

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1859 Session of 2025

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D. WILLIAMS, OTTEN, CERRATO, GREEN, CURRY AND WAXMAN,
SEPTEMBER 10, 2025

REFERRED TO COMMITTEE ON JUDICIARY, SEPTEMBER 11, 2025

AN ACT

Amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and
Judicial Procedure) of the Pennsylvania Consolidated
Statutes, in firearms and other dangerous articles, further
providing for persons not to possess, use, manufacture,
control, sell or transfer firearms and for abandonment of
firearms, weapons or ammunition; in community and municipal
courts, further providing for masters; adding provisions
relating to extreme risk protection orders; imposing duties
on the Office of Attorney General; and imposing penalties.

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

Section 1. Section 6105(a)(2)(ii), (a.1)(3) and (5), (c)(10)
and (f)(4)(i) of Title 18 of the Pennsylvania Consolidated
Statutes are amended and subsections (a.1) and (c) are amended
by adding paragraphs to read:

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

(a) Offense defined.--

* * *

1 (2) * * *

2 (ii) This paragraph shall not apply to any person
3 whose disability is imposed pursuant to subsection (c)(6)
4 or (10).

5 * * *

6 (a.1) Penalty.--

7 * * *

8 (2.1) A person who is the subject of an extreme risk
9 protection order issued under 42 Pa.C.S. Ch. 64A (relating to
10 extreme risk protection orders) commits a misdemeanor of the
11 second degree if he intentionally or knowingly fails to
12 relinquish a firearm or firearms license as required by the
13 order.

14 (3) (i) A person commits a misdemeanor of the third
15 degree if he intentionally or knowingly accepts
16 possession of a firearm, other weapon or ammunition from
17 another person he knows is the subject of an active final
18 protection from abuse order issued pursuant to 23 Pa.C.S.
19 § 6108 or an active protection from abuse order issued
20 pursuant to 23 Pa.C.S. § 6107(b), which order provided
21 for the relinquishment of the firearm, other weapon or
22 ammunition during the period of time the order is in
23 effect[.], or intentionally or knowingly accepts
24 possession of a firearm or firearms license from a person
25 he knows is the subject of an extreme risk protection
26 order issued under 42 Pa.C.S. Ch. 64A.

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 23
6 Pa.C.S. § 6108.2 or 42 Pa.C.S. Ch. 64A.

7 * * *

8 (5) A person who has accepted possession of a firearm,
9 other weapon or ammunition pursuant to 23 Pa.C.S. § 6108.3 or
10 who possesses a firearm or firearms license under 42 Pa.C.S.
11 Ch. 64A commits a misdemeanor of the [first] second degree if
12 he intentionally or knowingly returns a firearm, other weapon
13 or ammunition to a defendant or respondent or intentionally
14 or knowingly allows a defendant or respondent to have access
15 to the firearm, other weapon or ammunition prior to [either]
16 any of the following:

17 (i) The sheriff accepts return of the safekeeping
18 permit issued to the party pursuant to 23 Pa.C.S. §
19 6108.3(d)(1)(i).

20 (ii) The issuance of a court order pursuant to
21 subsection (f)(2) or 23 Pa.C.S. § 6108.1(b) (relating to
22 return of relinquished firearms, other weapons and
23 ammunition and additional relief) which modifies a valid
24 protection from abuse order issued pursuant to 23 Pa.C.S.
25 § 6108, which order provided for the relinquishment of
26 the firearm, other weapon or ammunition by allowing the
27 defendant to take possession of the firearm, other weapon
28 or ammunition that had previously been ordered
29 relinquished.

30 (iii) The expiration of an extreme risk protection

1 order or the issuance of a court order that terminates an
2 extreme risk protection order under 42 Pa.C.S. Ch. 64A.

3 * * *

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

8 * * *

9 (10) A person who has been convicted of an offense under
10 subsection [(a.1)(2)] (a.1)(2.1) or (5). The prohibition
11 shall terminate five years after the date of conviction,
12 final release from confinement or final release from
13 supervision, whichever is later.

14 (11) A person who is the subject of an active extreme
15 risk protection order issued under 42 Pa.C.S. Ch. 64A.

16 * * *

17 (f) Other exemptions and proceedings.--

18 * * *

19 (4) (i) The owner of any seized or confiscated firearms
20 or of any firearms ordered relinquished under 23 Pa.C.S.
21 § 6108 or 42 Pa.C.S. Ch. 64A shall be provided with a
22 signed and dated written receipt by the appropriate law
23 enforcement agency. This receipt shall include, but not
24 limited to, a detailed identifying description indicating
25 the serial number and condition of the firearm. In
26 addition, the appropriate law enforcement agency shall be
27 liable to the lawful owner of said confiscated, seized or
28 relinquished firearm for any loss, damage or substantial
29 decrease in value of said firearm that is a direct result
30 of a lack of reasonable care by the appropriate law

1 enforcement agency.

2 * * *

3 Section 2. Section 6128(a) heading and introductory
4 paragraph of Title 18 are amended to read:

5 § 6128. Abandonment of firearms, weapons or ammunition.

6 (a) [General rule] Abandonment.--Firearms, weapons or
7 ammunition which are itemized on a list required under 23
8 Pa.C.S. § 6108(a)(7)(v) (relating to relief) or the possession
9 or acquisition of which is prohibited under 42 Pa.C.S. Ch. 64A
10 (relating to extreme risk protection orders) or 18 U.S.C. §
11 922(g)(9) (relating to unlawful acts) and relinquished into or
12 otherwise coming into the custody of a police department,
13 Pennsylvania State Police, coroner, medical examiner, district
14 attorney, sheriff or licensed dealer shall be deemed abandoned
15 when:

16 * * *

17 Section 3. Section 1126 of Title 42 is amended to read:

18 § 1126. Masters.

19 The President Judge of the Philadelphia Municipal Court may
20 appoint attorneys who are members of the Pennsylvania Bar to
21 serve as masters in proceedings under Chapter 64A (relating to
22 extreme risk protection orders) or 23 Pa.C.S. Ch. 61 (relating
23 to protection from abuse).

24 Section 4. Title 42 is amended by adding a chapter to read:

25 CHAPTER 64A

26 EXTREME RISK PROTECTION ORDERS

27 Sec.

28 64A01. Scope of chapter.

29 64A02. Definitions.

30 64A03. Preliminary matters.

1 64A04. Petition for extreme risk protection order.

2 64A05. Interim extreme risk protection order.

3 64A06. Hearing on petition.

4 64A07. Notice to law enforcement.

5 64A08. Service.

6 64A09. Order after hearing.

7 64A10. Termination hearing.

8 64A11. Extension of order.

9 64A12. Relinquishment of firearms.

10 64A13. Return of firearms.

11 64A14. False allegations by petitioner.

12 64A15. Employment protection.

13 64A16. Mental health and chemical dependency services.

14 64A17. Instructional and informational material.

15 § 64A01. Scope of chapter.

16 This chapter relates to extreme risk protection orders.

17 § 64A02. Definitions.

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

21 "Court." A court of common pleas in this Commonwealth.

22 "Extreme risk protection order." A court order prohibiting a
23 person from having in the person's possession or control,
24 purchasing or receiving or attempting to purchase or receive a
25 firearm, based upon a finding that the person presents a
26 substantial risk of suicide or of causing the death of, or
27 serious bodily injury to, another person.

28 "Family or household member." Spouses or persons who have
29 been spouses, persons living as spouses or who lived as spouses,
30 parents and children, other persons related by consanguinity or

affinity, current or former sexual or intimate partners or persons who share biological parenthood.

"Firearm." A weapon designed to or that may readily be converted to expel a projectile by the action of an explosive or the frame or receiver of such weapon.

"Firearms dealer" or "dealer." A person licensed to sell firearms under 18 Pa.C.S. § 6113 (relating to licensing of dealers).

"Firearms license" or "license." A concealed carry license issued under 18 Pa.C.S. § 6109 (relating to licenses), safekeeping license issued under 23 Pa.C.S. § 6108.3 (relating to relinquishment to third party for safekeeping), hunting license required under 34 Pa.C.S. § 2701 (relating to license requirements) or any similar license issued pursuant to the laws of another state.

"Hearing officer." A magisterial district judge, judge of the Philadelphia Municipal Court, arraignment court magistrate appointed under section 1123 (relating to jurisdiction and venue), master appointed under section 1126 (relating to masters) and master for emergency relief.

"Law enforcement officer." An officer of the United States, of another state or political subdivision thereof or of the Commonwealth or political subdivision thereof who is empowered by law to conduct investigations of or to make an arrest for an offense enumerated in this chapter or an equivalent crime in another jurisdiction and an attorney authorized by law to prosecute or participate in the prosecution of such offense.

"Serious bodily injury." Bodily injury that creates a substantial risk of death or causes serious, permanent disfigurement or protracted loss or impairment of the function

1 of a bodily member or organ.

2 § 64A03. Preliminary matters.

3 (a) Standing.--A law enforcement officer or a family or
4 household member of a person believed to present a risk of
5 suicide or of causing the death of, or extreme bodily injury to,
6 another person may file a petition requesting that the court
7 issue an extreme risk protection order or renew an existing
8 extreme risk protection order.

9 (b) Filing fee.--No filing fee may be charged for a petition
10 under this chapter.

11 (c) Effect of service.--An extreme risk protection order is
12 effective at the time of service.

13 (d) Right to counsel.--A respondent under this chapter shall
14 have the right to be represented by counsel. If the respondent
15 cannot afford an attorney and meets the income guidelines
16 applicable to representation by a public defender in a criminal
17 case, the court shall appoint counsel upon the request of the
18 respondent.

19 § 64A04. Petition for extreme risk protection order.

20 (a) Petition.--

21 (1) A petition for an extreme risk protection order
22 shall:

23 (i) be standardized and developed by the Office of
24 Attorney General as required under section 64A17
25 (relating to instructional and informational material);

26 (ii) be verified under the Pennsylvania Rules of
27 Civil Procedure, and a person signing the petition shall
28 be subject to penalties under 18 Pa.C.S. § 4904 (relating
29 to unsworn falsification to authorities);

30 (iii) at a minimum, state facts that demonstrate the

1 risk presented by the respondent's ability to purchase
2 firearms or have possession or control of firearms; and

3 (iv) describe the number, types and locations of any
4 firearms known or believed to be owned by the respondent
5 or known or believed to be in the respondent's possession
6 or control.

7 (2) If the court is closed or is unavailable during the
8 business day, a petition may be filed with a hearing officer.

9 (b) Evidence of risk.--The court or hearing officer may
10 consider all relevant evidence, but in no case shall an order be
11 issued under this chapter absent a demonstration of risk due to
12 behaviors or events occurring in the preceding 12 months.

13 (c) Factors.--In determining whether grounds exist to issue
14 an extreme risk protection order, the court or hearing officer
15 shall consider evidence of the following and the recency of any
16 behaviors or events:

17 (1) Suicide threats or attempts.

18 (2) Threats or acts of violence or attempted acts of
19 violence.

20 (3) Domestic abuse, including any violation of a
21 protection from abuse order, under 23 Pa.C.S. Ch. 61
22 (relating to protection from abuse) or a similar law in
23 another state.

24 (4) Cruelty to animals under 18 Pa.C.S. Ch. 55 Subch. B
25 (relating to cruelty to animals) or a similar law in another
26 state.

27 (5) Abuse of controlled substances or alcohol, or any
28 criminal offense that involves controlled substances or
29 alcohol.

30 (6) Unlawful or reckless use, display or brandishing of

1 a firearm.

2 (7) Recent acquisition or attempted acquisition of a
3 firearm.

4 (8) Any additional information the court finds to be
5 reliable, if it is otherwise admissible, including a
6 statement by the respondent.

7 § 64A05. Interim extreme risk protection order.

8 (a) Rule.--The court or hearing officer reviewing a petition
9 shall issue an interim extreme risk protection order if it
10 finds, by a preponderance of the evidence, that:

11 (1) the respondent presents a substantial risk of
12 suicide or of causing the death of, or serious bodily injury
13 to, another person; and

14 (2) the risk is imminent and other circumstances that
15 would make it safe to proceed by ordering a hearing under
16 section 64A06 (relating to hearing on petition) without
17 issuing an interim extreme risk protection order do not
18 exist.

19 (b) Contents of order.--An interim extreme risk protection
20 order shall include:

21 (1) The date and time the order was issued.

22 (2) Instructions for relinquishment of any firearm or
23 firearms license that the respondent owns or that is in the
24 respondent's possession or control.

25 (3) Notice of the penalties for violating the order.

26 (4) Notice of the provisions of 18 Pa.C.S. § 6128
27 (relating to abandonment of firearms, weapons or ammunition).

28 (5) If the order was issued by a court and a hearing is
29 scheduled under subsection (d), the following:

30 (i) notice of the time, date and location of the

1 hearing;

2 (ii) notice of the right to request a continuance
3 and instructions on requesting a continuance or waiving
4 the hearing;

5 (iii) notice of the fact that, at the hearing, or if
6 the hearing is waived, the court may extend the order for
7 up to one year; and

8 (iv) notice of the right to an attorney under
9 section 64A03 (relating to preliminary matters).

10 (6) If the order was issued by a hearing officer, notice
11 of the date upon which the order will expire.

12 (c) Duration.--An interim extreme risk protection order
13 issued by a hearing officer shall expire at the end of the next
14 business day the court deems itself available, but not more than
15 five days after the issuance of the interim order. An interim
16 extreme risk protection order issued by a court shall be in
17 effect until the hearing under subsection (d).

18 (d) Hearing following interim order.--If the court orders an
19 interim extreme risk protection order under subsection (a), the
20 court shall conduct a hearing on the petition within 10 days of
21 the date of the interim order.

22 (e) Request for continuance.--The respondent may request a
23 continuance on a hearing scheduled to take place after the
24 issuance of an interim order, which the court shall grant. No
25 hearing shall be continued except with the consent of the
26 respondent.

27 § 64A06. Hearing on petition.

28 (a) Rule.--Upon reviewing a petition filed under section
29 64A04 (relating to petition for extreme risk protection order),
30 the court may issue an order for a hearing on the petition,

1 which shall be conducted within 10 days of the date of the
2 petition.

3 (b) Request for continuance.--If the hearing is scheduled to
4 take place fewer than three business days after service of the
5 order, the court shall grant a continuance until at least three
6 business days after service if requested by the respondent. The
7 court shall notify the respondent of the respondent's right to a
8 continuance under this subsection.

9 (c) Failure to appear.--If the respondent waives the right
10 to be present at a hearing or fails to appear for a hearing on a
11 petition scheduled under this section, the court may proceed
12 with the hearing and may issue an extreme risk protection order
13 in the respondent's absence.

14 § 64A07. Notice to law enforcement.

15 (a) Notice.--The court or hearing officer issuing an order
16 under this chapter shall cause a copy of the order to be
17 delivered to the sheriff, the local law enforcement agency and
18 the Pennsylvania State Police.

19 (b) Entry into database.--Upon receipt of the order, the
20 Pennsylvania State Police shall cause the order to be entered
21 into the appropriate database so that notice of the order is
22 provided through the Pennsylvania Instant Check System and the
23 Federal Bureau of Investigation National Instant Criminal
24 Background Check System.

25 § 64A08. Service.

26 (a) Service.--Service of an extreme risk protection order or
27 an order for a hearing shall be made in person by the sheriff or
28 a law enforcement officer, as directed by the court or hearing
29 officer issuing the order. At the time of service, the sheriff
30 or law enforcement officer shall provide the respondent with a

copy of the petition.

(b) Return.--Immediately upon completion of service of an extreme risk protection order, the sheriff or law enforcement officer completing service shall make a return of service to the court and shall provide a copy of the return of service to the petitioner.

§ 64A09. Order after hearing.

(a) Hearing and order.--The court shall issue an extreme risk protection order after conducting a hearing ordered under section 64A05 (relating to interim extreme risk protection order) or 64A06 (relating to hearing on petition), or after the respondent waives the right to a hearing under section 64A05, if the court finds by clear and convincing evidence that the respondent presents a substantial risk of suicide or of causing the death of, or serious bodily injury to, another person.

(b) Duration.--An extreme risk protection order issued after a hearing shall be made effective for not less than three months nor more than one year.

(c) Contents of order.--The order shall include:

(1) The date and time the order was issued.

(2) Notice of the right to petition the court for a termination of the order.

(3) Instructions for relinquishment of any firearm that the respondent owns or that is in the respondent's possession or control, and any firearms license that is issued to the respondent.

(4) Notice of the provisions of 18 Pa.C.S. § 6128 (relating to abandonment of firearms, weapons or ammunition).

(5) Notice of the penalties for violating the order.

(6) Notice of the right to appeal to the Superior Court

1 within 30 days.

2 (d) Explanatory opinion.--The court shall issue a separate,
3 nonpublic explanatory opinion and shall provide the opinion to
4 the petitioner and respondent within seven days of the issuance
5 of the order.

6 § 64A10. Termination hearing.

7 (a) Petition.--A respondent subject to an extreme risk
8 protection order may petition the court at any time during the
9 effective period of the order for a hearing to determine whether
10 the order should be terminated.

11 (b) Notice.--Upon receipt of a request for a termination
12 hearing, the court shall set a date for the hearing and shall
13 provide notice of the hearing to the petitioner, the local law
14 enforcement agency and the Pennsylvania State Police.

15 (c) Hearing.--The court shall conduct a hearing and issue an
16 order on a petition to terminate an extreme risk protection
17 order within 10 business days of receiving the petition.

18 (d) Burden of proof.--At a termination hearing, the
19 respondent seeking termination of the order shall have the
20 burden of proving, by a preponderance of the evidence, that the
21 order was issued in error or that circumstances have changed,
22 and that the respondent does not present a substantial risk of
23 suicide or of causing the death of, or serious bodily injury to,
24 another person.

25 § 64A11. Extension of order.

26 A petition to extend an extreme risk protection order shall
27 state facts that support an extension of the order. The court
28 may deny the petition based on the information stated in the
29 petition or may schedule a hearing. The court shall provide
30 notice of the hearing to the petitioner, the respondent, the

local law enforcement agency and the Pennsylvania State Police.
If the court finds by clear and convincing evidence, based on
factors specified under section 64A04 (relating to petition for
extreme risk protection order), that the respondent continues to
present a substantial risk of suicide or of causing the death
of, or serious bodily injury to, another person, the court shall
extend the extreme risk protection order for a duration of no
fewer than three months and no more than one year from the date
of the order.

§ 64A12. Relinquishment of firearms.

(a) Rule.--An extreme risk protection order issued under
section 64A05 (relating to interim extreme risk protection
order) or 64A09 (relating to order after hearing) shall require
the relinquishment of all firearms owned by the respondent or in
the respondent's possession or control within 24 hours following
service of the order, except for cause shown, in which case the
court or hearing officer issuing the order shall specify the
time for relinquishment of any or all of the respondent's
firearms.

(b) Relinquishment upon service.--A law enforcement officer
or sheriff serving an extreme risk protection order shall
request that all firearms and any firearms license in the
respondent's possession or control be immediately relinquished
into the custody of the law enforcement officer or sheriff. A
law enforcement officer taking custody of a firearm or firearms
license under this subsection shall transfer the firearm or
firearms license to the sheriff or to a firearms dealer for
safekeeping.

(c) Subsequent relinquishment.--A respondent shall, within
the time frame specified in the order, relinquish to the sheriff

1 or a firearms dealer any firearm or license remaining in the
2 respondent's possession or control after the time of service. A
3 respondent relinquishing a firearm directly to a dealer shall,
4 within the time frame specified in the order, provide to the law
5 enforcement agency or sheriff a copy of the affidavit described
6 in subsection (f) in lieu of the firearm listed in the
7 affidavit. A sheriff accepting an affidavit in lieu of a firearm
8 shall file a copy with the court.

9 (d) Receipt.--A sheriff or law enforcement officer taking
10 custody of a firearm or license from a respondent shall provide
11 the respondent with a copy of a signed and dated receipt. The
12 receipt shall include a detailed description of each firearm and
13 its condition. The sheriff or law enforcement officer issuing
14 the receipt shall file the original receipt with the court.

15 (e) Transfer to firearms dealer.--A respondent whose firearm
16 is in the custody of a sheriff may request that the firearm be
17 transferred to a firearms dealer for consignment sale, lawful
18 transfer or safekeeping. Upon receiving the request, the sheriff
19 shall transport the firearm to a dealer at no cost to the
20 respondent or the dealer.

21 (f) Affidavit.--A firearms dealer accepting custody of a
22 firearm under this chapter shall provide the respondent, sheriff
23 or law enforcement officer from which the dealer accepts custody
24 with an affidavit on a form prescribed by the Pennsylvania State
25 Police. A sheriff or law enforcement officer delivering custody
26 of a firearm to a dealer shall file a copy of the affidavit with
27 the court.

28 (g) Contents of affidavit.--The affidavit shall include the
29 following:

30 (1) The caption of the case in which the extreme risk

1 protection order was issued.

2 (2) The name, address, date of birth and Social Security
3 number of the respondent.

4 (3) A list of all firearms relinquished to the dealer
5 and a detailed description of each firearm, including its
6 condition and, if applicable, the manufacturer, model and
7 serial number.

8 (4) The name and license number of the dealer and the
9 address of the licensed premises.

10 (5) An acknowledgment that the dealer will not return a
11 firearm to the respondent while the respondent is subject to
12 an extreme risk protection order.

13 (6) An acknowledgment that the firearm, if sold or
14 transferred, will be sold or transferred in compliance with
15 18 Pa.C.S. Ch. 61 (relating to firearms and other dangerous
16 articles), and that no firearm will be returned to a
17 respondent or any third party until the dealer has
18 independently confirmed that the person requesting return of
19 the firearm is legally eligible to possess firearms under
20 Federal and State law.

21 § 64A13. Return of firearms.

22 (a) Return to respondent.--Subject to subsection (c), if,
23 following a hearing, a court vacates an interim extreme risk
24 protection order, the court shall order the immediate return of
25 all relinquished firearms and licenses to the respondent. Upon
26 termination or expiration of an extreme risk protection order,
27 the respondent may request that the sheriff or firearms dealer
28 in possession of a relinquished firearm or license return the
29 firearm or license. Subject to subsection (c), the sheriff or
30 dealer shall return the firearm or license to the respondent as

1 soon as possible, but not later than the end of the next
2 business day after the day on which the respondent makes the
3 request.

4 (b) Third party claims.--A third party may request the
5 return of a relinquished firearm at any time by providing proof
6 of ownership and a sworn affidavit. Proof of ownership may
7 consist of a statement in the affidavit. The affidavit shall
8 affirm the following:

9 (1) The third party will not recklessly, knowingly or
10 intentionally return a firearm to a person subject to an
11 extreme risk protection order nor intentionally or knowingly
12 allow a person subject to an extreme risk protection order to
13 have access to a firearm.

14 (2) The third party understands that intentionally or
15 knowingly allowing a person subject to an extreme risk
16 protection order to have access to a firearm constitutes a
17 misdemeanor of the second degree under 18 Pa.C.S. § 6105(a.1)
18 (relating to persons not to possess, use, manufacture,
19 control, sell or transfer firearms), punishable by up to two
20 years' imprisonment and up to a \$5,000 fine and resulting in
21 a five-year prohibition on firearm acquisition or possession.

22 (3) If the third party is a member of the household of a
23 person who is subject to an extreme risk protection order,
24 that any firearm returned to the third party will be stored
25 either in a gun safe to which the person does not have and
26 will not be permitted to access, or in a location outside the
27 home to which the person does not have access.

28 (c) Background check.--Prior to returning a firearm to any
29 person other than a licensed dealer, the sheriff or firearms
30 dealer in possession of the firearm shall independently confirm

1 that the person requesting return of the firearm is legally
2 eligible to possess firearms under Federal and State law. The
3 sheriff or dealer receiving a request under subsection (a) shall
4 conduct the required background check as soon as possible, but
5 not later than the end of the next business day after the day on
6 which the respondent makes the request.

7 § 64A14. False allegations by petitioner.

8 (a) Offense.--It shall be a felony of the third degree for a
9 petitioner to knowingly, intentionally or recklessly make a
10 false statement under this section for an improper purpose.

11 (b) Restitution.--A person convicted of false reporting or
12 false swearing in a petition as determined by the court to have
13 acted in bad faith for the purpose of harassing the respondent
14 shall be ordered to pay full restitution to the respondent. For
15 purposes of this section, restitution shall include, but not be
16 limited to, reasonable attorney fees, costs of storage and other
17 expenses incurred by the respondent as a result of the false
18 reporting or false swearing.

19 § 64A15. Employment protection.

20 (a) Protection.--No public employee who is subject to an
21 extreme risk protection order may be terminated from employment
22 based upon the prohibition of possessing a firearm.

23 (b) Construction.--Nothing in this section shall be
24 construed to prohibit an employer from discharging or otherwise
25 disciplining a public employee for reasons other than the
26 prohibition of possessing a firearm.

27 § 64A16. Mental health and chemical dependency services.

28 During any proceeding under this chapter, the court shall
29 consider whether a mental health or chemical dependency
30 evaluation or any proceeding under the act of July 9, 1976

1 (P.L.817, No.143), known as the Mental Health Procedures Act, is
2 necessary, and may order an evaluation or proceeding as it deems
3 necessary.

4 § 64A17. Instructional and informational material.

5 The Office of Attorney General shall develop and prepare
6 instructions and informational brochures, standard petitions and
7 extreme risk protection order forms and a staff handbook on the
8 extreme risk protection order process. The following apply:

9 (1) The standard petition and order forms or petitions
10 or forms which are substantially similar must be used for all
11 petitions filed and orders issued under this chapter.

12 (2) The instructions, brochures, forms and handbook
13 shall be prepared in consultation with interested persons,
14 including representatives of gun violence prevention groups,
15 judges and law enforcement personnel. Materials shall be
16 based on best practices and available electronically online
17 to the public.

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

21 (4) The instructions and standard petition shall include
22 a means for a petitioner to identify, with only lay
23 knowledge, the firearms the respondent may own, possess,
24 receive or have in the respondent's custody or control. The
25 instructions shall provide pictures of types of firearms that
26 a petitioner may choose from to identify the relevant
27 firearms or an equivalent means to allow a petitioner to
28 identify firearms without requiring specific or technical
29 knowledge regarding firearms.

30 (5) The informational brochure shall describe the use of

1 and the process for obtaining, modifying and terminating an
2 extreme risk protection order under this chapter and provide
3 relevant forms.

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

8 You have the sole responsibility to avoid or refrain
9 from violating this order's provisions. Only the
10 court can change the order and only upon written
11 application.

12 (7) The staff handbook shall allow for the addition of a
13 community resource list by the clerk of court. All clerks of
14 court may create a community resource list of crisis
15 intervention, mental health, substance abuse, interpreter,
16 counseling and other relevant resources serving the county in
17 which the court is located. The clerk of court may make the
18 community resource list available as part of or in addition
19 to the informational brochure described in this section.

20 (8) The Office of Attorney General shall distribute a
21 master copy of the petition and order forms, instructions and
22 informational brochures to all clerks of court and shall
23 distribute a master copy of the petition and order forms to
24 all superior, district and municipal courts. Distribution of
25 all documents shall, at a minimum, be in an electronic format
26 or formats accessible to all courts and clerks of court in
27 this Commonwealth.

28 (9) The Office of Attorney General shall determine the
29 significant non-English-speaking or limited-English-speaking
30 populations in this Commonwealth. The Office of Attorney

1 General shall arrange for translation of the instructions and
2 informational brochures required by this section, which shall
3 contain a sample of the standard petition and order for
4 protection forms, into the languages spoken by those
5 significant non-English-speaking populations and shall
6 distribute a master copy of the translated instructions and
7 informational brochures to all clerks of court within one
8 year of the effective date of this paragraph.

9 (10) The Office of Attorney General shall update the
10 instructions, brochures, standard petition and extreme risk
11 protection order forms and staff handbook as necessary,
12 including when changes in the law necessitate an update.

13 Section 5. This act shall take effect in 90 days.