



PENNSYLVANIA FIREARM LAWS

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PENNSYLVANIA FIREARM LAWS

*For complete details of Pennsylvania's gun laws, refer to Title 18,
Chapter 61 of the Pennsylvania Crimes Code.*

WHO CAN APPLY FOR A PENNSYLVANIA LICENSE TO CARRY

An individual who is 21 years of age or older may apply for a license to carry firearms by submitting a completed Application for a Pennsylvania License to Carry Firearms to the sheriff of the county in which they reside or if a resident of a city of the first class, with the chief of police of that city along with the required fee.

Individuals who are 21 years of age or older and are NOT Pennsylvania residents may apply for a license by submitting a completed Application for a Pennsylvania License to Carry Firearms to any Pennsylvania County Sheriff's office along with the required fee. A Pennsylvania license cannot be issued to a resident of another state who does not possess a current license or permit or similar document to carry a firearm issued by their home state if a license is provided for by the laws of that state, as published annually in the Federal Register by the Bureau of Alcohol, Tobacco and Firearms of the Department of the Treasury.

The sheriff has 45 days to conduct an investigation to determine an individual's eligibility to be issued a license. Included in the investigation is a background check conducted on the individual through the Pennsylvania Instant Check System (PICS) to determine if the records indicate the individual is prohibited by law. In accordance with 18 PA C.S. §6109, a sheriff may deny an individual the right to a License to Carry Firearms if there is reason to believe that the character and reputation of the individual are such that they would be likely to act in a manner dangerous to public safety.

If the PICS check is approved and the subject is of good character, the sheriff may issue a License to Carry Firearms. The issuance of a License to Carry Firearms allows individuals to carry a firearm concealed on or about their person, or in a vehicle throughout this Commonwealth. The license is valid for a period of five (5) years unless sooner revoked.

A license to carry firearms is NOT a license to purchase. Individuals who purchase a firearm from a licensed dealer are required to have a background check conducted regardless of whether they have a license to carry firearms..

CASTLE DOCTRINE

Pennsylvania recently passed a law to expand the "Castle Doctrine." Under the new law an individual has the right to use a gun or other deadly force in self-defense in sit-

uations outside a person's home or business.

The legislation also limits certain civil liability in some cases for people who act within the guidelines of the law.

Occupants of a dwelling or vehicle are presumed to have reasonable belief that use of deadly force is necessary in order to protect themselves from serious bodily injury, kidnapping, rape or death from an unlawful intruder.

This does not apply if the person using the force is engaged in criminal behavior, uses his dwelling or vehicle to further criminal activity, or if the person entering the dwelling or vehicle is: a person who has the right to be in the dwelling or vehicle; a parent, grand-parent, or guardian removing a child from the dwelling or vehicle; or a peace officer acting in the performance of his duties.

When attacked outside of his dwelling or vehicle, an individual who is not engaged in criminal activity and is not in illegal possession of a firearm does NOT have a duty to retreat if:

- The individual has a right to be in the place where he was attacked;
- The individual believes that the use of force is immediately necessary to protect against serious bodily injury, kidnapping, rape or death;
- The person against whom the force is used displays or uses a firearm, firearm replica, or any other weapon capable of lethal use;
- The person against whom the force is used is not a peace officer. (See 18 PACS, Section 505)

FIREARM

Unless stated otherwise in the Pennsylvania Crimes Code, a firearm is any pistol or revolver with a barrel length less than 15 inches, any shotgun with a barrel length less than 18 inches or any rifle with a barrel length less than 16 inches, or any pistol, revolver, rifle or shotgun with an overall length of less than 26 inches. The barrel length of a firearm shall be determined by measuring from the muzzle of the barrel to the face of the closed action, bolt or cylinder, whichever is applicable. (See 18 PACS, Section 6102)

LOADED

A firearm is loaded if the firing chamber, the nondetachable magazine or, in the case of a revolver, any of the chambers of the cylinder contain ammunition capable of being fired. In the case of a firearm which utilizes a detachable magazine, the term shall mean a magazine suitable for use in said 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 thereof as the firearm. (See 18 PACS, Section 6102)

CONCEALED FIREARMS

It is illegal to carry a loaded firearm in any vehicle or a concealed firearm on or about a person, except in the place of abode or fixed place of business, without a valid Pennsylvania License To Carry Firearms. Licenses are issued by the county sheriff to individuals age 21 or older.

SPORTSMEN'S FIREARMS

Sportsmen, age 18 or older, may obtain a Sportman's Firearms permit from the county treasurer for the purpose of valid hunting or furtaking. Sportsmen must carry a hunting, furtaking or fishing license in conjunction with a valid permit. The firearm may only be carried if the licensed sportsman is engaged in hunting, furtaking or fishing, or is en route to or returning from such places. (See 18 PACS, Section 6106)

TRANSPORTING FIREARMS AND LOADED WEAPONS

No individual, except persons exempt from licensing or possessing a valid Pennsylvania License To Carry Firearms permit, shall carry a loaded pistol, revolver, shotgun or rifle in a vehicle. (See 18 PACS, Section 6106)

CARRYING FIREARMS IN PHILADELPHIA

No person shall carry a firearm, rifle or shotgun at any time upon the public street or upon public property unless the individual is licensed to carry a firearm or is exempt from licensing. (See 18 PACS, Section 6108)

PENNSYLVANIA LICENSE TO CARRY FIREARMS PERMIT

The license to carry a concealed firearm will be issued after an investigation and within 45 days of application if it appears there is no good cause to deny the license. The individual must meet 13 conditions, including being of good character and posing no likely danger to public safety.

A license to carry a concealed firearm is valid throughout the Commonwealth for a period of five years. A \$19 fee will be charged at the time of application. (See 18 PACS, Section 6109)

POSSESSION OF A FIREARM

A person under age 18 years of age shall not possess or transport a firearm anywhere in the Commonwealth. Individuals under age 18 may use a firearm 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.

Anyone who knowingly or intentionally delivers or provides to a minor a firearm in violation of this provision commits a felony of the third degree. Any firearm in the possession of a minor in violation of this provision shall be seized by the arresting law enforcement officer and forfeited upon conviction. Stolen firearms will be returned to the lawful owner. (See 18 PACS, Sections 6110.1 and 6115)



SALE OR TRANSFER OF FIREARMS

No seller shall deliver a firearm to the purchaser or transferee until a criminal history records check has been conducted in accordance with the Pennsylvania Uniform Firearms Act of 1995. If the provision has been satisfied, the seller shall deliver the firearm securely wrapped and unloaded.

A completed record of sale shall be provided to the purchaser or transferee and to the state police. A copy of the record of sale also must be retained by the seller for a period of 20 years.

Nonlicensed importers, manufacturers and dealers desiring to sell or transfer a firearm must do so upon the place of business of a licensed importer, manufacturer, dealer or county sheriff's office. Some exceptions apply to immediate family members and private sales of long guns. With limited exceptions, firearms cannot be sold or transferred by dealers or manufacturers without a locking device. (See 18 PACS, Sections 6111 and 6142)

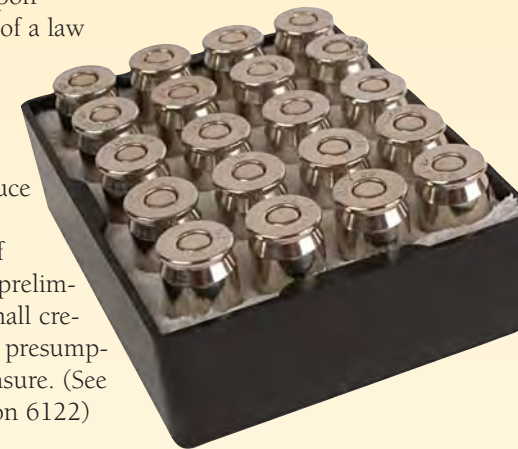


MUNICIPAL REGULATION OF FIREARMS AND AMMUNITION

No county, municipality or township may in any manner regulate the lawful ownership, possession, transfer or transportation of firearms, ammunition or ammunition components when carried or transported for purposes not prohibited by the laws of the Commonwealth. No political subdivision may file suit against manufacturers for the lawful design, manufacture or marketing of firearms or ammunition. (See 18 PACS, Section 6120)

PROOF OF LICENSE

When carrying a firearm concealed on or about one's person or in a vehicle, an individual licensed to carry a firearm shall, upon lawful demand of a law enforcement officer, produce the license for inspection. Failure to produce such a license either at time of arrest or at the preliminary hearing shall create a rebuttable presumption of nonlicensure. (See 18 PACS, Section 6122)



For more information on Pennsylvania's firearm laws, residents may pick up the booklet "PA Laws Relating to Firearms" at my local office.

Make Gun Safety A Priority

- Handle all firearms as if they were loaded.
- Keep the muzzle pointed in a safe direction.
- Keep your finger off the trigger until you're ready to fire.
- Store the gun unloaded.
- Always keep the gun's safety on, until ready to shoot.
- Store all firearms out of children's reach and in a locked cabinet or drawer.
- Store ammunition in a locked cabinet.
- Tell children to never touch a gun.
- Teach gun safety in the home.
- Never use alcohol or drugs before or while shooting.
- All gun owners and children of owners should take a gun safety course.

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