

2006 Protection From Abuse Act Amendments

What Every Pennsylvania Prosecutor Should Know

1. Police and sheriffs may engage in a warrantless search for all firearms when the defendant is arrested for violating a Protection From Abuse Order if any firearm has been used or threatened to be used during the violation of the order or during prior incidents of abuse. 23 Pa. C.S.A. §§6113 and 6121.
2. The Protection From Abuse Order may be extended up to an additional 36 months when the defendant is convicted of indirect criminal contempt. 23 Pa. C.S.A. §6114(b)(4).
3. An indirect criminal contempt complaint may be brought either where the violation occurred *or* where the Protection From Abuse Order was issued. 23 Pa. C.S.A. §6114(a.1).
4. If the victim needs an interpreter to communicate with an advocate, the interpreter is not competent to testify and cannot be compelled to disclose any information shared in the course of the interpreter relationship. This confidential relationship does not extend to interpreters working for the court. 23 Pa. C.S.A. §6102(a).
5. The defendant may be charged with indirect criminal contempt if his firearms are not transferred to the sheriff or a third party with a safekeeping permit within 24 hours of being served the Temporary or Final Protection From Abuse Order. 23 Pa. C.S.A. §§6108(a)(7); 6108.3.
6. The defendant may be charged under the Uniform Firearms Act if he fails to transfer, within the time prescribed, the firearms ordered relinquished. 18 Pa. C.S.A. §6105(a.1)(2).
7. The defendant's right to have his firearms stored by any third party with a safekeeping permit will be immediately revoked if the defendant is found guilty of indirect criminal contempt or the defendant is found guilty of any crime where he used a firearm. The firearms will be seized by the sheriff. 23 Pa. C.S.A. §6108.3(c)(1) & (2).
8. If a third party permit holder has a Protection From Abuse Order issued against him or is prohibited from possessing firearms under federal or state law, that third party's safekeeping permit will be immediately revoked, and the firearms seized by the sheriff. The defendant may choose another person to apply for a safekeeping permit. 23 Pa. C.S.A. §6108.3(c).
9. The *minimum* fine for violating a Protection From Abuse Order is \$300. 23 Pa. C.S.A. §6114(b)(1).
10. Supervised probation may be ordered as a sentence for violating the Protection From Abuse Order. 23 Pa. C.S.A. §6114(b)(1).