

**IN THE COURT OF COMMON PLEAS OF NORTHAMPTON COUNTY
COMMONWEALTH OF PENNSYLVANIA
CRIMINAL DIVISION - LAW**

**IN RE: ADMINISTRATIVE ORDER
2020-35**

**DISPOSITION OF WEAPONS FOR
P.F.A. ORDERS**

No.: C-48-AD-132-2020

2020 SEP -8 P 1:12
CLERK OF COMMON PLEAS
CRIMINAL DIVISION
NORTHAMPTON COUNTY, PA

FILED

ADMINISTRATIVE ORDER

AND NOW, this 8th day of September, 2020, it is hereby **ORDERED**
as follows:

1. When firearms, other weapons or ammunition are relinquished to the Northampton County Sheriff's Office pursuant to a temporary or final protection from abuse order, the party surrendering the firearms, other weapons or ammunition shall be given (1) a signed and dated written receipt in which the relinquished firearms, other weapons or ammunition, are specifically identified in accordance with applicable law; (2) a weapons return form that may be submitted by the defendant upon dismissal or expiration of the temporary or final protection from abuse order; and (3) a change of address form that may be submitted by the defendant in the event that he or she moves to a new residence after the date of

relinquishment. The receipt, the weapons return form, and the change of address form shall each include the following notice:

Upon dismissal or expiration of a temporary or final protection from abuse order, any firearms, other weapons or ammunition that were relinquished to the Northampton County Sheriff's Office pursuant to the order may be claimed by completing and submitting a weapons return form to the Northampton County Sheriff's Office. Pursuant to 23 Pa.C.S.A. § 6108.1(a.4) and 18 Pa.C.S.A. § 6128(a), if no written request to return or otherwise dispose of the firearms, other 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 of dismissal or expiration of the temporary or final protection from abuse order, the firearms, other weapons or ammunition shall be deemed abandoned and may then be disposed of in accordance with 18 Pa.C.S.A § 6128. In order to facilitate any return of firearms, other weapons or ammunition, in the event that the relinquishing party moves to a new residence after the date of relinquishment, that party must promptly complete and submit a change of address form to the Northampton County Sheriff's Office.¹

¹"Any court order requiring the relinquishment of firearms, other weapons or ammunition shall provide for the return of the relinquished firearms, other weapons or ammunition to the defendant upon expiration of the order or dismissal of a petition for a protection from abuse order." 23 Pa.C.S.A. § 6108.1(a). The sheriff or the appropriate law enforcement agency shall provide the defendant with a signed and dated written receipt for the relinquished firearms, other weapons or ammunition. See 18 Pa.C.S.A. § 6105(f), § 6108(7)(ii). "The sheriff's or the appropriate law enforcement agency's office shall maintain a weapons return form that the defendant may fill out and return to the office once a temporary or final protection from abuse order has been dismissed or expires." *Id.* "Any firearms, other weapons or ammunition shall be deemed abandoned when the conditions under 18 Pa.C.S. § 6128(a) (relating to abandonment of firearms, weapons or ammunition) are satisfied and may then be disposed of in accordance with 18 Pa.C.S. § 6128." 23 Pa.C.S.A. § 6108.1(a.4). "The court shall inform the defendant that firearms, other weapons or ammunition shall be deemed abandoned when the conditions under 18 Pa.C.S. § 6128(a) (relating to abandonment of firearms, weapons or ammunition) are satisfied and may then be disposed of in accordance with 18 Pa.C.S. § 6128." 23 Pa.C.S.A. § 6108(a)(7)(ii). Firearms, other weapons or ammunition shall be deemed abandoned when, *inter alia*, "no written request to return or otherwise dispose of the firearms, other weapons or ammunition is made by the lawful owner or the lawful owner's attorney or duly

Footnote continued on next page

2. Weapons return forms and change of address forms shall be available at the Northampton County Sheriff's Office, Northampton County Courthouse, 669 Washington Street, Easton, PA, 18042.

3. In the event that firearms, other weapons or ammunition have been deemed abandoned pursuant to 18 Pa.C.S.A. § 6128(a), the Northampton County Sheriff's Office shall send a written notice to the person who relinquished the firearms, other weapons or ammunition by certified mail, as provided in 18 Pa.C.S.A. § 1628(c), stating that (1) the firearms, weapons, or ammunition have been deemed abandoned pursuant to 18 Pa.C.S.A. § 6128(a); and (2) if the recipient of the notice fails to respond to the notice within twenty days, the firearms, weapons or ammunition will be disposed of in accordance with 18 Pa.C.S.A § 6128.²

4. If the person who relinquished the firearms, weapons or ammunition fails to respond to the notice referenced in paragraph 3 above within twenty days, the Northampton County Sheriff's Office may proceed with disposal of the firearms, weapons or ammunition in accordance with 18 Pa.C.S.A. § 1628.

Footnote continued from previous page

appointed representative after a period of one year from the date an order of relinquishment or seizure has expired." 18 Pa.C.S.A. § 6128(a)(1).

² "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." 18 Pa.C.S.A. § 6128(c).

5. The Northampton County Sheriff's Office shall comply with all provisions of the Protection from Abuse Act, 23 Pa.C.S.A. § 6101-22, and the Pennsylvania Uniform Firearms Act, 18 Pa.C.S.A. § 6101-28, including the amendments thereto set forth in Act 79 of 2018, effective April 10, 2019.

6. Administrative Order 1999-7 (1999-CM-4985) is **VACATED**.

BY THE COURT:



MICHAEL J. KOURY, JR.
PRESIDENT JUDGE