WEST NORRITON TOWNSHIP POLICE DEPARTMENT

Subject: Relinguishment of Weapons		Policy # 4.10.2
Accreditation 4.10.2		
Effective Date: May 17, 2021	Revised Date:	
By Authority Of: Chief Michael A. Kelly	Signature: Michael A. Kelly	

4.10.2 RELINGUISHMENT OF WEAPONS

A. PROCEDURE:

1. Act 79 created new procedures regarding the relinquishment of firearms, firearms licenses, ammunition, and other weapons by a defendant named in a PFA order or a person convicted of a misdemeanor crime of violence requiring relinquishment. Act 79 provides for the following, effective April 10, 2019:

    a. Firearms can no longer be given to friends or family for safekeeping.
    b. Firearms, firearms licenses, ammunition, and other weapons can be relinquished to any law enforcement agency, sheriff's office, federal firearms licensed dealer, a licensed commercial armory, and certain third parties.
    c. Firearms, firearms licenses, ammunition and other weapons must be relinquished within 24 hours of the issuance of a Final Protection Order, the service of a Temporary Protection Order, or Relinquishment Order for Conviction of Crime unless special ("good cause") circumstances exist.
    d. The Protection from Abuse Database (PFAD) is a web-based application that has been modified to encompass the new requirements of Act 79. Users include prothonotary/courts, state/municipal law enforcement, sheriff's office, federal firearms license holders and others. The new modifications incorporate the entire process from the creation of the PFA through its service by law enforcement and finally the relinquishment and return of the firearms, ammunition, and other weapons.
    e. PFAD will send automatic messages using the Commonwealth Law Enforcement Assistance Network (CLEAN) to agencies notifying them of PFAs as they relate to firearms relinquishment.
    f. The court's order shall require the defendant to relinquish such firearms, ammunition or other weapons and any firearm license within 24 hours of the service of a Temporary Order or the entry of a Final Order or the close of the next business day as necessary by closure of the Sheriff's Office, except for cause shown at the hearing, in which case the court shall specify the time for relinquishment of all of the defendant's firearms.
    g. A defendant subject to a temporary order requiring the relinquishment for firearms, ammunition or other weapons shall, in lieu of relinquishing specific firearms, other weapons or ammunition, which cannot be reasonable retrieved within the time frame for relinquishment due to their current location, provide the sheriff or the appropriate law enforcement agency with

an affidavit listing the firearms, ammunition or other weapon and their current location.

h. If the defendant, within the time for relinquishment fails to provide the affidavit or fails to relinquish any firearm, ammunition or other weapon ordered to be relinquished which are not specified in the affidavit, the sheriff or the appropriate law enforcement agency shall, at a minimum, provide immediate notice to the court, the plaintiff and appropriate law enforcement authorities.
i. The defendant shall not possess any firearms, ammunition or other weapons specifically listed in the affidavit provided to the sheriff or the appropriate law enforcement agency pursuant to his clause during the duration of the temporary order.

2. Relinquishments pursuant to Act 79 of 2018:

   a. When an order from the court is presented, which orders the relinquishment of any firearms, ammunition or other weapons, the West Norriton Twp. PD shall accept and secure the firearms, ammunition or other weapons being relinquished immediately and without delay **(PLEAC 4.10.2).**
   b. In securing custody of a relinquished firearm, ammunition or other weapons, the receiving officer shall immediately provide the subject who is relinquishing with a signed and dated written receipt, which shall include a detailed description of each item and its condition, in compliance with 18 Pa.C.S. §6105.2(b) (2) (related to relinquishment of firearms and firearms licenses) **(PLEAC 4.10.2.A)**.

      i. The signed and dated receipt shall be the form prescribed by the Commonwealth of Pennsylvania.
      ii. If securing large amounts of ammunition, there may be a general descriptor attached to the entry, but it should include the caliber, type, and estimated quantity.
      iii. West Norriton Twp. PD property/evidence management requirements apply for reporting and final disposition of the firearms, ammunition or other weapons collected.

3. PFAD Entry and Tracking:

   a. To facilitate the statutory mandate, the Pennsylvania State Police (PSP) and Pennsylvania Coalition Against Domestic Violence have developed a process within the Protection from Abuse Database (PFAD) system to help record, monitor and track these relinquishments.
   b. The West Norriton Twp. PD has designated members for meeting data entry requirements. These members will be responsible to input firearms, ammunition, and other weapons into the PFAD in the event a defendant relinquishes these items to the West Norriton Twp. PD.

c. The PFAD entry does not substitute entry into the West Norriton Twp. PD RMS and property/evidence management system or for other requirements under the Act.
d. Subjects relinquishing firearms, ammunition or other weapons may do so at any time and the West Norriton Twp. PD will be required to update the PFAD system as soon as reasonably practical.

4. Disposition and Return of Firearms, Ammunition or Other Weapons:

   a. Firearms, ammunition, and other weapons relinquished to the West Norriton Twp. PD shall be maintained and stored in the West Norriton Twp. PD facility in a manner consistent with agency policies regarding evidence management.
   b. Upon any court order presented, which orders the return of any relinquished firearms, ammunition or other weapons, the West Norriton Twp. PD shall comply with said order, providing the following conditions for return have been met in compliance with 18 Pa.C.S. §6108.1 (a.1) (related to Return of relinquished firearms, other weapons and ammunition and additional relief):

      i. The firearms, other weapons or ammunition relinquished must not be evidence of a crime (18 Pa.C.S. §6108.1 (a.1) (1)) **(PLEAC 4.10.2.B.1)**.
      ii. The defendant or owner must not be otherwise prohibited by applicable Federal or State law, or another condition, including, but not limited to, bail, from taking possession of the firearms, other weapons or ammunition seized (18 Pa.C.S. §6108.1 (a.1)(2)) **(PLEAC 4.10.2.B.2)**.
      iii. The defendant or owner must have been given a clearance by the Pennsylvania State Police Instant Check System Unit (PICS) or through the National Instant Criminal Background Check System (NICS), requested by the Sherriff's Office (18 Pa.C.S. §6108.1 (a.1)(3)) **(PLEAC 4.10.2.B.3)**.

   c. In all instances where firearms, ammunition or other weapons are returned, the returning officer shall complete supplemental reporting in the West Norriton Twp. PD RMS which includes all details of the transaction related to the return and disposition and also includes updates to the West Norriton Twp. PD property/evidence management system for proper accounting.

5. Reporting and Document Assistance:

   a. Police department reporting is required for all aspects of the relinquishing, handling, collection and disposition of firearms, ammunition and other weapons relinquished pursuant to Act 79.
   b. The Montgomery County District Attorney's Office has provided assistive guidance relating to the necessary procedures and the completion of forms associated with the provisions of Act 79 and the PFA process. Refer to the **Montgomery County District Attorney's Office Memorandum relating to Firearms Relinquishment Procedure Pursuant to Act 79 of December 6, 2019 that is included with the order as APPENDIX A.**