
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1247 Session of
2017

INTRODUCED BY STURLA, KINSEY, SOLOMON, D. COSTA, V. BROWN,
SCHLOSSBERG, DAVIS, DeLUCA, READSHAW, McNEILL, DONATUCCI AND
THOMAS, APRIL 19, 2017

REFERRED TO COMMITTEE ON JUDICIARY, APRIL 19, 2017

AN ACT

1 Amending Title 23 (Domestic Relations) of the Pennsylvania
2 Consolidated Statutes, in protection from abuse, further
3 providing for commencement of proceedings and for relief.

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

6 Section 1. Section 6106(h) of Title 23 of the Pennsylvania
7 Consolidated Statutes is amended by adding a paragraph to read:
8 § 6106. Commencement of proceedings.

9 * * *

10 (h) Assistance and advice to plaintiff.--The courts and
11 hearing officers shall:

12 * * *

13 (3) Provide a law enforcement officer, the sheriff or
14 another designated individual to accompany the plaintiff to
15 the plaintiff's residence before or while the petition or
16 order is being served if the plaintiff avers that this
17 assistance is necessary to protect the plaintiff's safety.

18 Section 2. Section 6108(a)(7)(iv) of Title 23 is amended and

1 the section is amended by adding a subsection to read:

2 § 6108. Relief.

3 (a) General rule.--The court may grant any protection order
4 or approve any consent agreement to bring about a cessation of
5 abuse of the plaintiff or minor children. The order or agreement
6 may include:

7 * * *

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

24 * * *

25 (iv) Unless the defendant has complied with
26 subparagraph (i) (B) or section 6108.2 or 6108.3, if the
27 defendant fails to relinquish any firearm, other weapon,
28 ammunition or firearm license within 24 hours or upon the
29 close of the next business day due to closure of
30 sheriffs' offices or within the time ordered by the court

1 upon cause being shown at the hearing, the sheriff shall,
2 at a minimum, provide immediate notice to the court, the
3 plaintiff and appropriate law enforcement agencies. The
4 court may issue an order directing a law enforcement
5 agency to search for and seize the defendant's firearms
6 upon a showing by the petitioner that the respondent has
7 possession of a firearm and:

8 (A) the defendant denies the existence of
9 firearms, weapons or ammunition;

10 (B) the petitioner can describe with sufficient
11 particularity the type and location of the firearms;
12 and

13 (C) the respondent has used or threatened to use
14 a firearm against the petitioner or the petitioner
15 expresses a fear that the respondent may use a
16 firearm against the petitioner.

17 * * *

18 (e.1) Effect of incarceration.--

19 (1) The court may extend the terms of an existing order
20 of protection from abuse or, if the order is no longer in
21 effect, grant a new order upon a showing that:

22 (i) the defendant is about to be released from
23 incarceration or has recently been released from
24 incarceration;

25 (ii) the defendant previously violated a prior or
26 existing order of protection from abuse; and

27 (iii) the petitioner is reasonably in fear of
28 physical harm from the defendant.

29 (2) A petitioner does not need to show that physical
30 harm from the defendant is imminent to obtain an extension of

1 an existing order or a new order under this subsection.

2 * * *

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