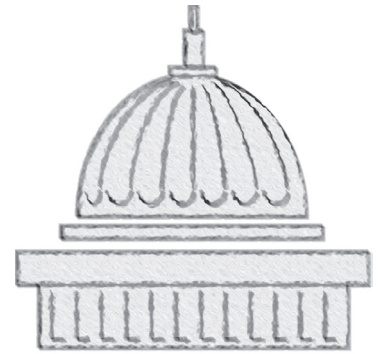


F. NRA / ILA Firearms Laws for

PENNSYLVANIA

(As of February, 2010)



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A SYNOPSIS OF STATE LAWS ON PURCHASE, POSSESSION AND CARRYING OF FIREARMS.

QUICK REFERENCE CHART

	Rifles and Shotguns	Handguns
Permit to Purchase	No	No
Registration of Firearms	No	No
Licensing of Owners	No	No
Permit to Carry	No	Yes

STATE CONSTITUTIONAL PROVISION

“The right of the citizens to bear arms in defense of themselves and the State shall not be questioned.” Article 1, Section 21.

DEFINITION OF FIREARM: The Pennsylvania Uniform Firearms Act defines “firearm” as “any pistol or revolver with a barrel less than 15 inches, any shotgun with a barrel less than 18 inches, any rifle with a barrel of less than 16 inches or any pistol, revolver, rifle or shotgun with an overall length of less than 26 inches.” However, several sections of the law include a broader definition that includes all firearms, i.e. handguns, rifles and shotguns, and pertains to that section only. The distinction should be closely noted when interpreting the statutes.

PURCHASE

Any individual or dealer selling a handgun is required to sell or transfer it at the place of business of a licensed dealer or county sheriff’s office. Transfers of all firearms (handguns, rifles and shotguns) by a licensed dealer are subject to an instant records check of the purchaser. The purchaser must sign a transfer application/record of sale for the purchase of a handgun. No transfer application/record is necessary to transfer a rifle or shotgun. There is a \$2 fee for the instant check and a \$3 firearm sale surcharge to cover telephone costs. Transfers of handguns between spouses, parent and child, grandparent and grandchild or between active law enforcement officers are exempt from the above requirements. Rifles and shotguns may be transferred between unlicensed individuals. Antique

firearms are exempt from the requirements regarding transfer of firearms through dealers.

It is unlawful for any licensee to sell, deliver or transfer any handgun, other than an antique firearm, to any person unless the transferee is provided or purchases a locking device for that firearm, or the design of the firearm incorporates a locking device. Exempt from this requirement are transfers between licensed dealers and any law enforcement officer. A locking device is a device that when installed on a firearm prevents the firearm from being operated without deactivating the device or a device that is incorporated into the design of a firearm and that is designed to prevent the operation of the firearm by anyone not having access to the device.

It is unlawful to lend, give, or otherwise transfer a handgun unless exempted by law or by following the procedure previously described. Exempted is a person who receives the handgun and has a license to carry; or who is engaged in a Pennsylvania Game Commission or NRA hunter safety, firearm training, or competition program; or who is engaged in hunting or trapping. Also exempted is the loaning or giving of a handgun to another person who will remain within the transferor’s dwelling or place of business; a transfer to carry out a bequest or intestate succession; and a person under 18 who is under the direct supervision of a responsible person at least 21.

No person may knowingly or intentionally transfer any firearm to any person who is prohibited from possession. No Pennsylvania resident who may lawfully purchase, possess, sell, or transfer a firearm shall be prohibited from purchasing or otherwise obtaining a rifle or shotgun in a jurisdiction outside the Commonwealth. Persons convicted of drunk driving three times within a five-year period may possess but may not purchase a firearm. A person with certain disabling convictions that keep him or her from purchasing and possessing firearms may apply to the Court of Common Pleas for restoration of his or her firearms rights. Such restoration does not constitute a pardon or guarantee an expungement of a criminal record. Free brochures summarizing state law relating to the buying, selling, and transferring of firearms shall be provided by the State Police to every licensed firearms

dealer and each individual who purchases a firearm from a licensed dealer.

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 a firearm:

- persons convicted of a crime of violence;
- fugitives, or person convicted of a controlled substance offense punishable by more than 2 years,
- persons adjudicated mentally incompetent or involuntarily committed to a mental institution,
- illegal aliens,
- persons adjudicated as a delinquent for an offense that would disqualify one from possessing a firearm if committed by an adult, or
- persons subject to a protection from abuse (PFA) court order that prohibits possession of a firearm. It is a first-degree misdemeanor punishable by 5 years in jail and up to a \$10,000 fine if a person subject to a PFA does not relinquish all firearms. Additionally, a person subject to a PFA may not receive firearms and any person who knowingly transfers to an individual under a PFA may face the same penalties as stated above.
- a person under 18 to possess a handgun. This does not apply to 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 a person under the age of 18 who is lawfully hunting or trapping in accordance with the Pennsylvania Game Code.

CARRY

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;
- 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.
- 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.
- 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 one's 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 one's 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.

A Sportsman's Firearm Permit is valid only for sporting purposes. It is obtained by applying to the county treasurer. The applicant must present his hunting or fishing license and pay a fee of \$6.00. The permit is valid for five years. It must be carried with a valid hunting or fishing license.

Application for a license to carry may be made to the chief of police in a city of the first class (Philadelphia) or sheriff in the county where the applicant resides. Non-residents may apply to any county sheriff but must first possess any applicable license required by their state of residence. 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 \$19.00.

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) currently 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. A weapon is "loaded" if there is ammunition capable of being fired in the firing chamber, any cylinder of a revolver, in a nondetachable magazine, or in a detachable magazine that is attached or in the same container or compartment as the firearm.

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 applies. A law enforcement officer may demand such evidence.

ANTIQUES

"Antique firearm" means:

1. Any firearm manufactured in or before 1898. Any firearm with a matchlock, flintlock, or percussion cap type of ignition system; and
2. Any replica of any firearm manufactured in or before 1898 if such replica:
 - is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition; or
 - uses rimfire or conventional centerfire fixed ammunition which is no longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade.

Generally, antique firearms are exempt from

Pennsylvania's Uniform Firearms Act. However, antique firearms are not exempt from the provisions relating to carrying without a license or possession by prohibited persons.

MACHINE GUNS

Most items that are required to be registered under the National Firearms Act such as machine guns, suppressors, short barreled rifles and shotguns, are prohibited in Pennsylvania as "offensive weapons" unless they are registered under the NFA.

It is an affirmative defense for those found in possession of NFA weapons if proven by a preponderance of the evidence that there were possessed:

- solely as a curio
- in a dramatic performance
- as a consequence of having found it
- as a consequence of having taken it from an aggressor

MISCELLANEOUS PROVISIONS

The state legislature has preempted the field of firearm regulation. No county, municipality or township may in any manner regulate the lawful ownership, possession 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 bring or maintain an action at law or in equity against any firearm or ammunition manufacturer, trade association or dealer for damages, abatement, injunctive relief or any other relief or remedy resulting from or relating to either the lawful design or manufacture of firearms or ammunition or the lawful marketing or sale of firearms or ammunition to the public. This does not prevent a political subdivision from bringing an action for breach of contract or warranty for firearms or ammunition purchased by the political subdivision.

It is a felony to alter, change, remove or obliterate the manufacturer's number integral to the frame or receiver of a firearm, or to possess a firearm that has been so altered. This does not apply to antique firearms.

Nothing in the law allows a government agency or an agent thereof to create, maintain, or operate any registry of firearms ownership within the Commonwealth.

SOURCES: 18 PA CONS. STAT. § 908; §§ 6101; 6102; 6105-6109; 6110.1; 6110.2; 6111; 6111.2-6111.4; 6117; 6118; 6120; 6122; 6125; 6141.1; 6142

CAUTION: Firearm laws are subject to frequent change and court interpretation. This summary is not intended as legal advice or restatement of law. This summary does not include federal or local laws, ordinances or regulations. For any particular situation, a licensed local attorney must be consulted for an accurate interpretation. **YOU MUST ABIDE WITH ALL LAWS: STATE, FEDERAL AND LOCAL.**

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