

Tioga County Sheriff's Office



INFORMATION ON PENNSYLVANIA FIREARMS LAWS **A synopsis of state laws on possession and carrying of firearms**

CAUTION:

State firearms laws are subject to frequent change and are subject to court interpretation. Therefore this pamphlet is not to be considered as legal advice or a restatement of the law. To determine the applicability of these laws to specific situations which you may encounter, you must consult a local attorney licensed to practice law. In addition to state laws, federal and local laws may also apply.

YOU MUST ABIDE WITH ALL LAWS: FEDERAL, STATE AND LOCAL

POSSESSION

No license is required to possess rifles and shotguns, or to possess handguns in one's home or place of business. It is unlawful for the following to possess any firearm: any person convicted of a crime of violence (murder, rape, assault, burglary, etc.); who is a fugitive, or has been convicted of a controlled substance offense punishable by more than 2 years, adjudicated mentally incompetent or involuntarily committed to a mental institution, illegal alien, adjudicated a delinquent for an offense that would disqualify one from possessing a firearm if committed by an adult, or subject to a protection from abuse court order.

It is unlawful to possess any firearm in a court facility. At or within the building containing a court facility, lockers or similar facilities shall be available by July 1, 2002, at no charge, for the temporary checking of firearms by persons lawfully carrying same. A receipt must be issued to the individual checking a firearm.

It is unlawful for a person under 18 to possess a handgun. This does not apply to (1) a minor who is under the supervision of a parent, grandparent, legal guardian or adult acting with the consent of the minor's custodial parent or legal guardian, when the minor is engaged in lawful activity including training, target shooting or competition, or the firearm is unloaded and the minor is transporting it for lawful purpose or (2) a person under the age of 18 who is lawfully hunting or trapping in accordance with the Pennsylvania Game Code.

CARRYING

It is unlawful to possess any firearm on school property but "It shall be a defense that the weapon is possessed and used in conjunction with a lawful supervised school activity or course or is possessed for other lawful purpose."

It is unlawful to carry a handgun, rifle or shotgun upon the public streets or upon any public property during an emergency proclaimed by a governmental executive unless the person carrying is actively engaged in lawful self defense, is licensed to carry firearms, or is exempt from licensing requirements.

It is unlawful to carry a handgun, rifle or shotgun upon the public streets or upon any public property in Philadelphia unless the person carrying is licensed to carry firearms or is exempt from licensing requirements.

Any person carrying a handgun "in any vehicle or concealed on or about his person" is required to have a license to carry or a Sportsman's Firearm Permit (good only for hunting, fishing, trapping and dog training).

However, no license is required:

1. to carry a handgun in ones home or fixed place of business;
2. when engaged in target shooting or while going to or from shooters' places of assembly or target practice, provided the firearm is unloaded and the ammunition is carried in a separate container;
3. for law enforcement personnel, including policemen, jail wardens, and sheriffs and their deputies;
4. to carry an unloaded and securely wrapped firearm from place of purchase to one's home or place of business, to or from a place of repair, or in moving from one place of abode or business to another, or from ones home to a vacation or recreational home or dwelling or back, to recover stolen property, or to a location to which the person has been directed to surrender firearms or back upon return of the surrendered firearm;
5. to carry while lawfully hunting or fishing or going to the place of hunting or fishing, provided one has a hunting or fishing license and a Sportsman's Firearm Permit;
6. while carrying a firearm in any vehicle when the person possesses a valid and lawfully issued license for that firearm which has been issued under the laws of the U.S. or any other state;
7. by a person who has a lawfully issued license to carry a firearm and said license expired within six months prior to the date of arrest and that individual is otherwise eligible for renewal of that license;
8. by any person who is otherwise eligible to possess a firearm and who is operating a motor vehicle, which is registered in the person's name or the name of a spouse, or parent and which contains a firearm for which a valid license has been issued to the spouse or parent owning the firearm.

Application for a license to carry may be obtained in the sheriffs office or online. All information provided by the potential purchaser, transferee or applicant, including but not limited to, the potential purchaser, transferee or applicant's name or identity, is confidential and not subject to public disclosure. The license is valid for five years from the date of issuance unless sooner revoked for good cause. The fee is \$20.00.

The issuing officer shall, within 45 days, issue the license unless good cause exists to deny. The state code lists several factors, which preclude issuance of a license, including, but not limited to:

1. Being of a character and reputation that the applicant is likely to act in a manner dangerous to public safety;
2. Having been charged with or convicted of certain crimes;
3. Being a habitual drunkard or abuser of controlled substances;
4. Being of unsound mind or having been involuntarily committed to a mental institution; or
5. Having been dishonorably discharged from the Armed Forces.

When carrying a handgun, the licensee shall, upon demand of a law enforcement officer, produce the license for inspection. A license to carry or a Sportsman's Firearm Permit does not authorize carrying a loaded shotgun or rifle in any vehicle. A Sportsman's Firearm Permit does not authorize carrying a loaded handgun in a vehicle.

TRANSPORTATION IN A VEHICLE

A handgun being transported in a vehicle without a license to carry must be unloaded and must be carried under one of the exceptions listed above under "Carry." Rifles and shotguns may be transported in a vehicle as long as they are unloaded.

While transporting a firearm without a license, it is up to the person carrying the firearm to demonstrate that one of the exceptions under "Carry" applies. A law enforcement officer may demand such evidence.

NOTES:

- A firearm is loaded if the firing chamber, the non-detachable magazine or, in the case of a revolver, any of the chambers of the cylinder contain ammunition capable of being fired. If the firearm uses a detachable magazine, the term means a magazine suitable for use in the firearm which magazine contains such ammunition and has been inserted in the firearm or is in the same container or, where the container has multiple compartments, the same compartment as the firearm.

COMMONLY ASKED QUESTIONS

Q. If I possess a valid license to carry a firearm, am I required to undergo a Pennsylvania Instant Check System (PICS) background check to purchase a firearm?

A. Yes. Section 6111 of the Uniform Firearms Act (UFA) requires that a dealer complete a PICS check before delivering a firearm to a buyer. The exception granted to license to carry holders and law enforcement officers applied to the waiting period that was replaced by the instant check, and no longer applies.

Q. What if I own a firearm, and I am convicted of a crime that prohibits me from possessing firearms?

A. You have 60 days from the date of the imposition of any disability (such as a conviction which prohibits ownership of a firearm) to sell or transfer any firearms you own to a person who is not a member of your household.

Q. Do I need a license to possess a firearm?

A. You do not need a license to possess a firearm; however, a license to carry is required for the purpose of carrying a firearm concealed on or about your person, or in a vehicle within this Commonwealth. Exceptions can be found in Section 6106(b) of the UFA.

Q. What do I need to do if I want to sell or transfer a firearm to a friend?

A. You must have a licensed firearm dealer or sheriff process the transaction. The \$3.00 surcharge does not apply. There will be a \$2.00 Pennsylvania Instant Check System (PICS) background check done on the intended recipient of the firearm, to ensure the individual is eligible to acquire the firearm.

Q. If I have a criminal record from many years ago, and I have not committed a prohibited offense since then, is it possible that I may be able to purchase a firearm?

A. The current Uniform Firearms Act does not exempt criminal records from a specific time period in order to acquire a firearm. Also, criminal records are not automatically expunged (deleted) after a period of time. In Pennsylvania, a court order is required to expunge non-conviction information. Conviction information may not be expunged. It is possible to obtain court ordered relief from a firearm disability, which may grant eligibility to acquire a firearm.

Q. Can I allow persons under the age of 18 to use firearms?

A. Persons under the age of 18 (minors) may only possess or transport a handgun (any pistol or revolver with a barrel length less than 15 inches, shotguns with a barrel length less than 18 inches, any rifle with a barrel length less than 16 inches, or firearms with an overall length of less than 26 inches) under the following circumstances:

- The person is under the supervision of a parent, grandparent, legal guardian, or an adult acting with the expressed consent of the minor's custodial parent or legal guardian, and the minor is engaged in lawful activity, including safety training, lawful target shooting, engaging in an organized competition involving the use of a firearm, or the firearm is unloaded and the minor is transporting it for a lawful purpose; or
- The person is lawfully hunting or trapping in accordance with 34 Pa. CS.
- (Relating to game).

Q. What would prohibit me from lawfully possessing or purchasing a firearm?

A. There are **35 PROHIBITED OFFENSES* (crimes)** for which a conviction would prohibit a person from lawfully purchasing or possessing a firearm under the UFA. Additionally, one condition (three convictions for driving under the influence of alcohol or controlled substance, within a five-year period) prohibits subsequent purchase or receipt by transfer, but not possession of firearms already owned. These prohibited offenses and conditions listed in the UFA under § 6105 are as follows:

***THE 35 PROHIBITED OFFENSES ARE:**

§ 908	Prohibited offensive weapons
§ 911	Corrupt organizations
§ 912	Possession of weapon on school property
§ 2502	Murder
§ 2503	Voluntary manslaughter
§ 2504	Involuntary Manslaughter, if reckless use of a firearm
§ 2702	Aggravated assault
§ 2703	Assault by prisoner
§ 2704	Assault by life prisoner
§ 2709	Harassment & stalking, if relating to stalking
§ 2901	Kidnapping
§ 2902	Unlawful restraint
§ 2910	Luring a child into a motor vehicle
§ 3121	Rape
§ 3123	Involuntary deviate intercourse
§ 3125	Aggravated indecent assault
§ 3301	Arson and related offenses
§ 3302	Causing or risking catastrophe
§ 3502	Burglary
§ 3503	Criminal trespass, if a felony of the second degree or higher
§ 3701	Robbery
§ 3702	Robbery of motor vehicle
§ 3921	Theft by unlawful taking or disposition, upon conviction of the second felony offense
§ 3923	Theft by extortion, when the offense is accompanied by threats of violence
§ 3925	Receiving stolen property, upon conviction of the second felony offense

§ 4912	Impersonating a public servant, if impersonating a law enforcement officer
§ 4952	Intimidation of witnesses or victims
§ 4953	Retaliation against witness or victim
§ 5121	Escape
§ 5122	Weapons or implements for escape
§ 5501	Riot, if the offense relates to a firearm or other deadly weapon
§ 5515	Prohibiting of paramilitary training
§ 6110	Possession of firearm by minor
§ 6301.1	Corruption of minors
§ 6302	Sale or lease of weapons and explosives

Any offense equivalent to any of the above offenses under the prior laws of this Commonwealth, or any offense equivalent to any of the above offenses under the statutes of any other state or of the United States.

• Federal Prohibitions

Prohibitions under federal law (as it applies in Pennsylvania) include: Under indictment for, or conviction of a misdemeanor offense for which the maximum prison term may exceed two years, or a felony, if the maximum prison term exceeds one year. Federal law, under the Lautenberg Amendment, applies prohibitions of misdemeanor convictions, if the offense involves domestic violence.

PENNSYLVANIA INSTANT CHECK SYSTEM - P.I.C.S.

The Pennsylvania State Police implemented the Pennsylvania Instant Check System (PICS) on July 1, 1998. This state of the art system provides instant access to background records on an individual to determine if the person is eligible to purchase a firearm or acquire a license to carry a firearm.

Pennsylvania Firearm Dealers and County Sheriffs access the PICS program through a toll free telephone number. If an individual is eligible to acquire a firearm, the PICS background check replaces the former, mandatory five-day waiting period. Operation has shown that approximately 70% of the individuals attempting to purchase a firearm can be approved instantly.

The PICS background check program issues only approval or denial determinations. By law, no record information may be disseminated as a result of the background check. There are instances where temporary delays in approval or denial determinations are necessary. If a record is identified and is incomplete, it is necessary to research the record and contact the agency(s) that may be able to provide information required in order to complete the background check. There are also occasions in the circumstance of a common name that time is required to ensure whether or not the record actually belongs to the individual attempting to purchase a firearm.

The primary purpose of PICS is public safety, to ensure an eligible person may acquire a firearm and that a prohibited person may not!

Information obtained from:

Crimes Code of Pennsylvania

Pennsylvania State Police, Bureau of Records and Identification, Firearms Division

NRA-ILA

Pennsylvania Office of the Attorney General