

COMMONLY ASKED

Questions

Q: Do I need a permit before I buy a firearm?

A: No.

Q: What types of identification do I need to purchase a firearm?

A: Dealers may accept a valid photo drivers license or ID card or a valid government-issued photo ID card.

Q: How do I buy or sell a firearm on the internet?

A: The best way to buy or sell a firearm is to have it shipped from one licensed federal firearms dealer to another licensed federal firearms dealer.

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.

Q: When traveling on a vacation or trip, can I take a firearm with me in my vehicle?

A: Laws may vary from state to state. Check the laws of each state you will be traveling to or through before you go. For information on reciprocity of concealed carry licenses, check the Pennsylvania Attorney General's website at www.attorneygeneral.gov/resources/concealed-carry-reciprocity/.

Q: What do I need to do if I want to sell or give a firearm away to a friend?

A: Go to a licensed firearms dealer who will do a Pennsylvania Instant Check on the intended recipient of the firearm to determine his eligibility.

Q: Can I ship a firearm back to the factory for repairs?

A: Your local licensed federal firearms dealer should handle the shipping for you.

Q: What does a concealed carry permit let me do?

A: It permits an individual to carry a firearm concealed on or about his person or in a vehicle throughout Pennsylvania.

Q: Do I need a license to possess a firearm in my home or fixed place of business?

A: No.

Q: Where can I find the Pennsylvania Uniform Firearms Act?

A: Refer to Title 18, Chapter 61 of the Pennsylvania Crimes Code.

Q: If I am a prohibited person, can I have someone buy a firearm for me?

A: No, this would be considered a straw purchase and all parties involved would have committed a crime.

Q: How do I transport a firearm if I do not have a license to carry a firearm (concealed carry permit)?

A: Generally, for transportation within Pennsylvania, firearms should be transported in a locked container and unloaded. **In addition to that general rule**, however, Pennsylvania law also provides specific directions regarding transportation based on the destination and the status of the individual transporting the firearm. An individual should consult *the Pennsylvania Uniform Firearms Act* for those specific, additional requirements.

Q: Does my license to carry a firearm (concealed carry permit) allow me to carry a firearm in a courthouse, post office, federal building or school property?

A: No.

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

A: Yes. Unless you have received a pardon and had your record expunged OR have received restoration of your right to possess firearms (limited restoration for offenses through the court of common pleas), you may be prohibited from possessing firearms.

Q: Where do I obtain a sportsmen's permit (for hunting and fishing)?

A: At the county treasurer's office.

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

A: There are 38 crimes for which a conviction would prohibit a person from lawfully purchasing or possessing a firearm under the Uniform Firearms Act. There are also 10 conditions which would result in a firearms disability. Finally, federal law imposes additional restrictions on firearms ownership and possession due to criminal convictions. If you have a question, it is recommended that you seek assistance of a private attorney.

For more information on Pennsylvania's firearms laws contact one of my offices.

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PENNSYLVANIA

FIREARMS

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— AND —

Commonly Asked Questions



FOR INFORMATION ON...

Carrying Concealed Firearms

Transporting Firearms

Sales and Transfer of Firearms

Castle Doctrine

FIREARMS LAWS IN PA

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

LICENSE TO CARRY

A 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 delay the license. The individual must meet 14 conditions. For example, a license may not be issued to an individual whose character and reputation indicates that he would be likely to act in a manner dangerous to public safety.

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 the time of arrest or at the preliminary hearing, shall create a rebuttable presumption of nonlicensure. (See 18 PACS, Section 6122.)

POSSESSION BY A MINOR

A person under 18 years of age shall not possess or transport a firearm anywhere in the Commonwealth. Individuals under age 18 who are engaged in a lawful activity (such as target shooting) may use a firearm under 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 in the third degree. Any firearm in the possession of a minor in violation of this provision shall be seized by the arresting law officer and forfeited upon conviction. Stolen firearms will be returned to the lawful owner. (See 18 PACS, Sections 6110.1 and 6115.)

DEFINITION OF A FIREARM

Unless stated otherwise in the Pennsylvania Crimes Code, any pistol or revolver with a barrel length less than 15 inches, any shotgun with a barrel 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.

CONCEALED FIREARMS

It is illegal to carry a firearm in any vehicle or a concealed firearms on or about a person, except in the individual's 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. (See 18 PACS, Sections 6106 and 6109 for specific information and exceptions to this general rule.)

Sportsmen, age 18 or older, may obtain a Sportsman's Firearms permit from the county treasurer for the purpose of hunting, furtaking or fishing. Sportsmen must carry a valid 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 unloaded and the sportsman is en route to or returning from such places. (See 18 PACS, Section 6106 and 6106.1, 34 PACS, Section 2503.)

TRANSPORTING LOADED LONGARMS

No individual, except certain persons exempt from licensing, shall transport a loaded shotgun or rifle in a vehicle. (See 18 PACS, Section 6106.1.)

CARRYING FIREARMS IN PHILADELPHIA

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

SALE OR TRANSFER

No firearms dealer 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 dealer shall deliver the firearm securely wrapped and unloaded.

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

A person not licensed to sell firearms who desires 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.)

NOTE: See federal law concerning private sales of firearms for circumstances under which private sales require the seller to become licensed as a firearm dealer.

MUNICIPAL REGULATION OF FIREARMS & 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.)

CASTLE DOCTRINE

ACT 10 OF 2011

"The right of the citizens to bear arms in defense of themselves and the State shall not be questioned."

Article 1, Section 21 of the Pennsylvania Constitution

Occupants of a dwelling or vehicle are presumed to have a reasonable belief that the use of deadly force is necessary in order to protect themselves from serious bodily injury, kidnapping, rape or death if they are aware that an intruder is attempting to kidnap another from the dwelling or vehicle or has unlawfully and forcefully entered (or is entering) the dwelling or vehicle. 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 against whom force is used is:

- A person who has the right to be in the dwelling or vehicle;
- A parent, grandparent, or guardian removing a child from the dwelling or vehicle;
- A peace officer acting in the performance of his duties.

When attacked, 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; and
- The person against whom the force is used is not a peace officer. (See 18 PACS, Section 505.)