

2006 Protection From Abuse Act Amendments

What Every Pennsylvania Sheriff Should Know

1. The defendant has several choices for turning over firearms.

At the Temporary Order Phase: The defendant may either turn his firearms over to the sheriff at the time of service or he may turn them over to a third party who holds a safekeeping permit. The permit must be secured within 24 hours of service of the temporary order (or by the end of the next business day if the sheriff's office is closed). If the permit is not secured within that time period, the firearms must be relinquished to the sheriff until the third party obtains the safekeeping permit. 23 Pa. C.S.A. §§6108(a)(7)(i); 6108.3.

At the Final Order Phase: The defendant may use either of the above-mentioned options for firearms transfer. In addition, the defendant may transfer his firearms to a licensed firearm dealer. 23 Pa. C.S.A. §§ 6108(a)(7); 6108.2; 6108.3.

2. A new safekeeping permit must be issued for each case in which the court requires a defendant to relinquish firearms. 23 Pa. C.S.A. §6108.3.
3. The sheriff has authority to arrest the defendant and must notify the court if the defendant fails to transfer his firearms to the sheriff (or a third party with a safekeeping permit) within 24 hours of being served with the Temporary or Final Protection From Abuse Order. 23 Pa. C.S.A. §§ 6108 (a)(7); 6113(a); 6108.3.
4. The police or sheriff may search and seize any firearms the defendant may have in his possession when police or sheriff arrest him for violating the Protection From Abuse Order if a firearm was used during the violation of the order or during prior incidents of abuse. 23 Pa. C.S.A. §6113.
5. The defendant's right to have his firearms stored by any third party holding a safekeeping permit will be immediately revoked if the defendant is found guilty of indirect criminal contempt or the defendant is found guilty of any crime where he used a firearm. The firearms will be seized by the sheriff. 23 Pa. C.S.A. §§ 6108.3(c)(1) & (2).
6. If the third party holding the firearms has a Protection From Abuse Order issued against him or is prohibited from possessing firearms under federal or state law, that third party's safekeeping permit will be immediately revoked, and the firearms seized by the sheriff. The defendant may choose another person to apply for a safekeeping permit. 23 Pa. C.S.A. §§6108.3(c)(1) & (2).
7. The defendant may not be charged any fees for the return or storage of firearms. 23 Pa. C.S.A. §§6108.1(a).
8. The court must provide the sheriff with notice of any violations of the Protection From Abuse Order. 23 Pa. C.S.A. §§6114(b)(5).