4) shall take effect upon
23 publication of the notice under 18 Pa.C.S. § 6109(h)(2) or
24 five years and 60 days, whichever is first.

25 (3) This section shall take effect immediately.

26 (4) The remainder of this act shall take effect in ~~60~~
27 180 days. <—