



City of Philadelphia

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

Legislation Text

File #: 180238, Version: 0

Amending Section 10-836a of The Philadelphia Code, entitled "Temporary Removal of Firearms of Persons Posing a Risk of Imminent Personal Injury to Self or Others," by revising requirements, under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Section 10-836a of The Philadelphia Code is hereby amended to read as follows:

§ 10-836a. Temporary Removal of Firearms of Persons Posing a Risk of Imminent Personal Injury to Self or Others.

(a) Upon complaint on oath by any Attorney for the Commonwealth or assistant Attorney for the Commonwealth or by any two police officers *or by the head of any school or the head of any State or municipal office*, to any judge of the Court of Common Pleas or an appellate court justice or judge, that such Attorney for the Commonwealth or police officers [have probable cause] *or head of school or government office has good reason* to believe that:

(.1) a person poses a risk of imminent personal injury to himself or herself or other individuals,

(.2) such person possesses one or more firearms, and

(.3) such firearm or firearms are within or upon any place, thing or person located within the City of Philadelphia,

such judge may issue a warrant commanding a proper officer to enter into or upon such place or thing, search the same or person and take into such officer's custody any and all firearms. Such commonwealth's attorney or police officers shall not make such complaint unless such commonwealth's attorney or police officers have conducted an independent investigation and have determined that such probable cause exists and that there is not a reasonable alternative available to prevent such person from causing imminent personal injury to himself or herself or to others with such firearm. *Such head of school or government office shall not make such complaint unless such head of school or government office has exercised due diligence to support the required good reason to believe the matters set out at subparagraph numbers (.1), (.2) and (.3), above, and to support a good reason to believe that there is not a reasonable alternative available to prevent such person from causing imminent personal injury to himself or herself or to others with such firearm.*

(b) A warrant may be issued only on affidavit sworn by the complainant or complainants before the judge and establishing the grounds for issue the warrant, which affidavit shall be part of the temporary removal

file. In determining whether good grounds for the application exists or whether there is probable cause *or good reason* to believe they exist, the judge shall consider:

- (.1) recent threats or acts of violence by such person directed toward other person or persons,
- (.2) recent threats or acts of violence by such person directed toward himself or herself, and
- (.3) recent acts of cruelty to animals as provided in 18 Pa. C.S. § 5511 by such person.

If the complainant is the head of a school or government office, the affidavit must identify recent acts that satisfy subparagraph (.1), (.2) or (.3), above, and that occurred on school grounds or on the premises of the government office.

* * *

Explanation:

[Brackets] indicate matter deleted.

Italics indicate new matter added.