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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1211 Session of  
2021

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INTRODUCED BY GUENST, SANCHEZ, D. WILLIAMS, SCHLOSSBERG, KINSEY,  
WARREN, SCHWEYER, SIMS, ISAACSON, HOWARD, SHUSTERMAN AND  
FITZGERALD, APRIL 16, 2021

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REFERRED TO COMMITTEE ON JUDICIARY, APRIL 16, 2021

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AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania  
2 Consolidated Statutes, in firearms and other dangerous  
3 articles, further providing for persons not to possess, use,  
4 manufacture, control, sell or transfer firearms and for  
5 licenses; and providing for firearm restraining order.

6 The General Assembly of the Commonwealth of Pennsylvania  
7 hereby enacts as follows:

8 Section 1. Sections 6105 and 6109(i.1) and (m.1) of Title 18  
9 of the Pennsylvania Consolidated Statutes are amended to read:

10 § 6105. Persons not to possess, use, manufacture, control, sell  
11 or transfer firearms.

12 (a) Offense defined.--

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

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

10 (ii) This paragraph shall not apply to any person  
11 whose disability is imposed pursuant to subsection (c) (6)  
12 or (6.1).

13 (iii) A person whose disability is imposed pursuant  
14 to subsection (c) (9) shall relinquish any firearms and  
15 firearm licenses under that person's possession or  
16 control, as described in section 6105.2 (relating to  
17 relinquishment of firearms and firearm licenses by  
18 convicted persons).

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

24 (a.1) Penalty.--

25 (1) Except as provided under paragraph (1.1), a person  
26 convicted of a felony enumerated under subsection (b) or a  
27 felony under the act of April 14, 1972 (P.L.233, No.64),  
28 known as The Controlled Substance, Drug, Device and Cosmetic  
29 Act, or any equivalent Federal statute or equivalent statute  
30 of any other state, who violates subsection (a) commits a

1 felony of the second degree.

2 (1.1) The following shall apply:

3 (i) A person convicted of a felony enumerated under  
4 subsection (b) or a felony under The Controlled  
5 Substance, Drug, Device and Cosmetic Act, or any  
6 equivalent Federal statute or equivalent statute of any  
7 other state, who violates subsection (a) commits a felony  
8 of the first degree if:

9 (A) at the time of the commission of a violation  
10 of subsection (a), the person has previously been  
11 convicted of an offense under subsection (a); or

12 (B) at the time of the commission of a violation  
13 of subsection (a), the person was in physical  
14 possession or control of a firearm, whether visible,  
15 concealed about the person or within the person's  
16 reach.

17 (ii) The Pennsylvania Commission on Sentencing,  
18 under 42 Pa.C.S. § 2154 (relating to adoption of  
19 guidelines for sentencing), shall provide for a  
20 sentencing enhancement for a sentence imposed pursuant to  
21 this paragraph.

22 (2) A person who is the subject of an active final  
23 protection from abuse order issued pursuant to 23 Pa.C.S. §  
24 6108, is the subject of any other active protection from  
25 abuse order issued pursuant to 23 Pa.C.S. § 6107(b) (relating  
26 to hearings) or an active firearm restraining order under  
27 section 6190.5 (relating to relief), which provided for the  
28 relinquishment of firearms or other weapons or ammunition  
29 during the period of time the order is in effect, or is  
30 otherwise prohibited from possessing or acquiring a firearm

1 under 18 U.S.C. § 922(g)(8) (relating to unlawful acts),  
2 commits a misdemeanor of the second degree if he  
3 intentionally or knowingly fails to relinquish a firearm or  
4 other weapon or ammunition to the sheriff or appropriate law  
5 enforcement agency as defined in 23 Pa.C.S. § 6102 (relating  
6 to definitions) as required by the order unless, in lieu of  
7 relinquishment, he provides an affidavit which lists the  
8 firearms or other weapons or ammunition to the sheriff in  
9 accordance with 23 Pa.C.S. § 6108(a)(7)(i)(B), 6108.2  
10 (relating to relinquishment for consignment sale, lawful  
11 transfer or safekeeping) or 6108.3 (relating to  
12 relinquishment to third party for safekeeping) [.] or in  
13 accordance with either section 6190.5(a)(2) or (b)(3)(i) or  
14 6190.8 (relating to relinquishment for consignment sale,  
15 lawful transfers and safekeeping).

16 (3) (i) A person commits a misdemeanor of the third  
17 degree if he intentionally or knowingly accepts  
18 possession of a firearm, other weapon or ammunition from  
19 another person he knows is the subject of an active final  
20 protection from abuse order issued pursuant to 23 Pa.C.S.  
21 § 6108 [or], an active protection from abuse order issued  
22 pursuant to 23 Pa.C.S. § 6107(b) or an active firearm  
23 restraining order under section 6190.5, which order  
24 provided for the relinquishment of the firearm, other  
25 weapon or ammunition during the period of time the order  
26 is in effect.

27 (ii) This paragraph shall not apply to:

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

1 (B) a dealer licensed pursuant to section 6113  
2 (relating to licensing of dealers) or subsequent  
3 purchaser from a dealer licensed pursuant to section  
4 6113, who accepts possession of a firearm, other  
5 weapon or ammunition relinquished pursuant to section  
6 6190.8 or 23 Pa.C.S. § 6108.2.

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

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

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

16 (5) A person who has accepted possession of a firearm,  
17 other weapon or ammunition pursuant to 23 Pa.C.S. § 6108.3 or  
18 section 6190.3 (relating to commencement of proceedings)  
19 commits a misdemeanor of the first degree if he intentionally  
20 or knowingly returns a firearm, other weapon or ammunition to  
21 a defendant or intentionally or knowingly allows a defendant  
22 to have access to the firearm, other weapon or ammunition  
23 prior to either of the following:

24 (i) The sheriff accepts return of the safekeeping  
25 permit issued to the party pursuant to 23 Pa.C.S. §  
26 6108.3(d)(1)(i).

27 (ii) The issuance of a court order pursuant to  
28 subsection (f)(2) or 23 Pa.C.S. § 6108.1(b) (relating to  
29 return of relinquished firearms, other weapons and  
30 ammunition and additional relief) or section 6190.7(b)

1           (relating to return of relinquished firearms, other  
2           weapons and ammunition, and additional relief) which  
3           modifies a valid protection from abuse order issued  
4           pursuant to 23 Pa.C.S. § 6108 or a valid firearm  
5           restraining order under section 6190.5, which order  
6           provided for the relinquishment of the firearm, other  
7           weapon or ammunition by allowing the defendant to take  
8           possession of the firearm, other weapon or ammunition  
9           that had previously been ordered relinquished.

10          (b) Enumerated offenses.--The following offenses shall apply  
11 to subsection (a):

12           Section 908 (relating to prohibited offensive weapons).

13           Section 911 (relating to corrupt organizations).

14           Section 912 (relating to possession of weapon on school  
15 property).

16           Section 2502 (relating to murder).

17           Section 2503 (relating to voluntary manslaughter).

18           Section 2504 (relating to involuntary manslaughter) if  
19 the offense is based on the reckless use of a firearm.

20           Section 2702 (relating to aggravated assault).

21           Section 2703 (relating to assault by prisoner).

22           Section 2704 (relating to assault by life prisoner).

23           Section 2709.1 (relating to stalking).

24           Section 2716 (relating to weapons of mass destruction).

25           Section 2901 (relating to kidnapping).

26           Section 2902 (relating to unlawful restraint).

27           Section 2910 (relating to luring a child into a motor  
28 vehicle or structure).

29           Section 3121 (relating to rape).

30           Section 3123 (relating to involuntary deviate sexual

1 intercourse).

2 Section 3125 (relating to aggravated indecent assault).

3 Section 3301 (relating to arson and related offenses).

4 Section 3302 (relating to causing or risking  
5 catastrophe).

6 Section 3502 (relating to burglary).

7 Section 3503 (relating to criminal trespass) if the  
8 offense is graded a felony of the second degree or higher.

9 Section 3701 (relating to robbery).

10 Section 3702 (relating to robbery of motor vehicle).

11 Section 3921 (relating to theft by unlawful taking or  
12 disposition) upon conviction of the second felony offense.

13 Section 3923 (relating to theft by extortion) when the  
14 offense is accompanied by threats of violence.

15 Section 3925 (relating to receiving stolen property) upon  
16 conviction of the second felony offense.

17 Section 4906 (relating to false reports to law  
18 enforcement authorities) if the fictitious report involved  
19 the theft of a firearm as provided in section 4906(c)(2).

20 Section 4912 (relating to impersonating a public servant)  
21 if the person is impersonating a law enforcement officer.

22 Section 4952 (relating to intimidation of witnesses or  
23 victims).

24 Section 4953 (relating to retaliation against witness,  
25 victim or party).

26 Section 5121 (relating to escape).

27 Section 5122 (relating to weapons or implements for  
28 escape).

29 Section 5501(3) (relating to riot).

30 Section 5515 (relating to prohibiting of paramilitary

1 training).

2 Section 5516 (relating to facsimile weapons of mass  
3 destruction).

4 Section 6110.1 (relating to possession of firearm by  
5 minor).

6 Section 6301 (relating to corruption of minors).

7 Section 6302 (relating to sale or lease of weapons and  
8 explosives).

9 Any offense equivalent to any of the above-enumerated  
10 offenses under the prior laws of this Commonwealth or any  
11 offense equivalent to any of the above-enumerated offenses  
12 under the statutes of any other state or of the United  
13 States.

14 (c) Other persons.--In addition to any person who has been  
15 convicted of any offense listed under subsection (b), the  
16 following persons shall be subject to the prohibition of  
17 subsection (a):

18 (1) A person who is a fugitive from justice. This  
19 paragraph does not apply to an individual whose fugitive  
20 status is based upon a nonmoving or moving summary offense  
21 under Title 75 (relating to vehicles).

22 (2) A person who has been convicted of an offense under  
23 the act of April 14, 1972 (P.L.233, No.64), known as The  
24 Controlled Substance, Drug, Device and Cosmetic Act, or any  
25 equivalent Federal statute or equivalent statute of any other  
26 state, that may be punishable by a term of imprisonment  
27 exceeding two years.

28 (3) A person who has been convicted of driving under the  
29 influence of alcohol or controlled substance as provided in  
30 75 Pa.C.S. § 3802 (relating to driving under influence of



1 alcohol or controlled substance) or the former 75 Pa.C.S. §  
2 3731, on three or more separate occasions within a five-year  
3 period. For the purposes of this paragraph only, the  
4 prohibition of subsection (a) shall only apply to transfers  
5 or purchases of firearms after the third conviction.

6 (4) A person who has been adjudicated as an incompetent  
7 or who has been involuntarily committed to a mental  
8 institution for inpatient care and treatment under section  
9 302, 303 or 304 of the provisions of the act of July 9, 1976  
10 (P.L.817, No.143), known as the Mental Health Procedures Act.  
11 This paragraph shall not apply to any proceeding under  
12 section 302 of the Mental Health Procedures Act unless the  
13 examining physician has issued a certification that inpatient  
14 care was necessary or that the person was committable.

15 (5) A person who, being an alien, is illegally or  
16 unlawfully in the United States.

17 (6) A person who is the subject of an active final  
18 protection from abuse order issued pursuant to 23 Pa.C.S. §  
19 6108, is the subject of any other active protection from  
20 abuse order issued pursuant to 23 Pa.C.S. § 6107(b), which  
21 provided for the relinquishment of firearms during the period  
22 of time the order is in effect or is otherwise prohibited  
23 from possessing or acquiring a firearm under 18 U.S.C. §  
24 922(g) (8). This prohibition shall terminate upon the  
25 expiration or vacation of the order or portion thereof  
26 relating to the relinquishment of firearms.

27 (6.1) A person who is the subject of an active firearm  
28 restraining order issued under section 6190.5, which order  
29 provided for the relinquishment of firearms during the period  
30 of time the order is in effect. The prohibition under this

1 paragraph shall terminate upon the expiration or vacation of  
2 an active firearm restraining order or upon the expiration or  
3 vacation of any provision of a firearm restraining order  
4 relating to the relinquishment of firearms.

5 (7) A person who was adjudicated delinquent by a court  
6 pursuant to 42 Pa.C.S. § 6341 (relating to adjudication) or  
7 under any equivalent Federal statute or statute of any other  
8 state as a result of conduct which if committed by an adult  
9 would constitute an offense under sections 2502, 2503, 2702,  
10 2703 (relating to assault by prisoner), 2704, 2901, 3121,  
11 3123, 3301, 3502, 3701 and 3923.

12 (8) A person who was adjudicated delinquent by a court  
13 pursuant to 42 Pa.C.S. § 6341 or under any equivalent Federal  
14 statute or statute of any other state as a result of conduct  
15 which if committed by an adult would constitute an offense  
16 enumerated in subsection (b) with the exception of those  
17 crimes set forth in paragraph (7). This prohibition shall  
18 terminate 15 years after the last applicable delinquent  
19 adjudication or upon the person reaching the age of 30,  
20 whichever is earlier.

21 (9) A person who is prohibited from possessing or  
22 acquiring a firearm under 18 U.S.C. § 922(g)(9). If the  
23 offense which resulted in the prohibition under 18 U.S.C. §  
24 922(g)(9) was committed, as provided in 18 U.S.C. § 921(a)  
25 (33)(A)(ii) (relating to definitions), by a person in any of  
26 the following relationships:

27 (i) the current or former spouse, parent or guardian  
28 of the victim;

29 (ii) a person with whom the victim shares a child in  
30 common;

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

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

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

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

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

21 (1) The conviction has been vacated under circumstances  
22 where all appeals have been exhausted or where the right to  
23 appeal has expired.

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

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

27 (i) The Secretary of the Treasury of the United  
28 States has relieved the applicant of an applicable  
29 disability imposed by Federal law upon the possession,  
30 ownership or control of a firearm as a result of the

1 applicant's prior conviction, except that the court may  
2 waive this condition if the court determines that the  
3 Congress of the United States has not appropriated  
4 sufficient funds to enable the Secretary of the Treasury  
5 to grant relief to applicants eligible for the relief.

6 (ii) A period of ten years, not including any time  
7 spent in incarceration, has elapsed since the most recent  
8 conviction of the applicant of a crime enumerated in  
9 subsection (b), a felony violation of The Controlled  
10 Substance, Drug, Device and Cosmetic Act or the offense  
11 which resulted in the prohibition under 18 U.S.C. §  
12 922(g) (9).

13 (d.1) Concurrent jurisdiction to prosecute.--The following  
14 apply in a city of the first class where the Attorney General  
15 has operated a joint local-State firearm task force:

16 (1) In addition to the authority conferred upon the  
17 Attorney General by the act of October 15, 1980 (P.L.950,  
18 No.164), known as the Commonwealth Attorneys Act, the  
19 Attorney General shall have the authority to investigate and  
20 institute criminal proceedings for a violation of this  
21 section.

22 (2) No person charged with a violation of this section  
23 by the Attorney General shall have standing to challenge the  
24 authority of the Attorney General to prosecute the case, and,  
25 if any such challenge is made, the challenge shall be  
26 dismissed and no relief shall be available in the courts of  
27 this Commonwealth to the person making the challenge.

28 (3) This subsection shall not apply to any case  
29 instituted two years after the effective date of this  
30 subsection.

1 (e) Proceedings.--

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

10 (2) Upon application to the court of common pleas  
11 pursuant to paragraph (1) by an applicant who is subject to  
12 the prohibition under subsection (c) (3), the court shall  
13 grant such relief if a period of ten years, not including any  
14 time spent in incarceration, has passed since the applicant's  
15 most recent conviction under subsection (c) (3).

16 (f) Other exemptions and proceedings.--

17 (1) Upon application to the court of common pleas under  
18 this subsection by an applicant subject to the prohibitions  
19 under subsection (c) (4), the court may grant such relief as  
20 it deems appropriate if the court determines that the  
21 applicant may possess a firearm without risk to the applicant  
22 or any other person.

23 (2) If application is made under this subsection for  
24 relief from the disability imposed under subsection (c) (6) or  
25 (6.1), notice of such application shall be given to the  
26 person who had petitioned for the protection from abuse order  
27 or a firearm restraining order, and such person shall be a  
28 party to the proceedings. Notice of any court order or  
29 amendment to a court order restoring firearms possession or  
30 control shall be given to the person who had petitioned for

1 the protection from abuse order or a firearm restraining  
2 order, to the sheriff and to the Pennsylvania State Police[.]  
3 and, in the case of a firearm restraining order, to the  
4 appropriate law enforcement agency and district attorney in  
5 the county wherein the firearm restraining order was issued.

6 The application and any proceedings on the application shall  
7 comply with 23 Pa.C.S. Ch. 61 (relating to protection from  
8 abuse) or with the applicable provisions of Subchapter E  
9 (relating to firearm restraining order).

10 (3) All hearings conducted under this subsection shall  
11 be closed unless otherwise requested to be open by the  
12 applicant.

13 (4) (i) The owner of any seized or confiscated firearms  
14 or of any firearms ordered relinquished under 23 Pa.C.S.  
15 § 6108 or under section 6190.5 shall be provided with a  
16 signed and dated written receipt by the appropriate law  
17 enforcement agency. This receipt shall include, but not  
18 limited to, a detailed identifying description indicating  
19 the serial number and condition of the firearm. In  
20 addition, the appropriate law enforcement agency shall be  
21 liable to the lawful owner of said confiscated, seized or  
22 relinquished firearm for any loss, damage or substantial  
23 decrease in value of said firearm that is a direct result  
24 of a lack of reasonable care by the appropriate law  
25 enforcement agency.

26 (ii) Firearms shall not be engraved or permanently  
27 marked in any manner, including, but not limited to,  
28 engraving of evidence or other identification numbers.  
29 Unless reasonable suspicion exists to believe that a  
30 particular firearm has been used in the commission of a

1 crime, no firearm shall be test fired. Any reduction in  
2 the value of a firearm due to test firing, engraving or  
3 permanently marking in violation of this paragraph shall  
4 be considered damage, and the law enforcement agency  
5 shall be liable to the lawful owner of the firearm for  
6 the reduction in value caused by the test firing,  
7 engraving or permanently marking.

8 (iii) For purposes of this paragraph, the term  
9 "firearm" shall include any scope, sight, bipod, sling,  
10 light, magazine, clip, ammunition or other firearm  
11 accessory attached to or seized, confiscated or  
12 relinquished with a firearm.

13 (g) Other restrictions.--Nothing in this section shall  
14 exempt a person from a disability in relation to the possession  
15 or control of a firearm which is imposed as a condition of  
16 probation or parole or which is imposed pursuant to the  
17 provision of any law other than this section.

18 (h) License prohibition.--Any person who is prohibited from  
19 possessing, using, controlling, selling, purchasing,  
20 transferring or manufacturing any firearm under this section  
21 shall not be eligible for or permitted to obtain a license to  
22 carry a firearm under section 6109 (relating to licenses).

23 (i) Firearm.--As used in this section only, the term  
24 "firearm" shall include any weapons which are designed to or may  
25 readily be converted to expel any projectile by the action of an  
26 explosive or the frame or receiver of any such weapon.

27 (j) Copy of order to State Police.--If the court grants  
28 relief from the disabilities imposed under this section, a copy  
29 of the order shall be sent by the prothonotary within ten days  
30 of the entry of the order to the Pennsylvania State Police and

1 shall include the name, date of birth and Social Security number  
2 of the individual.

3 § 6109. Licenses.

4 \* \* \*

5 (i.1) Notice to sheriff.--Notwithstanding any statute to the  
6 contrary:

7 (1) Upon conviction of a person for a crime specified in  
8 section 6105(a) or (b) or upon conviction of a person for a  
9 crime punishable by imprisonment exceeding one year or upon a  
10 determination that the conduct of a person meets the criteria  
11 specified in section 6105(c) (1), (2), (3), (5), (6), (6.1) or  
12 (9), the court shall determine if the defendant has a license  
13 to carry firearms issued pursuant to this section. If the  
14 defendant has such a license, the court shall notify the  
15 sheriff of the county in which that person resides, on a form  
16 developed by the Pennsylvania State Police, of the identity  
17 of the person and the nature of the crime or conduct which  
18 resulted in the notification. The notification shall be  
19 transmitted by the judge within seven days of the conviction  
20 or determination.

21 (2) Upon adjudication that a person is incompetent or  
22 upon the involuntary commitment of a person to a mental  
23 institution for inpatient care and treatment under the act of  
24 July 9, 1976 (P.L.817, No.143), known as the Mental Health  
25 Procedures Act, or upon involuntary treatment of a person as  
26 described under section 6105(c) (4) or 6190.6(c) (3) (ii) (F)  
27 (relating to hearing), the judge of the court of common  
28 pleas, mental health review officer or county mental health  
29 and mental retardation administrator shall notify the sheriff  
30 of the county in which that person resides, on a form



1 developed by the Pennsylvania State Police, of the identity  
2 of the person who has been adjudicated, committed or treated  
3 and the nature of the adjudication, commitment or treatment.  
4 The notification shall be transmitted by the judge, mental  
5 health review officer or county mental health and mental  
6 retardation administrator within seven days of the  
7 adjudication, commitment or treatment.

8 \* \* \*

9 (m.1) Temporary emergency licenses.--

10 (1) A person seeking a temporary emergency license to  
11 carry a concealed firearm shall submit to the sheriff of the  
12 county in which the person resides all of the following:

13 (i) Evidence of imminent danger to the person or the  
14 person's minor child. For purposes of this subparagraph,  
15 the term "minor" shall have the same meaning as provided  
16 in 1 Pa.C.S. § 1991 (relating to definitions).

17 (ii) A sworn affidavit that contains the information  
18 required on an application for a license to carry a  
19 firearm and attesting that the person is 21 years of age  
20 or older, is not prohibited from owning firearms under  
21 section 6105 (relating to persons not to possess, use,  
22 manufacture, control, sell or transfer firearms) or any  
23 other Federal or State law and is not currently subject  
24 to a protection from abuse order or a protection order  
25 issued by a court of another state or an active firearm  
26 restraining order under Subchapter E (relating to firearm  
27 restraining order).

28 (iii) In addition to the provisions of subsection  
29 (h), a temporary emergency license fee established by the  
30 Commissioner of the Pennsylvania State Police for an

1 amount that does not exceed the actual cost of conducting  
2 the criminal background check or \$10, whichever is less.

3 (iv) An application for a license to carry a firearm  
4 on the form prescribed pursuant to subsection (c).

5 (2) Upon receipt of the items required under paragraph  
6 (1), the sheriff immediately shall conduct a criminal  
7 history, juvenile delinquency and mental health record check  
8 of the applicant pursuant to section 6105. Immediately upon  
9 receipt of the results of the records check, the sheriff  
10 shall review the information and shall determine whether the  
11 applicant meets the criteria set forth in this subsection. If  
12 the sheriff determines that the applicant has met all of the  
13 criteria, the sheriff shall immediately issue the applicant a  
14 temporary emergency license to carry a concealed firearm.

15 (3) If the sheriff refuses to issue a temporary  
16 emergency license, the sheriff shall specify the grounds for  
17 the denial in a written notice to the applicant. The  
18 applicant may appeal the denial or challenge criminal records  
19 check results that were the basis of the denial, if  
20 applicable, in the same manner as a denial of a license to  
21 carry a firearm under this section.

22 (4) A temporary emergency license issued under this  
23 subsection shall be valid for 45 days and may not be renewed.  
24 A person who has been issued a temporary emergency license  
25 under this subsection shall not be issued another temporary  
26 emergency license unless at least five years have expired  
27 since the issuance of the prior temporary emergency license.  
28 During the 45 days the temporary emergency license is valid,  
29 the sheriff shall conduct an additional investigation of the  
30 person for the purposes of determining whether the person may

1 be issued a license pursuant to this section. If, during the  
2 course of this investigation, the sheriff discovers any  
3 information that would have prohibited the issuance of a  
4 license pursuant to this section, the sheriff shall be  
5 authorized to revoke the temporary emergency license as  
6 provided in subsection (i).

7 (5) The temporary emergency license issued pursuant to  
8 this section shall be consistent with the form prescribed in  
9 subsection (e) (3), (4) and (5). In addition to the  
10 information provided in those paragraphs, the temporary  
11 emergency license shall be clearly marked "Temporary."

12 (6) A person who holds a temporary emergency license to  
13 carry a firearm shall have the same rights to carry a firearm  
14 as a person issued a license to carry a firearm under this  
15 section. A licensee under this subsection shall be subject to  
16 all other duties, restrictions and penalties under this  
17 section, including revocation pursuant to subsection (i).

18 (7) A sheriff who issues a temporary emergency license  
19 to carry a firearm shall retain, for the entire period during  
20 which the temporary emergency license is in effect, the  
21 evidence of imminent danger that the applicant submitted to  
22 the sheriff that was the basis for the license, or a copy of  
23 the evidence, as appropriate.

24 (8) A person applying for a temporary emergency license  
25 shall complete the application required pursuant to  
26 subsection (c) and shall provide at the time of application  
27 the information required in paragraph (1).

28 (9) Prior to the expiration of a temporary emergency  
29 license, if the sheriff has determined pursuant to  
30 investigation that the person issued a temporary emergency

1 license is not disqualified and if the temporary emergency  
2 license has not been revoked pursuant to subsection (i), the  
3 sheriff shall issue a license pursuant to this section that  
4 is effective for the balance of the five-year period from the  
5 date of the issuance of the temporary emergency license.  
6 Records and all other information, duties and obligations  
7 regarding such licenses shall be applicable as otherwise  
8 provided in this section.

9 (10) As used in this subsection, the term "evidence of  
10 imminent danger" means:

11 (i) a written document prepared by the Attorney  
12 General, a district attorney, a chief law enforcement  
13 officer, judicial officer or their designees describing  
14 the facts that give a person reasonable cause to fear a  
15 criminal attack upon the person or the person's minor  
16 child. For the purposes of this subparagraph, the term  
17 "chief law enforcement officer" shall have the same  
18 meaning as provided in 42 Pa.C.S. § 8951 (relating to  
19 definitions) and "judicial officer" shall have the same  
20 meaning as provided in 42 Pa.C.S. § 102 (relating to  
21 definitions).

22 (ii) a police report.

23 \* \* \*

24 Section 2. Chapter 61 of Title 18 is amended by adding a  
25 subchapter to read:

26 SUBCHAPTER E

27 FIREARM RESTRAINING ORDER

28 Sec.

29 6190.1. Definitions.

30 6190.2. Jurisdiction.

- 1 6190.3. Commencement of proceedings.  
2 6190.4. Responsibilities of law enforcement agencies.  
3 6190.5. Relief.  
4 6190.6. Hearing.  
5 6190.7. Return of relinquished firearms, other weapons and  
6 ammunition, and additional relief.  
7 6190.8. Relinquishment for consignment sale, lawful transfers  
8 and safekeeping.  
9 6190.9. Disclosure and confidentiality.  
10 6190.10. Service of order.  
11 6190.11. Violation of order.  
12 6190.12. Contempt for violations and arrest.  
13 6190.13. Civil contempt for violation of an order.  
14 6190.14. Procedures and other remedies.  
15 6190.15. Immunity.  
16 6190.16. Inability to pay.  
17 6190.17. Warrantless searches.  
18 6190.18. Construction.  
19 § 6190.1. Definitions.

20 The following words and phrases when used in this subchapter  
21 shall have the meanings given to them in this section unless the  
22 context clearly indicates otherwise:

23 "Family or household member." As defined in 23 Pa.C.S. §  
24 6102 (relating to definitions).

25 "Firearm." As defined in section 6113(d) (relating to  
26 licensing of dealers).

27 "Firearm restraining order." An order entered by the court  
28 under this subchapter prohibiting a named person from having in  
29 the person's custody or control, purchasing, possessing or  
30 receiving any firearms, other weapons or ammunition.

1 "Hearing officer." As defined in 23 Pa.C.S. § 6102.

2 "Law enforcement officer." Any officer of the Commonwealth  
3 or a political subdivision who is empowered to conduct  
4 investigations of or to make arrests for offenses enumerated in  
5 this title and any attorney authorized by law to prosecute or  
6 participate in the prosecution of an offense.

7 "Other weapon." Anything readily capable of lethal use and  
8 possessed under circumstances not manifestly appropriate for  
9 lawful uses which it may have. The term does not include a  
10 firearm.

11 "Physical safety." Personal or physical harm or bodily  
12 injury or the threat of personal or physical harm or bodily  
13 injury whether by acts of hostility, aggression or harassment.

14 "Safekeeping permit." A permit issued by a sheriff allowing  
15 a person to take possession of any firearm, other weapon or  
16 ammunition that a judge ordered a subject in a proceeding under  
17 this subchapter.

18 "Sheriff."

19 (1) Except as provided in paragraph (2), the sheriff of  
20 a county.

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

23 "Subject." A person who is the subject of a petition for a  
24 firearm restraining order or the subject of a firearm  
25 restraining order.

26 "Weapon." Anything readily capable of lethal use and  
27 possessed under circumstances not manifestly appropriate for  
28 lawful uses which it may have. The term includes a firearm which  
29 is not loaded or lacks a magazine, clip or other components to  
30 render it immediately operable and components which can readily

1 be assembled into a weapon as defined by section 907 (relating  
2 to possessing instruments of crime).

3 § 6190.2. Jurisdiction.

4 (a) General rule.--The court shall have jurisdiction over  
5 all proceedings under this subchapter and may, at the court's  
6 discretion, develop rules or procedures as necessary to govern  
7 proceedings under this subchapter.

8 (b) Effect of departure and nonresidence.--The right of the  
9 petitioner to relief under this subchapter shall not be affected  
10 by the absence of the subject from this Commonwealth or the  
11 nonresidence of the subject in this Commonwealth, if the court  
12 has personal jurisdiction over the person in accordance with 42  
13 Pa.C.S. § 5322 (relating to bases of personal jurisdiction over  
14 persons outside this Commonwealth).

15 § 6190.3. Commencement of proceedings.

16 (a) Petition.--

17 (1) A law enforcement officer, a family or household  
18 member or a person licensed under the act of July 9, 1987  
19 (P.L.220, No.39), known as the Social Workers, Marriage and  
20 Family Therapists and Professional Counselors Act, or a  
21 health care practitioner as defined under section 103 of the  
22 act of July 19, 1979 (P.L.130, No.48), known as the Health  
23 Care Facilities Act, may petition the court for a firearm  
24 restraining order enjoining the subject from having in the  
25 subject's custody or control, purchasing, possessing or  
26 receiving a firearm, other weapon or ammunition.

27 (2) A petition for a firearm restraining order must  
28 include instructions which, in the court's discretion, must  
29 require the petitioner to describe the number, type and  
30 location of any firearm, other weapon and ammunition known by

1 the petitioner to be owned, possessed or controlled by the  
2 subject.

3 (b) Notification of defendant's occupation.--A law  
4 enforcement officer, family or household member or other person  
5 under subsection (a)(1) shall notify the court if the person has  
6 knowledge or reason to believe that the subject is any of the  
7 following:

8 (1) a licensed firearms dealer;

9 (2) employed by a licensed firearms dealer or  
10 manufacturer;

11 (3) employed as a writer, researcher or technician in  
12 the firearms or hunting industry; or

13 (4) required to carry a firearm as a condition of  
14 employment.

15 (c) Certain fees not permitted.--

16 (1) A person seeking relief under this subchapter shall  
17 not be charged any fees or costs associated with the filing,  
18 issuance, registration or service of a petition, motion,  
19 complaint, order or any other filing required under this  
20 subchapter. Prohibited fees or costs shall include, but are  
21 not limited to, those associated with modifying, withdrawing,  
22 dismissing or certifying copies of a petition, motion,  
23 complaint, order or any other filing, as well as any judicial  
24 surcharge or computer system fee.

25 (2) A person seeking relief under this subchapter shall  
26 not be charged any fees or costs associated with filing a  
27 motion for reconsideration or an appeal from any order or  
28 action taken under this subchapter.

29 (3) Nothing in this subsection shall be construed to  
30 expand or diminish the court's authority to enter an order



1 under Pa.R.C.P. No. 1023.1 (relating to Scope. Signing of  
2 Documents. Representations to the Court. Violation).

3 (d) Assessment of fees and costs.--

4 (1) If a firearm restraining order is granted under this  
5 subchapter, fees and costs may be assessed against the  
6 subject.

7 (2) The court shall waive fees and costs upon a showing  
8 of good cause or if the court makes a finding that the  
9 subject is not able to pay the fees and costs.

10 (3) Nothing in this subsection shall be construed to  
11 expand or diminish the court's authority to enter an order  
12 under Pa.R.C.P. No. 1023.1.

13 (e) Surcharge on order.--

14 (1) Notwithstanding subsection (d), if a firearm  
15 restraining order is granted under this subchapter, a  
16 surcharge of \$100 shall be assessed against the subject.

17 (2) All money received from surcharges shall be  
18 distributed in the following order of priority:

19 (i) Fifty percent shall be forwarded to the  
20 Commonwealth and shall be allocated annually, upon  
21 appropriation by the General Assembly, as follows:

22 (A) Fifty percent to the Pennsylvania State  
23 Police to assist with the maintenance of the  
24 Statewide registry established in accordance with 23  
25 Pa.C.S. § 6105(e) (relating to responsibilities of  
26 law enforcement agencies).

27 (B) Fifty percent to the Supreme Court for use  
28 by county courts and magisterial district courts to  
29 carry out their duties under this subchapter.

30 (ii) Fifty percent shall be retained by the county

1 and shall be used to carry out the provisions of this  
2 subchapter as follows:

3 (A) Fifty percent shall be used by the sheriff.

4 (B) Fifty percent shall be forwarded to the  
5 local law enforcement agency.

6 (3) The allocation under paragraph (2)(i) shall be used  
7 to supplement and not to supplant any other source of funds  
8 received for the purpose of carrying out the provisions of  
9 this subchapter.

10 (f) Service.--

11 (1) The court shall adopt a means of prompt and  
12 effective service. If the court adopts a means of prompt and  
13 effective service, the sheriff or another court-designated  
14 agency or individual shall serve the petition and order. The  
15 petitioner shall not be obligated to serve the petition or  
16 firearm restraining order.

17 (2) The petition and order shall be served upon the  
18 subject.

19 (3) Within two business days, the order shall be served  
20 upon the local law enforcement agency, sheriff and district  
21 attorney in the jurisdiction where the order was entered.

22 (4) A certified copy of the order shall be issued to the  
23 petitioner.

24 (5) A copy of the order shall be issued as otherwise  
25 ordered by the court or hearing officer.

26 (6) Failure to serve the local law enforcement agency,  
27 sheriff or district attorney's office shall not stay the  
28 effect of a valid order.

29 (g) Assistance and advice to petitioner.--The court or  
30 hearing officer shall provide simplified forms and clerical

1 assistance in English and Spanish to help with the writing and  
2 filing of petitions for firearm restraining orders for any  
3 individual requesting the assistance or not represented by  
4 counsel.

5 § 6190.4. Responsibilities of law enforcement agencies.

6 (a) Education and training.--

7 (1) The Pennsylvania State Police, local law enforcement  
8 agencies and the sheriff of each county shall ensure that the  
9 entities' troopers, officers, deputies and other designated  
10 employees are familiar with the provisions of this  
11 subchapter.

12 (2) Instruction concerning firearm restraining orders  
13 shall be made a part of the training curriculum for all  
14 trainee troopers, officers and deputies or other designated  
15 employees of the Pennsylvania State Police, local law  
16 enforcement agencies and the sheriff.

17 (3) The Pennsylvania State Police and all other law  
18 enforcement agencies within this Commonwealth shall adopt a  
19 written policy to govern firearm restraining orders.

20 (b) Notice of arrest.--The applicable law enforcement agency  
21 shall make a reasonable effort to notify a family or household  
22 member or other person under section 6190.3(a)(1) (relating to  
23 commencement of proceedings) of the arrest of the subject for  
24 violation of an order as soon as possible, except that, if a  
25 family or household member or other person cannot be located at  
26 the time of arrest, notice of the arrest shall be provided not  
27 more than 24 hours after preliminary arraignment.

28 (c) Statewide registry.--

29 (1) Notwithstanding any other provision of law or  
30 regulation, the Pennsylvania State Police shall enter each

1 valid temporary and final firearm restraining order granted  
2 under this subchapter into the Statewide registry established  
3 under 23 Pa.C.S. § 6105(e) (relating to responsibilities of  
4 law enforcement agencies). The registry of firearm  
5 restraining orders maintained in the Statewide registry shall  
6 include, but may not be limited to, the following:

7 (i) The names of the petitioner and family and  
8 household members of the subject, if known.

9 (ii) The name and address of the subject.

10 (iii) The familial and professional relationship  
11 between the petitioners and the subject, if known.

12 (iv) The date the order was entered.

13 (v) The date the order expires.

14 (vi) The relief granted under this subchapter.

15 (vii) The judicial district in which the order was  
16 entered.

17 (viii) The Social Security number and date of birth  
18 of the subject.

19 (ix) A listing of all firearms, other weapons or  
20 ammunition ordered to be relinquished.

21 (2) (i) The prothonotary shall send, on a form  
22 prescribed by the Pennsylvania State Police, a copy of  
23 the firearm restraining order to the Statewide registry  
24 so that the copy is received within 24 hours of the entry  
25 of the order.

26 (ii) Amendments to or the revocation, vacation or  
27 expiration of an order shall be transmitted by the  
28 prothonotary within 24 hours of the entry of the order  
29 for modification or revocation, vacation or expiration.

30 (iii) The Pennsylvania State Police shall enter

1 orders, amendments, revocations, vacations and  
2 expirations in the Statewide registry of firearm  
3 restraining orders within eight hours of receipt.

4 (iv) Each revoked, vacated or expired order shall be  
5 purged from the registry within eight hours of receipt.

6 (3) The Statewide registry shall be available at all  
7 times to inform courts, police dispatchers and law  
8 enforcement officers of any valid firearm restraining order  
9 involving any individual subject to an order.

10 (4) If an order granting relief under section 6190.5(b)  
11 (3) (relating to relief) has been entered by the court, the  
12 information shall be available to the Pennsylvania State  
13 Police for the purpose of conducting a criminal history  
14 records check, juvenile records check and mental health  
15 records check following the procedures under section 6111  
16 (relating to sale or transfer of firearms).

17 (5) Information contained in the Statewide registry  
18 shall not be subject to access under the act of February 14,  
19 2008 (P.L.6, No.3), known as the Right-to-Know Law.

20 (d) Information concerning firearm restraining orders.--Each  
21 local law enforcement agency shall transmit to the Pennsylvania  
22 State Police, in a manner prescribed by the Pennsylvania State  
23 Police, the information specified under subsection (c) (1).

24 (e) Annual report.--

25 (1) The Pennsylvania State Police shall annually compile  
26 and publish in the Pennsylvania Bulletin a Statewide report  
27 which includes aggregate, county-based statistical profiles  
28 of firearm restraining orders granted under this subchapter.

29 (2) The Pennsylvania State Police shall incorporate the  
30 report under paragraph (1) into the annual report compiled in

1 accordance with 23 Pa.C.S. § 6105(g).

2 § 6190.5. Relief.

3 (a) Issuance of order.--Notwithstanding any other provision  
4 of law, the court:

5 (1) May issue a firearm restraining order enjoining the  
6 subject of a petition from having in the subject's custody or  
7 control, purchasing, possessing or receiving a firearm, other  
8 weapon or ammunition if the court determines that there is  
9 good cause to believe that the subject poses an immediate and  
10 present danger to the physical safety of a family or  
11 household member or other person by having in the subject's  
12 custody or control, purchasing, possessing or receiving a  
13 firearm, other weapon or ammunition.

14 (2) Shall issue a firearm restraining order enjoining  
15 the subject of a protection order under 23 Pa.C.S. (relating  
16 to domestic relations) from having in the subject's custody  
17 or control, purchasing, possessing or receiving a firearm,  
18 other weapon or ammunition.

19 (b) Regulations and prohibitions.--A firearm restraining  
20 order issued by the court under subsection (a) may:

21 (1) Prohibit the subject from having in the subject's  
22 custody or control, purchasing, possessing or receiving or  
23 attempting to purchase, possess or receive a firearm, other  
24 weapon or ammunition for the duration of the order.

25 (2) Require the subject to relinquish to the sheriff any  
26 firearm license in accordance with section 6106 (relating to  
27 firearms not to be carried without a license) or 6109  
28 (relating to licenses) the defendant may possess.

29 (3) Order the subject to temporarily relinquish to the  
30 sheriff any firearm or other weapons and ammunition which the

1 subject may own, possess or have in the subject's custody or  
2 control. If relinquishment is ordered, the following shall  
3 apply:

4 (i) (A) The court's order shall require the subject  
5 to relinquish the firearms, other weapons, ammunition  
6 and any firearm license under the provisions of this  
7 section within 24 hours of service of a temporary  
8 order or the entry of a final order or the close of  
9 the next business day as necessary by closure of the  
10 sheriffs' offices, except for cause shown at the  
11 hearing, in which case the court shall specify the  
12 time for relinquishment of the subject's firearms,  
13 other weapons and ammunition or firearm license.

14 (B) A subject who is required to relinquish  
15 firearms, other weapons and ammunition shall, in lieu  
16 of relinquishing specific firearms, other weapons or  
17 ammunition which cannot reasonably be retrieved  
18 within the time for relinquishment in clause (A) due  
19 to their current location, provide the sheriff with  
20 an affidavit listing the firearms, other weapons or  
21 ammunition and their current location. If the  
22 subject, within the time for relinquishment in clause  
23 (A), fails to provide the affidavit or fails to  
24 relinquish, under this section, any firearms, other  
25 weapon or ammunition ordered to be relinquished which  
26 is not specified in the affidavit, the sheriff shall,  
27 at a minimum, provide immediate notice to the court,  
28 the petitioner and appropriate law enforcement  
29 agencies. The subject shall not have in the subject's  
30 custody or control or possession any firearm, other

1 weapon or ammunition specifically listed in the  
2 affidavit provided to the sheriff under this clause  
3 for the duration of the temporary order.

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

9 (ii) The court's order shall contain a list of the  
10 firearm, other weapon or ammunition ordered to be  
11 relinquished. Upon the entry of a final order, the  
12 subject shall inform the court in what manner the subject  
13 will relinquish any firearm, other weapon or ammunition  
14 ordered to be relinquished. Relinquishment may occur  
15 under section 6190.8 (relating to relinquishment for  
16 consignment sale, lawful transfers and safekeeping) or to  
17 the sheriff under this paragraph. If the sheriff is  
18 designated, the sheriff shall secure custody of the  
19 firearms, other weapons or ammunition and any firearm  
20 license listed in the court's order for the duration of  
21 the order or until otherwise directed by court order. In  
22 securing custody of the subject's relinquished firearms,  
23 the sheriff shall comply with section 6105(f)(4)  
24 (relating to persons not to possess, use, manufacture,  
25 control, sell or transfer firearms). In securing custody  
26 of the subject's other weapons and ammunition, the  
27 sheriff shall provide the subject with a signed and dated  
28 written receipt which shall include a detailed  
29 description of the other weapons and ammunition and their  
30 condition.



1           (iii) The sheriff shall provide the petitioner with  
2 the name of the person to which any firearm, other weapon  
3 or ammunition was relinquished.

4           (iv) If the subject has not complied with  
5 subparagraph (i)(B) or section 6190.8 and fails to  
6 relinquish any firearm, other weapon, ammunition or  
7 firearm license within 24 hours or upon the close of the  
8 next business day due to closure of sheriffs' offices or  
9 within the time ordered by the court upon cause shown at  
10 the hearing, the sheriff shall, at a minimum, provide  
11 immediate notice to the court, the petitioner and  
12 appropriate law enforcement agencies.

13           (v) Any portion of any order or any petition or  
14 other paper that includes a list of any firearm, other  
15 weapon or ammunition ordered to be relinquished shall be  
16 kept in the files of the court as a permanent record and  
17 withheld from public inspection except:

18                   (A) upon an order of the court granted upon  
19 cause shown;

20                   (B) as necessary, by law enforcement and court  
21 personnel; or

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

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

29           (4) If the subject is a licensed firearms dealer, order  
30 the subject to follow restrictions as the court may require

1 concerning the conduct of the subject's business, which may  
2 include ordering the subject to relinquish any Federal or  
3 State license for the sale, manufacture or importation of  
4 firearms as well as firearms in the subject's business  
5 inventory. In restricting the subject under this paragraph,  
6 the court shall make a reasonable effort to preserve the  
7 financial assets of the subject's business while fulfilling  
8 the goals of this subchapter.

9 (c) Identifying information.--Any order issued under this  
10 section shall specify the Social Security number and date of  
11 birth of the subject.

12 (d) Duration and amendment of order.--

13 (1) A firearm restraining order shall be for a fixed  
14 period of time not to exceed one year.

15 (2) The court may amend its order at any time upon  
16 subsequent petition filed by a petitioner, family or  
17 household member or other person under section 6190.3  
18 (relating to commencement of proceedings).

19 (e) Extension of firearm restraining order.--

20 (1) An extension of a firearm restraining order may be  
21 granted:

22 (i) Where the court finds, after a filed petition,  
23 notice to the subject and a hearing in accordance with  
24 the procedures specified in sections 6190.5 (relating to  
25 relief) and 6190.6 (relating to hearing) that the subject  
26 is alleged to have committed one or more of the offenses  
27 enumerated in section 6105(b) or has engaged in a pattern  
28 of conduct which indicates a continued risk of danger to  
29 the physical safety of the petitioner, family or  
30 household member or other person or the subject

1 subsequent to the entry of the final order.

2 (ii) If a contempt petition or charge has been filed  
3 with the court or with a hearing officer in Philadelphia  
4 County and the hearing has not occurred before the  
5 expiration of the order, the order shall be extended, at  
6 a minimum, until the disposition of the contempt petition  
7 and may be extended for another term beyond the  
8 disposition of the contempt petition.

9 (2) Service of an extended order shall be made in  
10 accordance with section 6190.10 (relating to service of  
11 order).

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

14 (f) Notice.--Notice shall be given to the subject, in orders  
15 issued under this section and temporary orders issued under  
16 section 6190.6, stating that violations of a firearm restraining  
17 order will subject the subject of the firearm restraining order  
18 to arrest under section 6105 or 6190.11 (relating to violation  
19 of order) or contempt of court under section 6190.12 (relating  
20 to contempt for violation and arrest).

21 (g) Transmission of order.--A copy of the court's order  
22 shall be transmitted to the Pennsylvania State Police, the chief  
23 or head of the local law enforcement agency of the municipality  
24 in which the subject is a resident and in which the order was  
25 issued, the district attorney and the sheriff of the county in  
26 which the subject is a resident and in which the order was  
27 issued.

28 (h) False reports.--A person who knowingly gives false  
29 information to any law enforcement officer with the intent to  
30 implicate another under this chapter commits an offense under

1 section 4906 (relating to false reports to law enforcement  
2 authorities).

3 § 6190.6. Hearing.

4 (a) Schedule of hearing.--Within 10 business days of the  
5 filing of a petition under this subchapter, a hearing shall be  
6 held before the court at which the petitioner must prove the  
7 allegation, by a preponderance of the evidence, that the subject  
8 of the petition poses an immediate and present danger to the  
9 physical safety of the petitioner, family or household member,  
10 other person or the subject. The court shall, at the time the  
11 subject of the petition is given notice of the hearing, advise  
12 the subject of the following:

13 (1) The right to be represented by counsel.

14 (2) The possibility that any firearm, other weapon or  
15 ammunition owned and any firearm license possessed by the  
16 subject may be ordered to be temporarily relinquished.

17 (3) The options for relinquishment of a firearm under  
18 this subchapter.

19 (4) The possibility that Federal law may prohibit the  
20 possession of firearms.

21 (5) The penalty for violation of the firearm restraining  
22 order.

23 (6) Any firearm restraining order granted by a court may  
24 be considered in any subsequent proceedings under this title.  
25 The notice shall be printed and delivered in a manner which  
26 easily attracts attention to its content.

27 (b) Review prior to hearing.--Prior to a hearing on the  
28 issuance, extension or vacation of a firearm restraining order,  
29 the court shall conduct a review to determine whether the  
30 subject of the petition has been convicted of or has pled guilty

1 or nolo contendere to any of the enumerated offenses under  
2 section 6105(b) (relating to persons not to possess, use,  
3 manufacture, control, sell or transfer firearms).

4 (c) Temporary orders.--The following shall apply:

5 (1) If a law enforcement officer, family or household  
6 member or other person under section 6190.3 (relating to  
7 commencement of proceedings) petitions the court for a  
8 temporary firearm restraining order alleging an immediate and  
9 present danger to the physical safety of a family or  
10 household member, another person or the subject of the  
11 petition, the court shall conduct an ex parte proceeding.

12 (2) The court may enter a temporary order as the court  
13 deems necessary to protect the petitioner, a family or  
14 household member, other person or the subject, if the  
15 petition demonstrates that the subject poses an immediate and  
16 present danger to the physical safety of the petitioner,  
17 family or household member, other person or the subject. The  
18 order shall remain in effect until modified or terminated by  
19 the court after notice and hearing.

20 (3) In addition to any other relief, the court may,  
21 under section 6190.5 (relating to relief), direct the subject  
22 to temporarily relinquish to the sheriff any firearms, other  
23 weapons or ammunition for the duration of the temporary order  
24 if the petition demonstrates any of the following:

25 (i) Conduct which involves a firearm or other  
26 weapon.

27 (ii) An immediate and present danger to physical  
28 safety. In determining whether an immediate and present  
29 danger to physical safety exists, the court shall  
30 consider the following factors, including, but not

1 limited to:

2 (A) Whether the temporary firearm restraining  
3 order is not likely to achieve the order's purpose in  
4 the absence of such a condition.

5 (B) Whether the subject has previously violated  
6 a protection from abuse order under 23 Pa.C.S. Ch. 61  
7 (relating to protection from abuse).

8 (C) Whether past or present conduct or abuse of  
9 a family or household member, another person or the  
10 subject resulted in bodily injury.

11 (D) Whether the conduct or abuse occurred in  
12 public.

13 (E) Whether the conduct or abuse includes:

14 (I) threats to physical safety or of abuse  
15 or suicide;

16 (II) killing or threatening to kill pets or  
17 other animals;

18 (III) an escalation of violence;

19 (IV) stalking, harassment or obsessive  
20 behavior;

21 (V) sexual violence; or

22 (VI) a controlled substance, as defined  
23 under the act of April 14, 1972 (P.L.233, No.64),  
24 known as The Controlled Substance, Drug, Device  
25 and Cosmetic Act, or excessive alcohol use.

26 (F) Whether the subject has been adjudicated as  
27 incompetent or has been involuntarily committed to a  
28 mental institution for inpatient care and treatment  
29 under section 302, 303 or 304 of the act of July 9,  
30 1976 (P.L.817, No.143), known as the Mental Health

1 Procedures Act. This paragraph shall not apply to any  
2 proceeding under section 302 of the Mental Health  
3 Procedures Act unless the examining physician has  
4 issued a certification that inpatient care was  
5 necessary or that the subject was committable.

6 (G) Whether the subject has been convicted of an  
7 offense enumerated in section 6105(b).

8 (H) Whether the subject has been convicted of an  
9 offense under The Controlled Substance, Drug, Device  
10 and Cosmetic Act or any equivalent Federal statute or  
11 equivalent statute of any other state that may be  
12 punishable by a term of imprisonment of not more than  
13 two years.

14 (I) Whether the subject of the petition has been  
15 convicted of driving under the influence of alcohol  
16 or controlled substance as provided in 75 Pa.C.S. §  
17 3802 (relating to driving under influence of alcohol  
18 or controlled substance) on three or more separate  
19 occasions within a five-year period.

20 (4) If the court orders the subject to temporarily  
21 relinquish any firearm, other weapon or ammunition under  
22 paragraph (3), the subject shall decide in what manner the  
23 subject will relinquish the firearm, other weapon or  
24 ammunition listed in the order. Relinquishment may be to the  
25 sheriff under section 6190.5(b)(3).

26 (d) Continued hearings.--If a hearing under subsection (a)  
27 is continued and no temporary order is issued, the court may  
28 make ex parte temporary orders under subsection (c) as it deems  
29 necessary.

30 § 6190.7. Return of relinquished firearms, other weapons and

1 ammunition, and additional relief.

2 (a) When permitted.--

3 (1) A court order requiring the relinquishment of  
4 firearms, other weapons or ammunition shall provide for the  
5 return of the relinquished firearms, other weapons or  
6 ammunition to the subject upon revocation, vacation or  
7 expiration of the order or dismissal of a petition for a  
8 firearm restraining order.

9 (2) The subject may take custody of the relinquished  
10 firearms, other weapons or ammunition provided that the  
11 subject is otherwise eligible to lawfully possess the  
12 relinquished firearms, other weapons or ammunition.

13 (3) The subject shall not be required to pay any fees,  
14 costs or charges associated with the returns, whether the  
15 fees, costs or charges are imposed by the Pennsylvania State  
16 Police, any local law enforcement agency or any other entity,  
17 including a licensed importer, licensed manufacturer or  
18 licensed dealer, in order to secure return of the  
19 relinquished firearms, other weapons or ammunition.

20 (b) Hearing.--Within 10 business days of the filing of a  
21 petition under this section, a hearing shall be held before the  
22 court.

23 § 6190.8. Relinquishment for consignment sale, lawful transfers  
24 and safekeeping.

25 (a) General rule.--Notwithstanding any other provision of  
26 law, if a firearm restraining order provides for the  
27 relinquishment of firearms, other weapons or ammunition during  
28 the period of time the order is in effect, the subject may,  
29 within the time frame specified in the order and in lieu of  
30 relinquishment to the sheriff, relinquish to a dealer licensed



1 under section 6113 (relating to licensing of dealers) any  
2 firearms, other weapons or ammunition for consignment sale,  
3 lawful transfers and safekeeping.

4 (b) Affidavit.--The subject relinquishing firearms, other  
5 weapons or ammunition to a licensed dealer under subsection (a)  
6 shall obtain an affidavit from the dealer on a form prescribed  
7 by the Pennsylvania State Police which shall include, at a  
8 minimum, the following:

9 (1) The caption of the case in which the firearm  
10 restraining order was issued.

11 (2) The name, address, date of birth and Social Security  
12 number of the subject.

13 (3) A list of the firearms, other weapons or ammunition,  
14 including, if applicable, the manufacturer, model and serial  
15 number.

16 (4) The name, license number and address of the licensed  
17 premises of the dealer licensed under section 6113 receiving  
18 the relinquished firearm, other weapon or ammunition.

19 (5) An acknowledgment that the firearms, other weapons  
20 or ammunition will not be returned to the subject or sold or  
21 transferred to an individual the dealer knows is a family or  
22 household member of the subject while the firearm restraining  
23 order is active under this subchapter or a protection from  
24 abuse order is active under 23 Pa.C.S. Ch. 61 (relating to  
25 protection from abuse) which order or orders provide for the  
26 relinquishment of the firearm, other weapon or ammunition  
27 being returned, sold or transferred.

28 (6) An acknowledgment that the firearms, other weapons  
29 or ammunition, if sold or transferred, will be sold or  
30 lawfully transferred in compliance with this chapter.

1 (c) Failure to provide affidavit.--

2 (1) The subject relinquishing firearms, other weapons or  
3 ammunition to a dealer under subsection (a) shall, within the  
4 time frame specified in the order for relinquishing firearms,  
5 other weapons or ammunition, provide to the sheriff the  
6 affidavit obtained under subsection (b) and relinquish to the  
7 sheriff any firearms, other weapons or ammunition ordered to  
8 be relinquished which are not specified in the affidavit, in  
9 an affidavit provided in accordance with section 6190.5(b)(3)  
10 (i)(B) (relating to relief).

11 (2) If the subject fails to comply with paragraph (1),  
12 the sheriff shall, at a minimum, provide immediate notice to  
13 the court, the petitioner and appropriate law enforcement  
14 agencies.

15 (d) Form.--The Pennsylvania State Police shall develop and  
16 make available to licensed dealers a form to be used by dealers  
17 to accept possession of firearms, other weapons or ammunition  
18 for consignment sale, lawful transfer or safekeeping under this  
19 section.

20 (e) Transfer upon entry of final order.--

21 (1) Upon entry of a final firearm restraining order  
22 issued under section 6190.5, which provides for the  
23 relinquishment of firearms, other weapons or ammunition  
24 during the period of time the order is in effect, the subject  
25 who relinquished firearms, other weapons or ammunition to the  
26 sheriff under a temporary order may request that the  
27 firearms, other weapons or ammunition be relinquished to a  
28 dealer for consignment sale, lawful transfer or safekeeping  
29 under this section.

30 (2) If the subject identifies a licensed dealer willing

1 to accept the firearms, other weapons or ammunition in  
2 compliance with this section, the court shall order the  
3 sheriff to transport the firearms, other weapons or  
4 ammunition to the licensed dealer at no cost to the subject  
5 or the licensed dealer.

6 (f) Nondisclosure.--The affidavit obtained under subsection  
7 (b) shall not be subject to access under the act of February 14,  
8 2008 (P.L.6, No.3), known as the Right-to-Know Law.

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

12 "Safekeeping." The secure custody of firearms, other weapons  
13 or ammunition ordered to be relinquished by an active firearm  
14 restraining order.

15 "Sale or lawful transfer." A sale or transfer to a person  
16 other than the subject or a family or household member of the  
17 subject which is conducted in accordance with this chapter.

18 § 6190.9. Disclosure and confidentiality.

19 (a) Certain disclosures prohibited.--

20 (1) During the course of a proceeding under this  
21 subchapter, the court or hearing officer may consider whether  
22 the petitioner or petitioner's family or household members or  
23 other person would be endangered by disclosure of the  
24 permanent or temporary address of the petitioner or  
25 petitioner's family or household member or other person. If  
26 the court determines that disclosure of the petitioner's  
27 address may pose a threat to the physical safety of the  
28 petitioner, a family or household member of the petitioner or  
29 other person, the court or hearing officer shall not require  
30 disclosure of the petitioner's, family or household member's

1 or other person's address in either the pleadings or during  
2 proceedings or hearings under this subchapter.

3 (2) If the court concludes that the subject continues to  
4 pose a threat to the physical safety of the petitioner, a  
5 family or household member of the petitioner or another  
6 person and where the petitioner, family or household member  
7 or other person requests that his or her address, telephone  
8 number and information about his or her demographic  
9 information not be disclosed, the court shall enter an order  
10 directing that law enforcement agencies and any other person  
11 or entity, as the court so determines, shall not disclose the  
12 presence of the petitioner, family or household member or  
13 other person in any jurisdiction or furnish any address,  
14 telephone number or any other demographic information about  
15 the petitioner, family or household member or other person,  
16 except by further order of the court.

17 (b) Confidentiality.--Information retained to ensure  
18 compliance with this subchapter shall not be subject to access  
19 under the act of February 14, 2008 (P.L.6, No.3), known as the  
20 Right-to-Know Law.

21 § 6190.10. Service of order.

22 (a) Issuance.--A copy of an order under this subchapter  
23 shall be issued to the petitioner, the subject and the local law  
24 enforcement agencies with appropriate jurisdiction to enforce  
25 the order in accordance with the provisions of this subchapter  
26 or as ordered by the court or hearing officer.

27 (b) Placement in registry.--

28 (1) Upon receipt of an order, the local law enforcement  
29 agency shall immediately advise the Pennsylvania State Police  
30 of entry of the order and collaborate with the Pennsylvania

1 State Police to ensure that the order is timely entered into  
2 the registry established in accordance with 23 Pa.C.S. § 6105  
3 (relating to responsibilities of law enforcement agencies).

4 (2) The local law enforcement agency with jurisdiction  
5 shall continue to collaborate with the Pennsylvania State  
6 Police to ensure that the registry is current at all times  
7 and that orders are removed upon vacation or expiration.

8 § 6190.11. Violation of order.

9 (a) Arrest and verification.--

10 (1) An arrest for violation of an order issued under  
11 this subchapter may be without warrant upon probable cause  
12 whether or not the violation is committed in the presence of  
13 the law enforcement officer or sheriff in circumstances where  
14 the subject has violated a provision of an order consistent  
15 with section 6190.5 (relating to relief).

16 (2) The law enforcement officer or sheriff may verify  
17 the existence of a firearm restraining order by telephone,  
18 radio or other electronic communication with the appropriate  
19 law enforcement agency, the Pennsylvania State Police  
20 registry or the issuing authority.

21 (3) A law enforcement officer or sheriff shall arrest a  
22 subject for violating an order issued under this subchapter.

23 (b) Seizure of firearms, other weapons and ammunition.--

24 (1) Subsequent to an arrest, the law enforcement officer  
25 or sheriff shall seize all firearms, other weapons and  
26 ammunition used or threatened to be used during a violation  
27 of a firearm restraining order or during prior incidents that  
28 posed an immediate and present danger to the physical safety  
29 of the petitioner, a family or household member or other  
30 person and any other firearms, other weapons or ammunition in

1 the subject's possession.

2 (2) As soon as it is reasonably possible, the arresting  
3 law enforcement officer shall deliver the confiscated  
4 firearms, other weapons and ammunition to the office of the  
5 sheriff.

6 (3) The sheriff shall maintain possession of the  
7 firearms, other weapons and ammunition until the court issues  
8 an order specifying the firearms, other weapons and  
9 ammunition to be relinquished and the persons to whom the  
10 firearms, other weapons and ammunition shall be relinquished.

11 (c) Procedure following arrest.--

12 (1) Subsequent to an arrest under subsection (a), the  
13 subject shall be taken by the law enforcement officer or  
14 sheriff without unnecessary delay before the court in the  
15 judicial district where the contempt is alleged to have  
16 occurred. If that court is unavailable, the law enforcement  
17 officer or sheriff shall convey the subject to a magisterial  
18 district judge designated as appropriate by local rules of  
19 court or, in the City of Pittsburgh, to a magistrate of the  
20 Pittsburgh Magistrates Court or, in counties of the first  
21 class, to the appropriate hearing officer.

22 (2) For purposes of procedure relating to arraignments  
23 for arrest for violation of an order issued under this  
24 subchapter, the judges of Pittsburgh Magistrates Court shall  
25 be deemed to be magisterial district judges.

26 (d) Preliminary arraignment.--The subject shall be afforded  
27 a preliminary arraignment without unnecessary delay.

28 (e) Other emergency powers unaffected.--This section shall  
29 not be construed to limit any of the other powers for emergency  
30 relief provided in this subchapter.

1 (f) Hearing.--A hearing shall be scheduled within 10 days of  
2 the filing of the charge or complaint of indirect criminal  
3 contempt. The hearing and any adjudication shall not preclude a  
4 hearing on other criminal charges underlying the contempt, nor  
5 shall a hearing or adjudication on other criminal charges  
6 preclude a hearing on a charge of indirect criminal contempt.  
7 § 6190.12. Contempt for violations and arrest.

8 (a) General rule.--If the law enforcement officer, sheriff  
9 or the petitioner has filed charges of indirect criminal  
10 contempt against a subject for violation of the firearm  
11 restraining order issued under this subchapter, the court may  
12 hold the subject in indirect criminal contempt and punish the  
13 subject in accordance with law.

14 (b) Jurisdiction.--The court shall have jurisdiction over  
15 indirect criminal contempt charges for violation of a firearm  
16 restraining order issued under this subchapter in the county  
17 where the violation occurred and in the county where the order  
18 was granted.

19 (c) Minors.--A subject who is a minor and who is charged  
20 with indirect criminal contempt for allegedly violating a  
21 firearm restraining order shall be considered to have allegedly  
22 committed a delinquent act as that term is defined in 42 Pa.C.S.  
23 § 6302 (relating to definitions) and shall be treated as  
24 provided in 42 Pa.C.S. Ch. 63 (relating to juvenile matters).

25 (d) Trial and punishment.--

26 (1) A sentence for contempt under this subchapter may  
27 include:

28 (i) (A) a fine of not less than \$300 nor more than  
29 \$1,000 and imprisonment for not more than six months;  
30 or

1           (B) a fine of not less than \$300 nor more than  
2           \$1,000 and supervised probation not to exceed six  
3           months; and

4           (ii) an order for other relief set forth in this  
5           subchapter.

6           (2) Each fine imposed and collected under this section  
7           shall be distributed in the following order of priority:

8           (i) One hundred dollars shall be forwarded to the  
9           Commonwealth and shall be allocated, upon appropriation  
10           by the General Assembly, to the Pennsylvania State Police  
11           to assist with the maintenance of the Statewide registry  
12           established in accordance with 23 Pa.C.S. § 6105(e)  
13           (relating to responsibilities of law enforcement  
14           agencies).

15           (ii) One hundred dollars shall be retained by the  
16           county and shall be used to carry out the provisions of  
17           this subchapter as follows:

18           (A) Fifty dollars shall be used by the sheriff.

19           (B) Fifty dollars shall be forwarded to the  
20           local law enforcement agency.

21           (iii) Fifty dollars shall be forwarded to the  
22           Commonwealth and shall be allocated, upon appropriation  
23           by the General Assembly, to the Supreme Court for use by  
24           county courts and magisterial district courts to carry  
25           out their duties under this subchapter.

26           (iv) The balance of the fine, if any, shall be  
27           forwarded to the Commonwealth and shall be allocated,  
28           upon appropriation by the General Assembly, to the  
29           Pennsylvania State Police for the purpose of maintaining  
30           the Statewide registry established under 23 Pa.C.S. §



1           6105(e).

2           (3) The subject shall not have a right to a jury trial  
3 on a charge of indirect criminal contempt, except that the  
4 subject shall be entitled to counsel.

5           (4) Upon conviction for indirect criminal contempt and  
6 at the request of the petitioner, the court shall also grant  
7 an extension of the firearm restraining order for an  
8 additional term.

9           (5) Upon conviction for indirect criminal contempt, the  
10 court shall notify the sheriff of the jurisdiction which  
11 issued the firearm restraining order of the conviction.

12           (6) The minimum fine required under paragraph (1)  
13 allocated under paragraph (2)(i) and (iii) shall be used to  
14 supplement and not to supplant any other source of funds  
15 received for the purpose of carrying out the provisions of  
16 this subchapter.

17 (e) Notification upon release.--

18           (1) The appropriate releasing authority or other  
19 official as designated by local rule shall use all reasonable  
20 means to notify the petitioner sufficiently in advance of the  
21 release of the subject from any incarceration imposed under  
22 this subchapter. Notification shall be required for work  
23 release, furlough, medical leave, community service,  
24 discharge, escape and recapture. Notification shall include  
25 the terms and conditions imposed on any temporary release  
26 from custody.

27           (2) The petitioner must keep the appropriate releasing  
28 authority or other official as designated by local rule  
29 advised of personal contact information.

30           (3) Failure of the petitioner to comply with paragraph

1 (2) may constitute waiver of any right to notification under  
2 this subsection.

3 (f) Multiple remedies.--Disposition of a charge of indirect  
4 criminal contempt shall not preclude the prosecution of other  
5 criminal charges associated with the incident giving rise to the  
6 contempt, nor shall disposition of other criminal charges  
7 preclude prosecution of indirect criminal contempt associated  
8 with the criminal conduct giving rise to the charges.

9 § 6190.13. Civil contempt for violation of an order.

10 (a) General rule.--A petitioner may file a petition for  
11 civil contempt with the issuing court alleging that the subject  
12 has violated any provision of an order issued under this  
13 subchapter.

14 (b) Civil contempt order.--Upon finding of a violation of a  
15 firearm restraining order issued under this subchapter, the  
16 court, either under petition for civil contempt or on the  
17 court's own accord, may hold the subject in civil contempt and  
18 restrain the subject in accordance with law.

19 (c) Sentencing.--A sentence for civil contempt under this  
20 subchapter may include imprisonment until the subject complies  
21 with provisions of the order or demonstrates the intent to do  
22 so. A term of imprisonment under this section shall not exceed a  
23 period of six months.

24 (d) Jury trial and counsel.--The subject shall not have a  
25 right to a jury trial except that the defendant shall be  
26 entitled to counsel.

27 § 6190.14. Procedures and other remedies.

28 (a) General rule.--Unless otherwise indicated under this  
29 subchapter, a proceeding under this subchapter shall be in  
30 accordance with applicable general rules and shall be in

1 addition to any other available civil or criminal remedies.

2 (b) Remedies for bad faith.--Notwithstanding any other  
3 provision of law, upon finding that an individual commenced a  
4 proceeding under this chapter in bad faith, the court shall  
5 direct the individual to pay to the subject actual damages and  
6 reasonable attorney fees. Failure to prove an allegation of an  
7 immediate and present danger to the physical safety of the  
8 petitioner, family or household member or other person by a  
9 preponderance of the evidence shall not, by itself, result in a  
10 finding of bad faith.

11 § 6190.15. Immunity.

12 (a) General rule.--

13 (1) Law enforcement agencies and their employees,  
14 including troopers, officers, sheriffs and their deputies,  
15 shall, except as provided under subsection (b), be immune  
16 from civil liability for actions taken in good faith to carry  
17 out their duties relating to the seizure and relinquishment  
18 of firearms, other weapons and ammunition as provided for  
19 under this subchapter, except for gross negligence,  
20 intentional misconduct or reckless, willful or wanton  
21 misconduct.

22 (2) A person licensed under the act of July 9, 1987  
23 (P.L.220, No.39), known as the Social Workers, Marriage and  
24 Family Therapists and Professional Counselors Act, or as a  
25 health care practitioner as defined under section 103 of the  
26 act of July 19, 1979 (P.L.130, No.48), known as the Health  
27 Care Facilities Act, who initiates a proceeding for the  
28 issuance of a firearm restraining order in accordance with  
29 section 6190.3 (relating to commencement of proceedings)  
30 shall not be held civilly or criminally liable for actions

1 taken under the provisions of this subchapter if the person  
2 acted in good faith and without malice.

3 (b) Exception.--Law enforcement agencies and their  
4 employees, including troopers, officers, sheriffs and their  
5 deputies, may be liable to the lawful owner of confiscated,  
6 seized or relinquished firearms in accordance with section  
7 6105(f) (relating to persons not to possess, use, manufacture,  
8 control, sell or transfer firearms) and may be liable to the  
9 lawful owner of confiscated, seized or relinquished other  
10 weapons or ammunition for any loss, damage or substantial  
11 decrease in the value of the other weapons or ammunition that is  
12 a direct result of a lack of reasonable care by the law  
13 enforcement agency or its employees.

14 § 6190.16. Inability to pay.

15 (a) Order for installment payments.--

16 (1) Upon plea and proof that a person is without the  
17 financial means to pay a fine, fee or cost under section  
18 6190.5 (relating to relief) or a cost, the court may order  
19 payment of money owed in installments appropriate to the  
20 circumstances of the person and shall fix the amounts, times  
21 and manner of payment.

22 (2) Failure to make payment in the amount, time and  
23 manner fixed by the court may subject the person to contempt  
24 under the applicable provisions of this subchapter.

25 (b) Use of credit cards.--The treasurer of each county may  
26 allow the use of credit cards and bank cards in the payment of  
27 finances, fees and costs set forth under this subchapter.

28 § 6190.17. Warrantless searches.

29 Except as provided under section 6190.11 (relating to  
30 violation of order), nothing under this subchapter shall

1 authorize a warrantless search for firearms, other weapons or  
2 ammunition.

3 § 6190.18. Construction.

4 Nothing under this subchapter shall be construed to:

5 (1) Preclude an action for wrongful use of civil process  
6 under 42 Pa.C.S. Ch. 83 Subch. E (relating to wrongful use of  
7 civil proceedings) or criminal prosecution for a violation of  
8 Chapter 49 (relating to falsification and intimidation).

9 (2) Allow a government agency or law enforcement agency,  
10 or an agent or employee of either, or any other person or  
11 entity to create, maintain or operate a database or registry  
12 of firearm ownership within this Commonwealth, except that  
13 information may be retained to ensure compliance with this  
14 subchapter and to document the return of relinquished  
15 firearms, other weapons and ammunition in accordance with  
16 this subchapter.

17 Section 3. This act shall take effect in 60 days.