



City of Philadelphia

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

BILL NO. 080015

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 to prohibit the possession or acquisition of firearms by persons charged with certain criminal offenses, during the pendency of such charges, under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Chapter 10-800 of The Philadelphia Code is amended to read as follows:

CHAPTER 10-800. SAFETY.

* * *

§ 10-839. Possession of Firearms by Persons Accused of Violent Crime.

(1) No person who is charged by the Commonwealth with any offense enumerated in 18 Pa. C.S. § 6105(b) or (c)(2), or charged by any other state or by the United States with an offense equivalent to any such enumerated offense, shall acquire, possess, control or maintain custody of any firearm.

(a) The Police Commissioner shall develop, in conjunction with the District Attorney and the United States Attorney, a mechanism by which the Police Department is promptly informed of any charges enumerated above.

(b) Any person subject to the prohibition of this Section shall immediately after being charged with an enumerated offense relinquish to the Police Department any firearms that he or she owns, possesses, controls or of which he or she has custody. The Police Department shall maintain such firearms in a secure manner, to be returned to the

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transferor upon either acquittal or non-prosecution of all enumerated charges. In the event of a conviction, the Police Department shall allow the convicted person sixty days to make such arrangements, including by designation of an authorized agent, as may be necessary to sell or otherwise transfer any firearm relinquished under this Section to a person not prohibited by law from acquiring or possessing a firearm; in the event no such arrangements are made, the Police Department may dispose of the firearm.

Explanation:

Italics indicate new matter added.