
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1141 Session of
2018

INTRODUCED BY GREENLEAF, RESCHENTHALER, TOMLINSON, STREET,
SCHWANK, RAFFERTY, MENSCH, KILLION, MARTIN AND VULAKOVICH,
APRIL 18, 2018

REFERRED TO JUDICIARY, APRIL 18, 2018

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, in actions, proceedings
3 and other matters generally, providing for extreme risk
4 protection orders.

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

7 Section 1. Title 42 of the Pennsylvania Consolidated
8 Statutes is amended by adding a chapter to read:

9 CHAPTER 62B

10 EXTREME RISK PROTECTION ORDERS

11 Sec.

12 62B01. Definitions.

13 62B02. Petition for order.

14 62B03. Procedure.

15 62B04. Ex parte orders.

16 62B05. Service of orders.

17 62B06. Termination and renewal of orders.

18 62B07. Surrender of firearms.

1 62B08. Return and disposal of firearms.

2 62B09. Reporting of orders.

3 62B10. Penalties.

4 62B11. Other authority retained.

5 62B12. Immunity.

6 62B13. Instructional and informational material.

7 62B14. Registry.

8 § 62B01. Definitions.

9 The following words and phrases when used in this chapter
10 shall have the meanings given to them in this section unless the
11 context clearly indicates otherwise:

12 "Extreme risk protection order." An ex parte order or a
13 final order granted under this chapter.

14 "Family or household member." A spouse or person who has
15 been a spouse, person living as a spouse or who lived as a
16 spouse, parent or child, other person related by consanguinity
17 or affinity, current or former sexual or intimate partner or
18 person who shares biological parenthood.

19 "Firearm." The term shall have the same meaning given to it
20 under 18 Pa.C.S. § 6111(f) (relating to sale and transfer of
21 firearms).

22 "Firearm license." A license issued under 18 Pa.C.S. § 6109
23 (relating to licenses).

24 "Minor court." A magisterial district judge or a judge of
25 the Philadelphia Municipal Court, commissioner appointed under
26 section 1123 (relating to jurisdiction and venue), master
27 appointed under section 1126 (relating to masters) or master for
28 emergency relief.

29 "Petitioner." A person who petitions for an order under this
30 chapter.

1 "Respondent." A person who is identified as the respondent
2 in a petition filed under this chapter.

3 § 62B02. Petition for order.

4 (a) Establishment of action.--

5 (1) An action known as a petition for an extreme risk
6 protection order is established.

7 (2) A petition for an extreme risk protection order may
8 be filed by:

9 (i) a family or household member of the respondent;
10 or

11 (ii) a law enforcement officer or agency.

12 (3) An action under this chapter must be filed in the
13 county where the petitioner resides or the county where the
14 respondent resides.

15 (b) Contents of petition.--A petition shall:

16 (1) Allege that the respondent poses a significant
17 danger of causing personal injury to self or others by having
18 in the respondent's custody or control, purchasing,
19 possessing or receiving a firearm and be accompanied by an
20 affidavit made under oath stating the specific statements,
21 actions or facts that give rise to a reasonable belief of
22 future dangerous acts by the respondent.

23 (2) Identify the number, types and locations of the
24 firearms the petitioner reasonably believes to be in the
25 respondent's current ownership, possession, custody or
26 control.

27 (3) Identify whether there is a known existing
28 protection order governing the respondent under any other
29 applicable statute.

30 (4) Identify whether there is a pending lawsuit,

1 complaint, petition or other action between the parties to
2 the petition under the laws of this Commonwealth.

3 (c) Effect of existing orders and pending actions.--

4 (1) The prothonotary shall verify the terms of any
5 existing order governing the parties.

6 (2) The court may not delay granting relief because of
7 the existence of a pending action between the parties or the
8 necessity of verifying the terms of an existing order.

9 (3) A petition for an extreme risk protection order may
10 be granted whether or not there is a pending action between
11 the parties.

12 (d) Notice to family and household members.--

13 (1) If the petitioner is a law enforcement officer or
14 agency, the petitioner shall make a good faith effort to
15 provide notice to a family or household member of the
16 respondent and to any known third party who may be at risk of
17 violence.

18 (2) The notice shall state that the petitioner intends
19 to petition the court for an extreme risk protection order or
20 has already done so and include referrals to appropriate
21 resources, including mental health, domestic violence and
22 counseling resources.

23 (3) The petitioner shall attest in the petition to
24 having provided the notice or attest to the steps that will
25 be taken to provide the notice.

26 (e) Omission of petitioner's address.--

27 (1) If the petition states that disclosure of the
28 petitioner's address would risk harm to the petitioner or a
29 member of the petitioner's family or household, the
30 petitioner's address may be omitted from all documents filed

1 with the court.

2 (2) If the petitioner has not disclosed an address under
3 this subsection, the petitioner shall designate an
4 alternative address at which the respondent may serve notice
5 of any motions. If the petitioner is a law enforcement
6 officer or agency, the address of record shall be that of the
7 law enforcement agency.

8 (f) Fees and bonds prohibited.--

9 (1) No fees for filing or service of process may be
10 charged by a court or any public agency to a petitioner
11 seeking relief under this chapter. The petitioner shall be
12 provided the necessary number of certified copies, forms and
13 instructional brochures free of charge.

14 (2) A person may not be required to post a bond to
15 obtain relief in any proceeding under this section.

16 (g) Jurisdiction.--

17 (1) The courts of common pleas have jurisdiction over
18 proceedings under this chapter and minor courts have limited
19 jurisdiction over issuance and enforcement of ex parte
20 extreme risk protection orders issued under this chapter.

21 (2) If the notice and order are not served on the
22 respondent in time for the full hearing, the issuing court
23 has concurrent jurisdiction with the court to extend the ex
24 parte extreme risk protection order.

25 § 62B03. Procedure.

26 (a) Hearing.--Upon receipt of the petition, the court shall
27 order a hearing to be held not later than 14 days from the date
28 of the order and shall issue a notice of hearing to the
29 respondent.

30 (b) Service on respondent.--

1 (1) The prothonotary shall cause a copy of the notice of
2 hearing and petition to be forwarded on or before the next
3 judicial day to the appropriate law enforcement agency for
4 service upon the respondent.

5 (2) Personal service of the notice of hearing and
6 petition shall be made upon the respondent by a law
7 enforcement officer not less than five business days prior to
8 the hearing.

9 (c) Ex parte orders.--The court may, as provided in section
10 62B04 (relating to ex parte orders), issue an ex parte extreme
11 risk protection order pending the hearing ordered under
12 subsection (a). An ex parte order shall be served concurrently
13 with the notice of hearing and petition.

14 (d) Findings by court.--Upon hearing the matter, if the
15 court finds by a preponderance of the evidence that the
16 respondent poses a significant danger of causing personal injury
17 to self or others by having in the respondent's custody or
18 control, purchasing, possessing or receiving a firearm, the
19 court shall issue an extreme risk protection order that is
20 effective for a period of one year.

21 (e) Evidence.--In determining whether grounds for an extreme
22 risk protection order exist, the court may consider any relevant
23 evidence, including, but not limited to, any of the following:

24 (1) A recent act or threat of violence or injury by the
25 respondent against self or others, whether or not the
26 violence or threat of violence involves a firearm.

27 (2) A pattern of acts or threats of violence or injury
28 by the respondent within the past 12 months, including, but
29 not limited to, acts or threats of violence by the respondent
30 against self or others.

1 (3) A dangerous mental health issue of the respondent.

2 (4) A violation by the respondent of a protection order
3 issued under 23 Pa.C.S. Ch. 61 (relating to protection from
4 abuse) or Chapter 62A (relating to protection of victims of
5 sexual violence or intimidation).

6 (5) A previous or existing extreme risk protection order
7 issued against the respondent.

8 (6) A violation of a previous or existing extreme risk
9 protection order issued against the respondent.

10 (7) A conviction of the respondent for a crime that
11 involves domestic violence.

12 (8) The respondent's ownership, access to or intent to
13 possess firearms.

14 (9) The unlawful or reckless use, display or brandishing
15 of a firearm by the respondent.

16 (10) The history of use, attempted use or threatened use
17 of physical force by the respondent against another person or
18 the respondent's history of stalking another person.

19 (11) A prior arrest of the respondent for an offense
20 graded as a felony, crime of violence or personal injury
21 crime.

22 (12) Corroborated evidence of the abuse of controlled
23 substances or alcohol by the respondent.

24 (13) Evidence of recent acquisition of a firearm by the
25 respondent.

26 (f) Authority of court.--The court may:

27 (1) Examine under oath the petitioner, the respondent
28 and witnesses or, in lieu of examination, consider a sworn
29 affidavit of the petitioner, the respondent and witnesses.

30 (2) Review the criminal history records related to the

1 respondent.

2 (3) Review all records relating to the respondent under
3 the act of July 9, 1976 (P.L.817, No.143), known as the
4 Mental Health Procedures Act.

5 (4) During the hearing, consider whether a mental health
6 evaluation or chemical dependency evaluation is appropriate,
7 and order the evaluation if appropriate.

8 (g) Contents of order.--An extreme risk protection order
9 shall include the following:

10 (1) A statement of the grounds supporting the issuance
11 of the order.

12 (2) The date and time the order was issued.

13 (3) The date and time the order expires.

14 (4) Whether a mental health evaluation or chemical
15 dependency evaluation of the respondent is required to be
16 completed.

17 (5) The address of the court in which a responsive
18 pleading may be filed.

19 (6) A description of the requirements for relinquishment
20 of firearms under this chapter.

21 (7) The following statement:

22 To the subject of this protection order: This order
23 will last until the date and time noted above. If you
24 have not done so already, you must surrender to the
25 (insert name of local law enforcement agency) all
26 firearms in your custody, control or possession and a
27 firearm license issued to you immediately. You may
28 not have in your custody or control, purchase,
29 possess, receive or attempt to purchase or receive a
30 firearm while this order is in effect. You have the

1 right to request a hearing to terminate this order
2 every 12-month period that this order is in effect,
3 starting from the date of this order and continuing
4 through any renewal. You may seek the advice of an
5 attorney as to any matter connected with this order.

6 (h) Notice relating to termination hearing.--When the court
7 issues an extreme risk protection order, the court shall inform
8 the respondent that the respondent may request termination of
9 the order in the manner prescribed in this chapter. The court
10 shall provide the respondent with a form to request a
11 termination hearing.

12 (i) Reasons for denial of order.--If the court denies an
13 extreme risk protection order, the court shall state the
14 particular reasons for the court's denial.

15 § 62B04. Ex parte orders.

16 (a) General rule.--Upon the filing of a petition under
17 section 62B02 (relating to petition for order), a petitioner may
18 request that an ex parte extreme risk protection order be issued
19 before a hearing for an extreme risk protection order, without
20 notice to the respondent, by including in the petition detailed
21 allegations based on personal knowledge that the respondent
22 poses an imminent and significant danger of causing personal
23 injury to self or others by having in the respondent's custody
24 or control, purchasing, possessing or receiving a firearm.

25 (b) Grounds to issue.--If a court finds by clear and
26 convincing evidence that there is reasonable cause to believe
27 that the respondent poses an imminent and significant danger of
28 causing personal injury to self or others by having in the
29 respondent's custody or control, purchasing, possessing or
30 receiving a firearm, the court shall issue an ex parte extreme

1 risk protection order.

2 (c) Hearings.--

3 (1) The court shall hold an ex parte extreme risk
4 protection order hearing on the day the petition is filed or
5 on the judicial day immediately following the day the
6 petition is filed.

7 (2) In accordance with this chapter, the court shall
8 schedule a hearing within 14 days of the issuance of an ex
9 parte extreme risk protection order to determine if a one-
10 year extreme risk protection order is issued under this
11 chapter.

12 (d) Contents of order.--An ex parte extreme risk protection
13 order shall include:

14 (1) A statement of the grounds for the order.

15 (2) The date and time the order was issued.

16 (3) The date and time the order expires.

17 (4) The address of the court in which a responsive
18 pleading may be filed.

19 (5) The date and time of the scheduled hearing.

20 (6) A description of the requirements for surrender of
21 firearms under this chapter.

22 (7) The following statement:

23 To the subject of this protection order: This order
24 is valid until the date and time noted above. You are
25 required to surrender all firearms in your custody,
26 control or possession. You may not have in your
27 custody or control, purchase, possess, receive or
28 attempt to purchase or receive a firearm while this
29 order is in effect. You must surrender to the (insert
30 name of local law enforcement agency) all firearms in

1 your custody, control or possession and a firearm
2 license issued to you immediately. A hearing will be
3 held on the date and at the time noted above to
4 determine if an extreme risk protection order should
5 be issued. Failure to appear at that hearing may
6 result in a court making an order against you that is
7 valid for one year. You may seek the advice of an
8 attorney as to any matter connected with this order.

9 (e) Expiration of order.--An ex parte extreme risk
10 protection order under section 62B03 (relating to procedure)
11 shall expire upon the date of the entry of an extreme risk
12 protection order.

13 (f) Service of order.--An ex parte extreme risk protection
14 order shall be served by a law enforcement officer in the same
15 manner as provided for in this chapter for service of the notice
16 of hearing and petition and shall be served concurrently with
17 the notice of hearing and petition.

18 (g) Reasons for denial of order.--If the court denies an ex
19 parte extreme risk protection order, the court shall state the
20 particular reasons for the court's denial.

21 § 62B05. Service of orders.

22 An extreme risk protection order issued under this chapter
23 shall be served as provided under section 62B04 (relating to ex
24 parte orders) upon the respondent, except as otherwise provided
25 in this chapter, as follows:

26 (1) The law enforcement agency with jurisdiction in the
27 municipality in which the respondent resides shall serve the
28 respondent personally.

29 (2) If the law enforcement agency cannot complete
30 service on the respondent within 10 days, the law enforcement

1 agency shall notify the petitioner. The petitioner shall
2 provide information sufficient to permit the notification.

3 (3) If an order entered by the court recites that the
4 respondent appeared in person before the court, the necessity
5 for further service shall be waived and proof of service of
6 that order shall not be necessary.

7 (4) Returns of service under this chapter shall be made
8 in accordance with the applicable court rule.

9 § 62B06. Termination and renewal of orders.

10 (a) Procedure to terminate.--

11 (1) The respondent may submit a written request for a
12 hearing to terminate an extreme risk protection order issued
13 under this chapter every 12-month period that the order is in
14 effect, starting from the date of the order and continuing
15 through any renewal.

16 (2) Upon receipt of the request for a hearing to
17 terminate an extreme risk protection order, the court shall
18 set a date for a hearing. Notice of the request shall be
19 served on the petitioner in accordance with this chapter. The
20 hearing shall occur no sooner than 14 days and no later than
21 30 days from the date of service of the request upon the
22 petitioner.

23 (3) The respondent shall have the burden of proving by a
24 preponderance of the evidence that the respondent does not
25 pose a significant danger of causing personal injury to self
26 or others by having in the respondent's custody or control,
27 purchasing, possessing or receiving a firearm. The court may
28 consider any relevant evidence, including evidence of the
29 considerations specified in this chapter for the issuance of
30 an order.

1 (4) If the court finds after the hearing that the
2 respondent has met the respondent's burden of proof, the
3 court shall terminate the order.

4 (b) Notice to petitioner.--The court shall notify the
5 petitioner of the impending expiration of an extreme risk
6 protection order. Notice shall be received by the petitioner 90
7 days before the date the order expires.

8 (c) Motion to renew.--

9 (1) A family or household member of a respondent or a
10 law enforcement officer or agency may by motion request a
11 renewal of an extreme risk protection order at any time
12 within 90 days before the expiration of the order.

13 (2) Upon receipt of the motion to renew, the court shall
14 order that a hearing be held not later than 14 days from the
15 date the order issues.

16 (3) The respondent shall be personally served in the
17 same manner prescribed by section 62B05 (relating to service
18 of orders).

19 (4) In determining whether to renew an extreme risk
20 protection order issued under this subsection, the court
21 shall consider all relevant evidence presented by the
22 petitioner and follow the same procedure as provided in this
23 chapter for issuance of an order.

24 (5) (i) If the court finds by a preponderance of the
25 evidence that the requirements for issuance of an extreme
26 risk protection order continue to be met, the court shall
27 renew the order.

28 (ii) If, after notice, the motion for renewal is
29 uncontested and the petitioner seeks no modification of
30 the order, the order may be renewed on the basis of the

1 petitioner's motion or affidavit stating that there has
2 been no material change in relevant circumstances since
3 entry of the order and stating the reason for the
4 requested renewal.

5 (6) The renewal of an extreme risk protection order
6 shall be for one year, subject to termination as provided in
7 subsection (a) or further renewal by order of the court.

8 § 62B07. Surrender of firearms.

9 (a) Court order.--Upon issuance of an extreme risk
10 protection order under this chapter, including an ex parte
11 extreme risk protection order, the court shall order the
12 respondent to surrender to the local law enforcement agency all
13 firearms in the respondent's custody, control or possession and
14 a firearm license issued under 18 Pa.C.S. § 6109 (relating to
15 licenses).

16 (b) Duties of law enforcement officers.--

17 (1) The law enforcement officer serving an extreme risk
18 protection order under this chapter, including an ex parte
19 extreme risk protection order, shall request that the
20 respondent immediately surrender all firearms in the
21 respondent's custody, control or possession and a firearm
22 license and conduct any search permitted by law for firearms.

23 (2) The law enforcement officer shall take possession of
24 all firearms belonging to the respondent that are
25 surrendered, in plain sight or discovered from a lawful
26 search.

27 (3) If personal service by a law enforcement officer is
28 not possible, or not required because the respondent was
29 present at the extreme risk protection order hearing, the
30 respondent shall surrender the firearms in a safe manner to

1 the control of the local law enforcement agency within 48
2 hours of being served with the order by alternate service or
3 within 48 hours of the hearing at which the respondent was
4 present and ordered to surrender all firearms and a firearm
5 license.

6 (4) At the time of surrender, the law enforcement
7 officer taking possession of firearms and a firearm license
8 shall issue a receipt identifying all firearms that have been
9 surrendered and provide a copy of the receipt to the
10 respondent. Within 72 hours after service of the order, the
11 law enforcement officer serving the order shall file the
12 original receipt with the court and shall ensure that the
13 appropriate law enforcement agency retains a copy of the
14 receipt.

15 (c) Effect of failure to complete.--

16 (1) Upon the sworn statement or testimony of the
17 petitioner or of any law enforcement officer alleging that
18 the respondent has failed to comply with the surrender of
19 firearms as required by an order issued under this chapter,
20 the court shall determine whether probable cause exists to
21 believe that the respondent has failed to surrender all
22 firearms in the respondent's possession, custody or control.

23 (2) If probable cause exists, the court shall issue a
24 warrant describing the firearms and authorizing a search of
25 the locations where the firearms are reasonably believed to
26 be and the seizure of firearms discovered from the search.

27 (d) Other persons who are lawful owners.--If a person other
28 than the respondent claims title to a firearm surrendered under
29 this section, and the person is determined by the law
30 enforcement agency to be the lawful owner of the firearm, the

1 firearm shall be returned to the person, provided that:

2 (1) The firearm is removed from the respondent's
3 custody, control or possession and the person agrees to store
4 the firearm in a manner such that the respondent does not
5 have access to or control of the firearm.

6 (2) The firearm is not otherwise unlawfully possessed by
7 the person.

8 (3) The person is informed and acknowledges that
9 providing a firearm to the respondent for whom an order is
10 issued under this chapter commits an offense under 18 Pa.C.S.
11 § 6105 (relating to persons not to possess, use, manufacture,
12 control, sell or transfer firearms) if the person returns the
13 firearm to the possession of the respondent.

14 (e) Firearm surrender hearing.--

15 (1) Upon the issuance of a one-year extreme risk
16 protection order, the court shall order a new hearing date
17 and require the respondent to appear not later than three
18 business days from the issuance of the order.

19 (2) The court shall require a showing that the person
20 subject to the order has surrendered all firearms in the
21 person's custody, control or possession.

22 (3) The court may dismiss the hearing upon a
23 satisfactory showing that the respondent is in compliance
24 with the order.

25 (f) Duty of Pennsylvania State Police.--The Pennsylvania
26 State Police shall develop policies and procedures for use by
27 all law enforcement agencies within 180 days of the effective
28 date of this section regarding the acceptance, storage and
29 return of firearms required to be surrendered under this
30 chapter.

1 § 62B08. Return and disposal of firearms.

2 (a) General rule.--If an extreme risk protection order is
3 terminated or expires without renewal, a law enforcement agency
4 holding a firearm and firearm license that has been surrendered
5 under this chapter shall return a surrendered firearm and
6 firearm license requested by a respondent only after confirming:

7 (1) Through a background check, that the respondent is
8 currently eligible to own or possess firearms under Federal
9 and State law.

10 (2) With the court that the extreme risk protection
11 order has terminated or has expired without renewal.

12 (b) Notice to family and household members.--A law
13 enforcement agency shall, if requested, provide prior notice of
14 the return of a firearm to a respondent to family or household
15 members of the respondent in the manner provided by law.

16 (c) Disposal.--A firearm that is surrendered by a respondent
17 under this chapter and remains unclaimed by the lawful owner
18 shall be disposed of in accordance with the law enforcement
19 agency's policies and procedures for the disposal of firearms in
20 police custody.

21 § 62B09. Reporting of orders.

22 (a) Duties of clerk of court and law enforcement agency.--

23 (1) The clerk of the court shall enter an extreme risk
24 protection order or ex parte extreme risk protection order
25 issued under this chapter into a Statewide judicial
26 information system on the same day the order is issued.

27 (2) The clerk of the court shall forward a copy of an
28 order issued under this chapter the same day the order is
29 issued to the appropriate law enforcement agency specified in
30 the order.

1 (3) Forward a copy to the Pennsylvania State Police for
2 entry in the Pennsylvania Instant Check System.

3 (4) Upon receipt of the copy of the order, the law
4 enforcement agency shall enter the order into the national
5 instant criminal background check system, any other Federal
6 or State computer-based systems used by law enforcement or
7 others to identify prohibited purchasers of firearms and any
8 computer-based criminal intelligence information system
9 available in this Commonwealth used by law enforcement
10 agencies to list outstanding warrants.

11 (5) The order shall remain in each system for the period
12 stated in the order and the law enforcement agency shall only
13 expunge orders from the systems that have expired or
14 terminated.

15 (6) Entry into the computer-based criminal intelligence
16 information system constitutes notice to all law enforcement
17 agencies of the existence of the order.

18 (7) The order shall be fully enforceable in any county
19 in this Commonwealth.

20 (b) Termination order.--If an extreme risk protection order
21 is terminated before its expiration date, the clerk of the court
22 shall forward the same day a copy of the termination order to
23 the Pennsylvania State Police and the appropriate law
24 enforcement agency specified in the termination order. Upon
25 receipt of the order, the law enforcement agency shall promptly
26 remove the order from any computer-based system in which it was
27 entered under this section.

28 § 62B10. Penalties.

29 A person who:

30 (1) Files a petition under this chapter knowing the

1 information in the petition to be materially false, or with
2 intent to harass the respondent, commits a misdemeanor of the
3 third degree.

4 (2) Has in the person's custody or control, purchases,
5 possesses or receives a firearm with knowledge that the
6 person is prohibited from doing so by an order issued under
7 this chapter commits a misdemeanor of the first degree and is
8 prohibited from having in the person's custody or control,
9 purchasing, possessing or receiving or attempting to purchase
10 or receive a firearm for a period of five years from the date
11 the existing order expires.

12 § 62B11. Other authority retained.

13 This chapter does not affect the ability of a law enforcement
14 officer to remove a firearm or firearm license from a person or
15 conduct a search and seizure for firearms under other lawful
16 authority.

17 § 62B12. Immunity.

18 Nothing in this chapter shall be construed to impose criminal
19 or civil liability on any person or entity for acts or omissions
20 related to obtaining an extreme risk protection order or ex
21 parte extreme risk protection order, including, but not limited
22 to, reporting, declining to report, investigating, declining to
23 investigate, filing or declining to file a petition under this
24 chapter.

25 § 62B13. Instructional and informational material.

26 The Office of Attorney General shall develop and prepare
27 instructions and informational brochures, standard petitions and
28 extreme risk protection order forms and a staff handbook on the
29 extreme risk protection order process. The following apply:

30 (1) The standard petition and order forms must be used

1 for all petitions filed and orders issued under this chapter.

2 (2) The instructions, brochures, forms and handbook
3 shall be prepared in consultation with interested persons,
4 including representatives of gun violence prevention groups,
5 judges and law enforcement personnel. Materials shall be
6 based on best practices and available electronically online
7 to the public.

8 (3) The instructions shall be designed to assist
9 petitioners in completing the petition and include a sample
10 of a standard petition and order for protection forms.

11 (4) The instructions and standard petition shall include
12 a means for a petitioner to identify, with only lay
13 knowledge, the firearms the respondent may own, possess,
14 receive or have in the respondent's custody or control. The
15 instructions shall provide pictures of types of firearms that
16 a petitioner may choose from to identify the relevant
17 firearms or an equivalent means to allow a petitioner to
18 identify firearms without requiring specific or technical
19 knowledge regarding firearms.

20 (5) The informational brochure shall describe the use of
21 and the process for obtaining, modifying and terminating an
22 extreme risk protection order under this chapter and provide
23 relevant forms.

24 (6) The extreme risk protection order form shall
25 include, in a conspicuous location, notice of criminal
26 penalties resulting from violation of the order and the
27 following statement:

28 You have the sole responsibility to avoid or refrain
29 from violating this order's provisions. Only the
30 court can change the order and only upon written

1 application.

2 (7) The staff handbook shall allow for the addition of a
3 community resource list by the clerk of court. All clerks of
4 court may create a community resource list of crisis
5 intervention, mental health, substance abuse, interpreter,
6 counseling and other relevant resources serving the county in
7 which the court is located. The clerk of court may make the
8 community resource list available as part of or in addition
9 to the informational brochure described in this subsection.

10 (8) The Office of Attorney General shall distribute a
11 master copy of the petition and order forms, instructions and
12 informational brochures to all clerks of court and shall
13 distribute a master copy of the petition and order forms to
14 all superior, district and municipal courts. Distribution of
15 all documents shall, at a minimum, be in an electronic format
16 or formats accessible to all courts and clerks of court in
17 this Commonwealth.

18 (9) The Office of Attorney General shall determine the
19 significant non-English-speaking or limited English speaking
20 populations in this Commonwealth. The administrator shall
21 then arrange for translation of the instructions and
22 informational brochures required by this section, which shall
23 contain a sample of the standard petition and order for
24 protection forms, into the languages spoken by those
25 significant non-English-speaking populations and shall
26 distribute a master copy of the translated instructions and
27 informational brochures to all clerks of court within one
28 year of the effective date of this section.

29 (10) The Office of Attorney General shall update the
30 instructions, brochures, standard petition and extreme risk

1 protection order forms and staff handbook as necessary,
2 including when changes in the law make an update necessary.
3 § 62B14. Registry.

4 (a) Duties of Pennsylvania State Police.--The Pennsylvania
5 State Police shall establish a Statewide registry of extreme
6 risk protection orders and shall maintain a complete and
7 systematic record and index of all valid ex parte and final
8 extreme risk protection orders filed under subsection (f). The
9 Statewide registry shall include, but need not be limited to,
10 the following:

11 (1) The names of the petitioner and any other protected
12 party.

13 (2) The name and address of the respondent.

14 (3) The relationship between the petitioner and the
15 respondent.

16 (4) The date the order was entered.

17 (5) The date the order expires.

18 (6) The relief granted under this chapter.

19 (7) The judicial district in which the order was
20 entered.

21 (8) Where furnished, the Social Security number and date
22 of birth of the respondent.

23 (9) Whether or not a firearm and firearm license were
24 ordered to be relinquished.

25 (b) Duty of prothonotary.--

26 (1) The prothonotary shall send, on a form prescribed by
27 the Pennsylvania State Police, a copy of the extreme risk
28 protection order to the Statewide registry of extreme risk
29 protection orders so that it is received within 24 hours of
30 the entry of the order. An amendment to or revocation of an

1 order shall be transmitted by the prothonotary within 24
2 hours of the entry of the order for modification or
3 revocation.

4 (2) The Pennsylvania State Police shall enter orders,
5 amendments and revocations in the Statewide registry of
6 extreme risk protection orders within eight hours of receipt.

7 (3) Terminated orders shall be purged from the registry.
8 (c) Availability.--

9 (1) The registry of the Pennsylvania State Police shall
10 be available at all times to inform courts, dispatchers and
11 law enforcement officers of a valid extreme risk protection
12 order involving a respondent.

13 (2) When an order granting relief has been entered by a
14 court, the information shall be available to the Pennsylvania
15 State Police for the purpose of conducting a criminal history
16 records check in compliance with the applicable provisions of
17 18 Pa.C.S. Ch. 61 Subch. A (relating to Uniform Firearms
18 Act).

19 (3) Information contained in the Statewide registry
20 shall not be subject to access under the act of February 14,
21 2008 (P.L.6, No.3), known as the Right-to-Know Law.

22 (d) Information concerning crimes of violence.--Each police
23 department shall transmit to the Pennsylvania State Police, in a
24 manner prescribed by the Pennsylvania State Police, the
25 information specified in subsection (c) related to crimes of
26 violence between family or household members.

27 (e) Annual report.--The Pennsylvania State Police shall
28 annually compile and analyze the incident report data received
29 and publish a Statewide report that includes aggregate, county
30 and department-based statistical profiles. The Pennsylvania

1 State Police shall transmit a copy of the annual report to the
2 Governor and the General Assembly.

3 (f) Enforcement of foreign extreme risk protection orders.--

4 (1) All foreign extreme risk protection orders shall
5 have the presumption of validity in this Commonwealth, and
6 law enforcement officers shall make arrests for violations of
7 foreign extreme risk protection orders in the same manner as
8 applicable to violations of extreme risk protection orders
9 issued within this Commonwealth. Until a foreign order is
10 declared to be invalid by a court, it shall be enforced by
11 all law enforcement personnel in this Commonwealth.

12 (2) A law enforcement officer shall rely upon a copy of
13 a foreign extreme risk protection order that has been
14 presented to the law enforcement officer by any source and
15 may verify the existence of an extreme risk protection order
16 consistent with this chapter. The fact that a foreign extreme
17 risk protection order has not been filed with a prothonotary
18 or entered into the Pennsylvania State Police registry shall
19 not be grounds for law enforcement to refuse enforcement of
20 the order.

21 (g) Immunity.--The following entities shall be immune from
22 civil liability for good faith conduct in an action arising in
23 connection with a court's finding that the foreign order is
24 invalid or unenforceable:

25 (1) Law enforcement agencies and their agents and
26 employees.

27 (2) County correctional and detention facilities and
28 their agents and employees.

29 (3) Prothonotaries and their agents and employees.

30 Section 2. This act shall take effect in 60 days.