

For Training Purposes Only

For all other uses consult 18 Pa.C.S. §6101 et. seq. or Act 79 of 2018

FIREARMS AND OTHER DANGEROUS ARTICLES

Subchapter A. Uniform Firearms Act
18 a.C.S. §6101 et. seq

18 Pa.C.S. §6105--Persons not to possess, use, manufacture, control, sell or transfer firearms

(c) Offense defined.--

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

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

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

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

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

18 Pa. C.S. §6105(a.1) Penalty. –

(2) A person who is the subject of an active **final** protection from abuse order issued pursuant to 23 Pa.C.S. §6108 (relating to relief), **is the subject of any other active protection from abuse order issued pursuant to 23 Pa.C.S. §6107 (b) (relating to hearings)**, which provided for the relinquishment of firearms or other weapons or ammunition during the period of time the order is in effect, **or is otherwise prohibited from possessing or acquiring a firearm under 18 U.S.C. §922 (g)(8) (relating to unlawful acts)**, commits a misdemeanor of the **second** degree if he intentionally or knowingly fails to relinquish a firearm or other weapon or ammunition to the sheriff **or appropriate law enforcement agency as defined in**

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23 Pa.C.S. §6102 (relating to definitions) as required by the order unless, in lieu of relinquishment, he provides an affidavit which lists the firearms or other weapons or ammunition to the sheriff in accordance with 23 Pa.C.S. §6108(a)(7)(i)(B), 6108.2 (relating to relinquishment for consignment sale, lawful transfer or safekeeping) or 6108.3 (relating to relinquishment to third party for safekeeping).

- (3) (i) A person commits a misdemeanor of the third degree if he intentionally or knowingly accepts possession of a firearm, other weapon or ammunition from **another** person he knows is the subject of **an active final protection from abuse order issued pursuant to 23 Pa.C.S. §6108** or an active protection from abuse order issued pursuant to 23 Pa.C.S. **§6107(b)**, which order provided for the relinquishment of the firearm, other weapon or ammunition during the period of time the order is in effect.
- (c) Other persons.—In addition to any person who has been convicted of any offense listed under subsection (b), the following persons shall be subject to prohibition of subsection (a):

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

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

- (i) the current or former spouse, parent or guardian of the victim;
 - (ii) a person with whom the victim shares a child in common;
 - (iii) a person who cohabits with or has cohabited with the victim as a spouse, parent or
 - (iv) guardian; or
 - (v) a person similarly situated to a spouse, parent or guardian of the victim;
- then the relationship need not be an element of the offense to meet the requirements of this paragraph.

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

§6105.2. Relinquishment of firearms and firearm licenses by convicted persons.

(a) Procedure.—

(1) A person subject to firearms disability pursuant to section 6105 (c)(9) (relating to persons not to possess, use, manufacture, control, sell or transfer firearms) shall relinquish any firearms under the person's possession or control to the appropriate law enforcement

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agency of the municipality as described in subsection (b) or to a dealer as described in subsection (c).

(2) The court of conviction shall order the relinquishment and the order shall be transmitted to the appropriate law enforcement agency of the municipality and to the sheriff of the county of which the person is a resident. The order shall contain a list of any firearm ordered relinquished.

(3) The person shall inform the court in what manner the person will relinquish the firearms.

(4) If the person is present in court at the time of the order, the person shall inform the court whether relinquishment will be made under subsection (b) or (c).

(b) Relinquishment to law enforcement agency.–

(1) Relinquishment to an appropriate law enforcement agency shall be made within a period not longer than 24 hours following conviction, except for cause shown, in which case the court shall specify the time for relinquishment of any or all of the person's firearms.

(2) In securing custody of the person's relinquished firearms, the law enforcement agency shall provide the person subject to the relinquishment order with a signed and dated written receipt, which shall include a detailed description of each firearm and its condition.

(3) As used in this subsection, the term "cause" shall be limited to facts relating to the inability of the person to retrieve a specific firearm within a period not longer than 24 hours due to the current location of the firearm.

(c) Relinquishment to dealer.–

(1) In lieu of relinquishment to the local law enforcement agency, the person subject to a court order may, within 24 hours or within the time ordered by the court upon cause being shown as in subsection (b), relinquish firearms to a dealer licensed pursuant to section 6113 (relating to licensing of dealers).

(2) The dealer may charge the person a reasonable fee for accepting relinquishment.

(3) The person shall obtain an affidavit from the dealer on a form prescribed by the Pennsylvania State Police, which shall include, at a minimum, the following:

(i) The caption of the case in which the person was convicted.

(ii) The name, address, date of birth and Social Security number of the person.

(iii) A list of the firearms, including the manufacturer, model and serial number.

(iv) The name and license number of the dealer licensed pursuant to section 6113 and the address of the licensed premises.

(v) An acknowledgment that the firearms will not be returned to the person, unless the person is no longer prohibited from possessing a firearm under Federal or State law or sold or transferred to a person the dealer knows is a member of the defendant's household.

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(vi) An acknowledgment that the firearms, if transferred, will be transferred in compliance with this chapter.

(4) Any person relinquishing a firearm pursuant to this subsection shall, within the specified time frame, provide to the appropriate law enforcement agency or the sheriff's office, or both, the affidavit required by this subsection and relinquish to the law enforcement agency any firearm ordered to be relinquished that is not specified in the affidavit.

(d) Notice of noncompliance.–

(1) If the person fails to relinquish any firearm within 24 hours or within the time ordered by the court upon cause being shown, the law enforcement agency shall, at a minimum, provide immediate notice to the court, the victim, the prosecutor and the sheriff.

(2) For purposes of this subsection, "victim" shall have the same meaning as "direct victim" in section 103 of the act of November 24, 1998 (P.L.882, No.111), known as the Crime Victims Act.

(e) Alternate relinquishment to dealer.–

(1) If the person relinquishes firearms to the appropriate law enforcement agency pursuant to subsection (b), the person may request that the appropriate law enforcement agency make one transfer of any such firearm to a dealer licensed pursuant to section 6113 within six months of relinquishment.

(2) If requesting a subsequent transfer, the person shall provide the appropriate law enforcement agency with the dealer affidavit described in subsection (c).

(3) The appropriate law enforcement agency shall make the transfer, if the person complies with this subsection, and may charge the person for any costs associated with making the transfer.

(f) Recordkeeping.–Any portion of an order or petition or other paper that includes a list of firearms ordered to be relinquished shall be kept in the files of the court as a permanent record and withheld from public inspection, except upon an order of the court granted upon cause shown, after redaction of information relating to the firearms, or as necessary by law enforcement and court personnel.

(g) Relinquishment of licenses.–

(1) A person convicted of a crime resulting in a firearm disability pursuant to section 6105(c)(9) shall also relinquish to the sheriff any firearm license issued under section 6106 (relating to firearms not to be carried without a license) or 6109 (relating to licenses) or 23 Pa.C.S. §6108.3 (relating to relinquishment to third party for safekeeping).

(2) The provisions of subsections (a) (2) and (3), (b), (d) and (f) shall also apply to firearm licenses of the person.

(h) Penalty.–A person convicted of a crime resulting in a firearm disability pursuant to section 6105 (c)(9) commits a misdemeanor of the second degree if the person intentionally or knowingly fails to relinquish a firearm or other weapon or ammunition to an appropriate law enforcement agency or a dealer in accordance with this section.

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(i) Definition.—As used in this section, the term “firearm” means any weapon which is designed to or may readily be converted to expel any projectile by the action of an explosive or the frame or receiver of any such weapon.

§6128. Abandonment of firearms, weapons or ammunition.

(a) General rule. Firearms, weapons or ammunition which are itemized on a list required under 23 Pa.C.S. §6108 (a)(7)(v) (relating to relief) or the possession or acquisition of which is prohibited under 18 U.S.C. §922 (g)(9) (relating to unlawful acts) and relinquished into or otherwise coming into the custody of a police department, Pennsylvania State Police, coroner, medical examiner, district attorney, sheriff or licensed dealer shall be deemed abandoned when:

(1) Relinquished by its lawful owner pursuant to court order or executed warrant and no written request to return or otherwise dispose of the firearms, weapons or ammunition is made by the lawful owner or the lawful owner’s attorney or duly appointed representative after a period of one year from the date an order of relinquishment or seizure has expired.

(2) Found, discovered or otherwise passed into the custody of the police department, Pennsylvania State Police, coroner, medical examiner, district attorney, sheriff or licensed dealer and no owner can be determined after a documented search of the database of firearms sales maintained by the Pennsylvania State Police is made at the time the firearms come into custody of the police department, Pennsylvania State Police, coroner, medical examiner, district attorney, sheriff or licensed dealer and is again made one year from the date of the first documented search.

(b) Methods of disposal.—If firearms, weapons or ammunition are deemed abandoned under subsection (a), the custodian may dispose of the firearms, weapons or ammunition by:

(1) Arranging for the sale of the firearms, weapons or ammunition to a federally licensed firearms dealer by sealed bid with proceeds of the sale to be retained by the custodian.

(2) Arranging for the lawful and complete destruction of the firearms, weapons or ammunition. Firearms, weapons or ammunition that cannot lawfully be sold to a federally licensed firearms dealer in this Commonwealth shall be destroyed.

(c) Limitation.—A custodian may not dispose of firearms, weapons or ammunition deemed abandoned under subsection (a)(1) without first notifying the person who relinquished the firearms, weapons or ammunition. If the person who relinquished the firearms, weapons or ammunition fails to respond within 20 days to the notice, the custodian may proceed with disposal of the firearms, weapons or ammunition. Notification shall be by certified mail to:

(1) an address where the person relinquishing the firearms, weapons or ammunition is now known by the custodian to reside;

(2) the last known address of the person relinquishing the firearms, weapons or ammunition;

(3) the address of the person relinquishing the firearms, weapons or ammunition which was provided at the time of relinquishment; or

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(4) the address of the person relinquishing the firearms, weapons or ammunition which is found after searching the available sources of address data maintained in the Commonwealth's databases of motor vehicle registration, motor vehicle driver licensing, occupational and professional licensure, corrections facilities and public assistance.

(d) Illegal seizure.—A custodian who sells or destroys seized firearms, weapons or ammunition with pending or unresolved evidentiary challenges to the legality of the seizure shall be liable to the lawful owner of the illegally seized firearms, weapons or ammunition for the actual value of the illegally seized firearms, weapons or ammunition plus reasonable attorney fees. Actual value shall be determined by the owner, who shall be required to obtain an estimate of value from a private third-party licensed firearms dealer.

(e) Public inspection.—A portion of an order or petition or other paper which includes a list of firearms or other weapons or ammunition in possession of a custodian under this section shall be withheld from public inspection except:

- (1) upon an order of a court granted upon cause shown;
- (2) as necessary, by law enforcement and court personnel; or
- (3) after redaction of information listing firearms, other weapons or ammunition.

(f) Definitions.—As used in this section, the following words and phrases shall have the same meanings given to them in this subsection unless the context clearly indicates otherwise:

"Custodian." A police department, Pennsylvania State Police, coroner, medical examiner, district attorney, sheriff or licensed dealer into whose custody firearms, weapons or ammunition has passed.

"Firearm." Any weapon which is designed to or may readily be converted to expel any projectile by the action of an explosive or the frame or receiver of any such weapon.

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