



Legislation Details (With Text)

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Enactment date: 4/2/2019 **Enactment #:** 16

Effective date: 4/9/2019

Title: An Ordinance amending and supplementing the Pittsburgh Code of Ordinances at Title VI: Conduct, Article XI: Weapons, by adding Chapter 1106: Prevention of Extreme Risk to Children and Chapter 1107: Extreme Risk Protection Orders.
(Public Hearing held 1/24/19; Post Agenda held 2/12/19)

Sponsors: Corey O'Connor, Erika Strassburger, Bruce A. Kraus, R. Daniel Lavelle, Reverend Ricky V. Burgess, Deborah L. Gross

Indexes: PGH. CODE ORDINANCES TITLE 06 - CONDUCT

Code sections:

Attachments: 1. 2018-1220 VERSION 2, 2. 2018-1220 [Resource A] An Updated Assessment of the Federal Assault Weapons Ban- Impacts on Gun Markets and Gun Violence, 1994-2003, 3. 2018-1220 [Resource B] Gunshot wounds, ballistics, bullets, weapons, 4. 2018-1220 [Resource C] Declaration of John J. Donohue, 5. 2018-1220 [Resource D] Declaration of Lucy P. Allen, 6. 2018-1220 [Resource E] Criminal Use of Assault Weapons and High-Capacity Firearms- An Updated Examination of Local and National Sources, 7. 2018-1220 [Resource F] The Impact of State and Federal Assault Weapons Bans on Public Mass Shootings, 8. 2018-1220 [Resource G] Lethality of Civilian Active Shooter Incidents, 9. 2018-1220 [Resource H] Mass Casualty Shooting Venues, Types of Firearms, and Age of Perpetrators in the United States, 1982-2018, 10. 2018-1220 [Resource I] Changes in US Mass Shooting Deaths Associated With the 1994-2004 Federal Assault Wapon Ban, 11. 2018-1220 [Summary A] An Updated Assessment of the Federal Assault Weapons Ban, 12. 2018-1220 [Summary B] Gunshot Wounds- A Review of Ballistics, Bullets, Weapons, and Myths, 13. 2018-1220 [Summary C] Declaration of John J. Donohue, 14. 2018-1220 [Summary D] Declaration of Lucy P. Allen, 15. 2018-1220 [Summary H] Mass Casualty Shooting Venues, Types of Firearms, and Age of Perpetrators in the United States, 1982-2018, 16. 2018-1220 [Summary E] Criminal Use of Assault Weapons and High-Capacity Firearms- an Update Examination of Local and National Sources, 17. 2018-1220 [Summary F] The Impact of State and Federal Assault Weapons Bans on Public Mass Shootings, 18. 2018-1220 [Summary G] Lethality of Civilian Active Shooter Incidents, 19. 2018-1220 [Summary I] Changes in US Mass Shooting Deaths Associated With the 1994-2004 Federal Assault Wapon Ban

Date	Ver.	Action By	Action	Result
4/9/2019	3	Mayor	Signed by the Mayor	
4/2/2019	3	City Council	AMENDED BY SUBSTITUTE	Pass
4/2/2019	3	City Council	Passed Finally, As Amended	Pass
3/27/2019	2	Standing Committee	Affirmatively Recommended	Pass
3/20/2019	2	Standing Committee	AMENDED BY SUBSTITUTE	Pass
3/20/2019	2	Standing Committee	Held in Committee	Pass
3/13/2019	1	Standing Committee	Motion	Pass
3/13/2019	1	Standing Committee	Held in Committee	Pass

2/12/2019	1	Committee on Hearings	Post Agenda Held	
1/24/2019	1	Committee on Hearings	Public Hearing Held	
1/9/2019	1	Standing Committee	Held for Cablecast Post Agenda	
1/3/2019	1	Standing Committee	Held for Cablecast Public Hearing	Pass
12/18/2018	1	City Council	Read and referred	

An Ordinance amending and supplementing the Pittsburgh Code of Ordinances at Title VI: Conduct, Article XI: Weapons, by adding Chapter 1106: Prevention of Extreme Risk to Children and Chapter 1107: Extreme Risk Protection Orders.

(Public Hearing held 1/24/19; Post Agenda held 2/12/19)

The Council of the City of Pittsburgh hereby enacts:

SECTION 1. Article XI: Weapons shall provide as follows in Chapter 1106 Prevention of Extreme Risk to Children:

§ 1106.01 DEFINITIONS

A. Applicable definitions set forth in §§ 1101.01, 1102.01 and 1104.01 shall also apply in this Chapter 1106.

§ 1106.02 PREVENTION OF UNAUTHORIZED USES OF FIREARMS BY MINORS

A. A Firearm’s custodian shall be in violation of this Section if:

1. A minor gains access to and uses the Firearm; and
2. The Firearm’s custodian knew or reasonably should have known that a minor was likely to gain access to the Firearm.

B. For purposes of this Section, “use” of a Firearm does not include possession, ownership, transportation or transfer. “Use” of a Firearm shall include, but is not limited to:

1. Discharging or attempting to discharge the Firearm;
2. Loading the Firearm with Ammunition;
3. Brandishing the Firearm;
4. Pointing the Firearm at any person; and
5. Employing the Firearm for any purpose prohibited by the laws of Pennsylvania or of the United States.

C. The provisions of this Section shall not apply if:

1. The minor gains access to the Firearm as the result of an illegal entry to any premises by any person;

2. The Firearm is stored in a locked box, locked gun safe, or other secure, locked space, or is secured with a trigger lock or other similar device that is properly engaged so as to render the Firearm inoperable by any person other than the Firearm's custodian or other lawfully authorized user;
3. The Firearm is carried on the person of the Firearm's custodian or within close enough proximity thereto that the Firearm's custodian can readily retrieve and use the Firearm as if carried on the person;
or
4. The minor uses the Firearm in a lawful act of self-defense or defense of another person.
5. The minor was lawfully given authorization to use the Firearm by the minor's parent or legal guardian.

D. For purposes of this Section, "Firearm's custodian" means the person who exercises custody or control over the Firearm.

E. For purposes of this Section, "minor" means a person under 18 years of age.

F. For purposes of this Section, the term "brandishing" means, with respect to a Firearm, to display all or part of the Firearm, or otherwise make the presence of the Firearm known to another person, in order to intimidate that person, regardless of whether the Firearm is directly visible to that person.

§ 1106.03 PENALTIES FOR VIOLATIONS

A. Any person found in violation of this Chapter 1106 shall be fined up to \$1,000 and costs for each offense.

§ 1106.04 APPLICATION OF CHAPTER

A. This Chapter 1106 shall not be interpreted so as to exempt any person from requirements codified elsewhere in Article XI.

§ 1106.05 EFFECTIVE DATE

A. This Chapter 1106 shall take effect 60 days after its enactment.

§ 1106.06 SEVERABILITY

A. Severability is intended throughout and within the provisions of this Article XI: Weapons. If any section, subsection, sentence, clause, phrase, or portion of this Article XI: Weapons is held to be invalid or unconstitutional by a Court of competent jurisdiction, then that decision shall not affect the validity of the remaining portions of this Chapter or this Article XI: Weapons, nor shall any finding that this Chapter or any portion thereof is invalid or unconstitutional affect the validity of any other chapter that is a part of this Article

XI: Weapons. Court

§ 1106.07 FINDINGS AND PURPOSE

A. For the purposes of this Chapter, the City Council does hereby find that:

1. The first duty of the governments of the City of Pittsburgh and the Commonwealth of Pennsylvania is to protect their people; and
2. Gun violence and gun suicides present a public health and public safety crisis in the United States; and
3. From 2013 to 2017, the Centers for Disease Control and Prevention reported that the average number of Firearm deaths for all ages was 36,383 per year, and the average number of Firearm deaths for persons under 18 years old was 1,499 per year; and
4. From 2013 to 2017, 7,517 Pennsylvania residents died from a Firearm injury, including 301 children under the age of 18; and
5. From 2013 to 2017, a child or teen under the age of 18 was killed by gunfire in Pennsylvania every 6 days, on average; and
6. Law enforcement agencies in Pittsburgh and Allegheny County have partnered with the National Shooting Sports Foundation to distribute free gun locks to Pittsburgh residents through Project ChildSafe; and
7. A February 2018 Politico/Morning Consult poll found that 76 percent of registered voters across America supported requiring that all gun owners store their guns in a safe storage unit; and
8. Every year in the United States, on average, more than 250 children under 18 gain access to a gun and unintentionally shoot themselves or someone else, and nearly 600 more die by suicide performed with a gun; and
9. Storing household guns locked, unloaded, or separate from the Ammunition is associated with reductions in the risk of self-inflicted shootings among, and unintentional shootings by, children and teenagers; and
10. An estimated 4.6 million American children and teens under 18 still live in homes with at least one gun that is loaded and unlocked despite the lifesaving effect that responsible gun storage can have; and
11. Available evidence, as compiled by the RAND Corporation, indicates that child access prevention laws or safe storage laws reduce self-inflicted fatal or nonfatal Firearm injuries among youth and reduce unintentional Firearm injuries or unintentional Firearm deaths among children; and
12. Over 22,000 Americans every year, including over 1,000 children and teens, die by Firearm suicide; and
13. A meta-analysis of 14 different scientific studies concluded that access to a Firearm triples the risk

of death by suicide of anyone in the household; and

14. Among commonly used methods of self-harm, Firearms are by far the most lethal, with a fatality rate of approximately 85 percent, compared to less than five percent with other methods, such that while Firearms are used in less than six percent of suicide attempts, over half of suicide deaths result from suicide attempts performed with Firearms; and

15. The City Council recognizes that 18 Pa. C.S. § 6120(a) and 53 Pa. C.S. § 2962(g) restrict municipal regulation of ownership, possession, transfer, and transportation of Firearms, Ammunition, and Ammunition components; and

16. The City Council also recognizes its responsibility to respect governing law, and thus may not impose a prohibition on ownership, possession, transfer, or transportation of Firearms, Ammunition, and Ammunition components unless and until governing law allows it to become effective; and

17. The United States Supreme Court has recognized that the right protected by the Second Amendment is not absolute. The Pennsylvania Supreme Court has recognized likewise with regard to Article I, section 21 of the Pennsylvania Constitution; and

18. The City Council has authority to legislate regarding the use of Firearms, as distinguished from their ownership, possession, transfer, or transportation, in order to protect members of the public.

SECTION 2. Article XI: Weapons shall provide as follows in Chapter 1107 Extreme Risk Protection Orders:

§ 1107.01 SCOPE OF CHAPTER

A. This Chapter 1107 relates to Extreme Risk Protection Orders.

§ 1107.02 DEFINITIONS

A. Applicable definitions set forth in §§ 1101.01, 1102.01 and 1104.01, and not otherwise expressly defined in this Chapter 1107, shall also apply in this Chapter 1107.

B. **Court.** The Pittsburgh Municipal Court.

C. **Extreme Risk Protection Order.** A Court order prohibiting a person from having in the person's possession or control, purchasing or receiving or attempting to purchase or receive, a Firearm, based upon a finding that the person presents a risk of suicide or of causing the death of, or Serious Bodily Injury to, another person through the use of a firearm.

D. **Family or Household Member.** Spouses or persons who have been spouses, persons living as spouses or who lived as spouses, parents and children, other persons related by first-degree consanguinity or affinity, current or former sexual or intimate partners or persons who share biological parenthood.

E. **Firearms Dealer or Dealer.** A person licensed to sell Firearms under 18 Pa. C.S. § 6113 (relating to

licensing of Dealers).

F. 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.

G. Law Enforcement Officer. A City of Pittsburgh police officer who is empowered by law to conduct investigations of or to make an arrest for an offense enumerated in this Chapter 1107 or an equivalent crime in another jurisdiction and an attorney authorized by law to prosecute or participate in the prosecution of such offense.

H. 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 of a bodily member or organ.

§ 1107.03 PRELIMINARY MATTERS

A. The following individuals shall have standing to file a petition requesting that the Court issue an Extreme Risk Protection Order or renew an existing Extreme Risk Protection Order:

1. A Law Enforcement Officer; or
2. A Family or Household Member of a person believed to present a risk of suicide or of causing the death of, or extreme bodily injury to, another person through the use of a firearm.

B. No filing fee may be charged for a petition under this Chapter 1107.

C. An Extreme Risk Protection Order is effective at the time of service.

D. A respondent under this Chapter 1107 shall have the right to be represented by counsel. If the respondent cannot afford an attorney and meets the income guidelines applicable to representation by a public defender in a criminal case, the Court shall appoint counsel upon the request of the respondent.

§ 1107.04 PETITION FOR EXTREME RISK PROTECTION ORDER

A. A petition for an Extreme Risk Protection Order shall set forth facts that demonstrate the risk presented by the respondent's ability to purchase Firearms or have possession or control of Firearms, and shall describe the number, types and locations of any Firearms known or believed to be owned by the respondent or known or believed to be in the respondent's possession or control.

B. A petition for an Extreme Risk Protection Order, at the time of the filing, shall also identify all known restraining orders, orders of protection, and pending lawsuits, complaints, petitions, or actions pending, active, or filed within one year prior to the petition for an Extreme Risk Protection Order involving the respondent, including, but not limited to, an order entered pursuant to 23 Pa. C.S. Ch. 61 (relating to protection from abuse).

C. The Court may consider all relevant evidence, but in no case shall an order be issued under § 1107.05 (relating to interim Extreme Risk Protection Order) or § 1107.09 (relating to order after hearing) absent a

demonstration of risk due to behaviors or events occurring in the preceding 24 months.

D. In determining whether grounds exist to issue an Extreme Risk Protection Order, the Court shall consider evidence of the following factors and the recency of any behaviors or events:

1. Suicide threats or attempts.
2. Threats or acts of violence or attempted acts of violence.
3. Domestic abuse, including any violation of a protection from abuse order, under 23 Pa. C.S. Ch. 61 (relating to protection from abuse) or a similar law in another state.
4. Cruelty to animals under 18 Pa. C.S. Ch. 55 Subch. B (relating to cruelty to animals) or a similar law in another state.
5. Abuse of controlled substances or alcohol, or any criminal offense that involves controlled substances or alcohol.
6. Unlawful or reckless use, display or brandishing of a Firearm.
7. Recent acquisition or attempted acquisition of a Firearm.
8. The possession, use or control of a Firearm as a part of the respondent's employment.
9. Any additional information the Court finds to be reliable, including a statement by the respondent.

E. For purposes of this Section, the term "brandishing" means, with respect to a Firearm, to display all or part of the Firearm, or otherwise make the presence of the Firearm known to another person, in order to intimidate that person, regardless of whether the Firearm is directly visible to that person.

§ 1107.05 INTERIM EXTREME RISK PROTECTION ORDER

A. The Court reviewing a petition shall issue an interim Extreme Risk Protection Order if it finds, by a preponderance of the evidence, that:

1. The respondent presents a risk of suicide or of causing the death of, or Serious Bodily Injury to, another person through the use of a firearm; and
2. The risk is imminent and other circumstances that would make it safe to proceed by ordering a hearing under § 1107.06 (relating to hearing on petition) without issuing an interim Extreme Risk Protection Order do not exist.

B. An interim Extreme Risk Protection Order shall include:

1. The date and time the order was issued.
2. Instructions for relinquishment of any Firearm or Firearms license that the respondent owns or that is

in the respondent's possession or control.

3. Notification of the penalties for violating the order.

4. If the order was issued by a Court and a hearing is scheduled under § 1107.05(D), the order shall include:

- a. Notice of the time, date and location of the hearing;
- b. Notice of the right to request a continuance, and instructions on requesting a continuance or waiving the hearing;
- c. Notice of the fact that, at the hearing, or if the hearing is waived, the Court may extend the order for up to one year; and
- d. Notice of the right to an attorney under § 1107.03 (relating to preliminary matters).

C. An interim Extreme Risk Protection Order issued by a Court shall be in effect until following a hearing it is either vacated or terminated.

D. If the Court orders an interim Extreme Risk Protection Order under § 1107.06(A), the Court shall schedule a hearing on the petition to be held no more than 10 days from the date of the order.

E. The respondent may request a continuance on a hearing scheduled to take place after the issuance of an interim order, which the Court shall grant. No hearing shall be continued except with the consent of the respondent.

§ 1107.06 HEARING ON PETITION

A. Upon reviewing a petition filed under § 1107.04 (relating to petition for Extreme Risk Protection Order), the Court may issue an order for a hearing on the petition, which shall be scheduled to be held no more than 10 days from the date of the petition.

B. If the hearing is scheduled to take place fewer than three business days after service of the order, the Court shall grant a continuance until at least three business days after service, if requested by the respondent. The Court shall notify the respondent of the respondent's right to a continuance under this § 1107.06.

C. If the respondent waives the right to be present at a hearing or fails to appear for a hearing on a petition scheduled under this § 1107.06, the Court may proceed with the hearing and may issue an Extreme Risk Protection Order in the respondent's absence.

§ 1107.07 NOTICE TO LAW ENFORCEMENT

A. The Court issuing an Extreme Risk Protection Order, an order for a hearing, or an order renewing, vacating or terminating an Extreme Risk Protection Order shall cause a copy of the order to be delivered to the sheriff, the local law enforcement agency and the Pennsylvania State Police.

B. Upon receipt of an Extreme Risk Protection Order or an order renewing, vacating or terminating an Extreme Risk Protection Order, the City of Pittsburgh Bureau of Police shall advise the Pennsylvania State Police and request or cause the Pennsylvania State Police to enter the order into the appropriate database so that notice of the order is provided through the Pennsylvania Instant Check System and the Federal Bureau of Investigation National Instant Criminal Background Check System.

§ 1107.08 SERVICE

A. Service of an Extreme Risk Protection Order or an order for a hearing shall be made in person by the sheriff or a Law Enforcement Officer, as directed by the Court issuing the order. At the time of service, the sheriff or Law Enforcement Officer shall provide the respondent with a copy of the petition.

B. 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.

§ 1107.09 ORDER AFTER HEARING

A. The Court shall issue an Extreme Risk Protection Order after conducting a hearing ordered under § 1107.05 (relating to interim Extreme Risk Protection Order) or § 1107.06 (relating to hearing on petition), or after the respondent waives the right to a hearing under § 1107.05, if the Court finds by clear and convincing evidence that the respondent presents a risk of suicide or of causing the death of, or Serious Bodily Injury to, another person through the use of a firearm.

B. An Extreme Risk Protection Order issued after a hearing shall be made effective for no less than three months nor more than one year.

C. The order shall include:

1. The date and time the order was issued.
2. The time frame and manner in which the respondent may request a termination hearing.
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. Notification of the penalties for violating the order.

§ 1107.10 TERMINATION HEARING

A. A respondent subject to an Extreme Risk Protection Order may submit one written request at any time during the effective period of the order for a hearing to determine whether the order should be terminated.

B. Upon receipt of a request for a termination hearing, the Court shall set a date for the hearing and shall provide notice of the hearing to the petitioner, the City of Pittsburgh Bureau of Police or other appropriate local

law enforcement agency and the Pennsylvania State Police.

C. At a termination hearing, the respondent seeking termination of the order shall have the burden of proving, by clear and convincing evidence, that the respondent does not present a risk of suicide or of causing the death of, or Serious Bodily Injury to, another person through the use of a firearm.

§ 1107.11 RENEWAL OF ORDER

A. A petition to renew an Extreme Risk Protection Order shall set forth facts that support a renewal of the order. The Court may deny the petition based on the information set forth in the petition or may schedule a hearing. The Court shall provide notice of the hearing to the petitioner, the respondent, the local law enforcement agency and the Pennsylvania State Police.

B. If the Court finds by clear and convincing evidence, based on factors set forth under § 1107.04 (relating to petition for Extreme Risk Protection Order), that the respondent continues to present a risk of suicide or of causing the death of, or Serious Bodily Injury to, another person through the use of a firearm, the Court may renew 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.

C. The following limitations shall apply:

1. A petition under this § 1107.11 must be filed at least 60 days prior to the expiration of the order.
2. A renewal hearing shall take place no later than 30 days prior to the expiration date set in an existing order.
3. No Extreme Risk Protection Order may be renewed more than twice under this § 1107.11.

§ 1107.12 RELINQUISHMENT OF FIREARMS

A. An Extreme Risk Protection Order issued under § 1107.05 (relating to interim Extreme Risk Protection Order) or § 1107.09 (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 issuing the order shall specify the time for relinquishment of any or all of the respondent's Firearms.

B. 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 § 1107.12(B) shall transfer the Firearm or Firearms license to the sheriff or to a Firearms Dealer for safekeeping.

C. A respondent shall, within the time frame specified in the order, relinquish to the sheriff or a Firearms Dealer any Firearm or license remaining in the respondent's possession or control after the time of service. A respondent relinquishing a Firearm directly to a Dealer shall, within the time frame specified in the order, provide to the law enforcement agency or sheriff a copy of the affidavit described in § 1107.12(F) in lieu of the Firearm listed in the affidavit. A sheriff accepting an affidavit in lieu of a Firearm shall file a copy with the

Court.

D. A sheriff or Law Enforcement Officer taking custody of a Firearm or license from a respondent shall provide the respondent with a copy of a signed and dated receipt. The receipt shall include a detailed description indicating the serial number and condition of each Firearm and notification that Firearms will be deemed abandoned when the conditions under 18 Pa. C.S. § 6128(a) (relating to abandonment of Firearm, weapon or Ammunition) are satisfied, and may then be disposed of in accordance with 18 Pa. C.S. § 6128. The sheriff or Law Enforcement Officer issuing the receipt shall file the original with the Court.

1. In addition, the appropriate law enforcement agency shall be liable to the lawful owner of said confiscated, seized or relinquished Firearm for any loss, damage or substantial decrease in value of said Firearm that is a direct result of a lack of reasonable care by the appropriate law enforcement agency.

E. A respondent whose Firearm is in the custody of a sheriff may request that the Firearm be transferred to a Firearms Dealer for consignment sale, lawful transfer or safekeeping. Upon receiving the request, the sheriff shall transport the Firearm to a Dealer at no cost to the respondent or the Dealer.

F. A Firearms Dealer accepting custody of a Firearm under this Chapter 1107 shall provide the respondent, sheriff or Law Enforcement Officer from which the Dealer accepts custody with an affidavit. A sheriff or Law Enforcement Officer delivering custody of a Firearm to a Dealer shall file a copy of the affidavit with the Court.

G. The affidavit shall include the following:

1. The caption of the case in which the Extreme Risk Protection Order was issued.
2. The name, address, date of birth and Social Security number of the respondent.
3. A list of all Firearms relinquished to the Dealer and a detailed description of each Firearm, including its condition and, if applicable, the manufacturer, model and serial number.
4. The name and license number of the Dealer and the address of the licensed premises.
5. An acknowledgment that the Dealer will not return a Firearm to the respondent while the respondent is subject to an Extreme Risk Protection Order.
6. An acknowledgment that the Firearm, if sold or transferred, will be sold or transferred in compliance with 18 Pa. C.S. Ch. 61 (relating to Firearms and other dangerous articles), and that no Firearm will be returned to a respondent or any third party until the Dealer has independently confirmed that the person requesting return of the Firearm is legally eligible to possess Firearms under Federal and State law.

§ 1107.13 RETURN OF FIREARMS

A. Subject to § 1107.13(C), if, following a hearing, a Court vacates an interim Extreme Risk Protection Order, the Court shall order the immediate return of all relinquished Firearms and licenses to the respondent. Upon termination or expiration of an Extreme Risk Protection Order, the respondent may request that the sheriff or Firearms Dealer in possession of a relinquished Firearm or license return the Firearm or license. Subject to § 1107.13(C), the sheriff or Dealer shall return the Firearm or license to the respondent as soon as possible but

not later than the end of the next business day after the day on which the respondent makes the request.

B. A third party may request the return of a relinquished Firearm at any time by providing proof of ownership and a sworn affidavit. Proof of ownership may consist of a statement in the affidavit. The affidavit shall affirm the following:

1. The third party will not intentionally or knowingly return a Firearm to a person subject to an Extreme Risk Protection Order nor intentionally or knowingly allow a person subject to an Extreme Risk Protection Order to have access to a Firearm.
2. The third party understands that intentionally or knowingly allowing a person subject to an Extreme Risk Protection Order to have access to a Firearm constitutes a violation of § 1107.16(C) of this Chapter, resulting in a fine of up to \$1,000 and costs for each offense.
3. If the third party is a member of the household of a person who is subject to an Extreme Risk Protection Order, that any Firearm returned to the third party will be stored either in a gun safe to which the person does not have and will not be permitted to access, or in a location outside the home to which the person does not have access.

C. Prior to returning a Firearm to any person, the sheriff or Firearms Dealer in possession of the Firearm shall independently confirm that the person requesting return of the Firearm is legally eligible to possess Firearms under Federal and State law. The sheriff or Dealer receiving a request under § 1107.13(A) shall conduct the required background check as soon as possible, but not later than the end of the next business day after the day on which the respondent makes the request.

§ 1107.14 ABUSE OF PROCESS

A. A person who files a petition for an Extreme Risk Protection Order knowing the information in the petition to be materially false, or with the intent to harass another, shall be fined \$1,000 and costs for each offense.

B. A person determined to have violated § 1107.14(A) or determined by the Court to have acted in bad faith for the purpose of harassing the respondent shall be ordered to pay full restitution to the respondent. For purposes of this § 1107.14(B), restitution shall include, but not be limited to, reasonable attorney fees, costs of storage and other expenses incurred by the respondent as a result of the false reporting or false swearing.

§ 1107.15 MENTAL HEALTH AND CHEMICAL DEPENDENCY SERVICES

A. During any proceeding under this Chapter 1107, the Court shall consider whether a mental health or chemical dependency evaluation is necessary, and may order such an evaluation as it deems necessary.

§ 1107.16 PENALTIES FOR VIOLATIONS

A. A person who is the subject of an Extreme Risk Protection Order issued pursuant to § 1107.05 (relating to interim Extreme Risk Protection Order) or § 1107.09 (relating to order after hearing), if he intentionally or knowingly fails to relinquish a Firearm or Firearms license as required by the order, shall be fined up to \$1,000

and costs for each offense.

B. A person who intentionally or knowingly accepts possession of a Firearm from a person he knows is the subject of an Extreme Risk Protection Order issued pursuant to § 1107.05 (relating to interim Extreme Risk Protection Order) or § 1107.09 (relating to order after hearing) shall be fined up to \$1,000 and costs for each offense.

1. § 1107.16(B) shall not apply to a Firearms Dealer or subsequent purchaser from a Firearms Dealer who accepts possession of a Firearm pursuant to this Chapter 1107.

2. It shall be an affirmative defense to any prosecution under § 1107.16(B) that the person accepting possession of a Firearm in violation of § 1107.16(B):

a. Notified the sheriff or Law Enforcement Officer as soon as practicable that he has taken possession; and

b. Relinquished possession of any Firearm in violation of § 1107.16(B) as directed by the sheriff or Law Enforcement Officer.

C. A person who has accepted possession of a Firearm or Firearms license pursuant to this Chapter 1107, if he intentionally or knowingly returns a Firearm or Firearms license to a respondent or intentionally or knowingly allows a respondent to have access to the Firearm or Firearms license prior to the expiration of an Extreme Risk Protection Order or the issuance of a Court order that vacates or terminates an Extreme Risk Protection Order under this Chapter 1107, shall be fined up to \$1,000 and costs for each offense.

§ 1107.17 EFFECTIVE DATE

A. This Chapter shall take effect 180 days after its enactment.

§ 1107.18 INTERPRETATION CONSISTENT WITH STATE LAW

A. This Chapter 1107 shall be interpreted to be consistent with any legislation enacted by the Pennsylvania General Assembly addressing the same subject matter.

§ 1107.19 SEVERABILITY

A. Severability is intended throughout and within the provisions of this Article XI: Weapons. If any section, subsection, sentence, clause, phrase, or portion of this Article XI: Weapons is held to be invalid or unconstitutional by a court of competent jurisdiction, then that decision shall not affect the validity of the remaining portions of this Chapter or this Article XI: Weapons, nor shall any finding that this Chapter or any portion thereof is invalid or unconstitutional affect the validity of any other chapter that is a part of this Article XI: Weapons.

§ 1107.20 FINDINGS AND PURPOSE

A. For the purposes of this Chapter, the City Council does hereby find that:

1. The first duty of the governments of the City of Pittsburgh and the Commonwealth of Pennsylvania is to protect their people; and
2. Gun violence and gun suicides present a public health and public safety crisis in the United States; and
3. From 2013 to 2017, the Centers for Disease Control and Prevention reported that the average number of Firearm deaths for all ages was 36,383 per year, and the average number of Firearm deaths for persons under 18 years old was 1,499 per year; and
4. From 2013 to 2017, 7,517 Pennsylvania residents died from a Firearm injury, including 301 children under the age of 18; and
5. From 2013 to 2017, a child or teen under the age of 18 was killed by gunfire in Pennsylvania every 6 days, on average; and
6. Law enforcement agencies in Pittsburgh and Allegheny County have partnered with the National Shooting Sports Foundation to distribute free gun locks to Pittsburgh residents through Project ChildSafe; and
7. A February 2018 Politico/Morning Consult poll found that 76 percent of registered voters across America supported requiring that all gun owners store their guns in a safe storage unit; and
8. Every year in the United States, on average, more than 250 children under 18 gain access to a gun and unintentionally shoot themselves or someone else, and nearly 600 more die by suicide performed with a gun; and
9. Storing household guns locked, unloaded, or separate from the Ammunition is associated with reductions in the risk of self-inflicted shootings among, and unintentional shootings by, children and teenagers; and
10. An estimated 4.6 million American children and teens under 18 still live in homes with at least one gun that is loaded and unlocked despite the lifesaving effect that responsible gun storage can have; and
11. Available evidence, as compiled by the RAND Corporation, indicates that child access prevention laws or safe storage laws reduce self-inflicted fatal or nonfatal Firearm injuries among youth and reduce unintentional Firearm injuries or unintentional Firearm deaths among children; and
12. Over 22,000 Americans every year, including over 1,000 children and teens, die by Firearm suicide; and
13. A meta-analysis of 14 different scientific studies concluded that access to a Firearm triples the risk of death by suicide of anyone in the household; and
14. Among commonly used methods of self-harm, Firearms are by far the most lethal, with a fatality rate of approximately 85 percent, compared to less than five percent with other methods, such that while Firearms are used in less than six percent of suicide attempts, over half of suicide deaths result from suicide attempts performed with Firearms; and

15. Extreme Risk Protection Order laws have been shown to help prevent Firearm suicides, as shown by the empirical evidence of reduced suicide rates under Connecticut's and Indiana's laws; and
16. Extreme Risk Protection Order laws can also prevent gun crimes, as an analysis of mass shootings from 2009 to 2017 revealed that in 51 percent of incidents the shooter exhibited warning signs that he posed a danger to himself or others before the shooting; and
17. The City Council recognizes that 18 Pa. C.S. § 6120(a) and 53 Pa. C.S. § 2962(g) restrict municipal regulation of ownership, possession, transfer, and transportation of Firearms, and, as to 18 Pa. C.S. § 6120, Ammunition, and Ammunition components; and
18. The City Council also recognizes its responsibility to respect governing law, and thus may not impose a prohibition on ownership, possession, transfer, or transportation of Firearms, and, as to 18 Pa. C.S. § 6120, Ammunition, and Ammunition components unless and until governing law allows it to become effective; and
19. Senate Bill No. 90, a proposed statewide Extreme Risk Protection Order law dated February 14, 2019, was introduced to the General Assembly of Pennsylvania in the Session of 2019 by a bipartisan group of legislators; and
20. The City Council calls upon the Pennsylvania General Assembly to protect all Pennsylvanians by enacting Senate Bill No. 90; and
21. The United States Supreme Court has recognized that the right protected by the Second Amendment is not absolute. The Pennsylvania Supreme Court has recognized likewise with regard to Article I, section 21 of the Pennsylvania Constitution; and
22. The City Council has authority to legislate regarding the use of Firearms, as distinguished from their ownership, possession, transfer, or transportation, in order to protect members of the public.