



City of Philadelphia

City Council
Chief Clerk's Office
402 City Hall
Philadelphia, PA 19107

BILL NO. 080018-A
(As Amended on Floor 4/3/2008)

Introduced January 24, 2008

Councilmembers Miller and Clarke

**Referred to the
Committee on Public Safety**

AN ORDINANCE

Amending Chapter 10-800 of The Philadelphia Code, entitled "Safety," by adding a new Section, entitled "Prohibited Possession, Sale and Transfer of Firearms by Persons Subject to Protection From Abuse Orders."

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Chapter 10-800 of The Philadelphia Code, entitled "Safety," is amended by adding a new Section 10-835 to read as follows:

§10-835. Prohibited Possession, Sale and Transfer of Firearms by Persons Subject to Protection From Abuse Orders.

(a) Prohibitions Relating to Acquiring or Purchasing Firearms. No person who is the subject of an active protection from abuse order, issued pursuant to 23 Pa.C.S. § 6108 (relating to relief), which order provides for the confiscation of firearms during its effective period, shall acquire or purchase any firearm during the period of time in which the order is in effect. This prohibition shall terminate upon the expiration or vacation of an active protection from abuse order, or portion thereof relating to the confiscation of firearms.

(b) Prohibitions Relating to Possessing Firearms. No person who is the subject of an active protection from abuse order, issued pursuant to 23 Pa.C.S. § 6108 (relating to relief), shall possess, use, control, manufacture or obtain a license to possess, use, control or manufacture any firearm during the period of time in which the order is in effect. This prohibition shall terminate upon the expiration or vacation of an active protection from abuse order.

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(c) Permissible Transfers to Eligible Persons. A person who is prohibited from possessing, using, controlling or manufacturing a firearm under paragraph (b) shall have a reasonable period of time, not to exceed 72 hours from the date such protection from abuse order takes effect, 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. All sales and transfers by prohibited persons under this subsection shall be reported to the Police Department within 24 hours of each sale or transfer.

(d) Hearings. Within seventy-two (72) hours after service of a temporary protection from abuse order arising out of an ex parte proceeding conducted pursuant to 23 Pa.C.S.A. § 6107(b), a person subject to such temporary order shall have the right to petition the Philadelphia Court of Common Pleas for an emergency hearing to challenge the application of this section to such person. The filing of a petition for an emergency hearing shall act to toll the time limitations imposed under subsection (c).

(e) Penalties. The penalty for violation of this Section shall be a fine of not more than three hundred dollars (\$300.00), or imprisonment of not more than ninety (90) days, or both. The fine may be imposed through the confiscation of the illegally obtained or possessed firearm by the City of Philadelphia Police Department, said weapon to be melted down or rendered inoperable thereafter.

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