

BASIC FIREARM SAFETY

must be your first concern when handling, using, or storing any firearm.

Always...

- ▶ treat a firearm as if it is loaded.
- ▶ make sure the firearm is pointed in a safe direction.
- ▶ keep your finger out of the trigger guard and off the trigger until you are ready to fire.
- ▶ keep the firearm unloaded until you are ready to use it.
- ▶ be aware that safety devices can (and sometimes do) fail.
- ▶ make sure the firearm is in safe operating condition before using it.
- ▶ use ammunition designed for use in your firearm.
- ▶ be sure of your target and what lies behind it.
- ▶ wear ear and eye protection when shooting.
- ▶ refrain from using alcohol or drugs before or while shooting.
- ▶ store firearms in a locked container and separate from ammunition. Be certain that firearms are inaccessible to children and unauthorized adults.

CHILDREN & FIREARMS

Few accidents are as tragic, or as preventable, as those involving children and firearms. Having children in the home, whether they live there or are visiting, makes it even more important to practice safe storage of firearms.

- ▶ Do not underestimate the ability of children to find, or reach a firearm you thought was safely hidden.
- ▶ Check stored firearms periodically to be sure that security devices are still intact, & that the firearms have not been accessed or loaded by an unauthorized person. Not only will this help ensure that your firearms are stored safely, this will also allow you to inspect your firearms for dirt, corrosion, or other conditions requiring maintenance or repair.
- ▶ There are many safety programs designed for children. As soon as they are old enough to understand, educate your children about firearms safety.

REMEMBER Most firearm accidents are preventable. Protect yourself & your loved ones by taking firearm safety seriously.



PA 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 waiting period. Operation has shown that approximately 60% of the individuals attempting to purchase a firearm can be approved instantly.

The PICS background check program issues only approval or denial determi-

nations. 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, in other words, to ensure an eligible person may acquire a firearm and that a prohibited person may not!

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questions and answers



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. It was replaced by the instant check and no longer applies.

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

A Under Pennsylvania law, you generally 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. If you are also subject to a protection from abuse order, you may only have 24 hours and other limitations may apply. You should seek the assistance of a private attorney to determine the time applicable in your situation.

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 handgun to a friend?

A You must have a licensed firearm dealer or sheriff process the transaction. There will be a Pennsylvania Instant Check System (PICS) background check done on the intended recipient of the handgun to ensure the individual is eligible to acquire the handgun. Discuss potential fees and costs with the dealer or sheriff.

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. Generally, 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 May 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 C.S. (relating to game).

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

A Dealers may accept any one of the following documents as identification:

▮ A valid photo driver's license.

▮ A valid government-issued photo ID card.

Because Pennsylvania is a point of contact (POC) for the National Instant Check System (NICS), operational November 30, 1998, we agree to do the federal firearm background check (Brady check) which requires a photo identification card. Even though the Pennsylvania law provides for non-photo ID for members of religious sects whose tenets forbid or discourage the taking of photographs, it is now required that a photo ID be provided.

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 UFA. There are also 9 conditions which would prohibit firearm purchase or possession. 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. Following are prohibited offenses and conditions listed in the UFA under § 6105:

PROHIBITED OFFENSES

§ 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
 § 2709.1 Stalking
 § 2716 Weapons of mass destruction
 § 2901 Kidnapping
 § 2902 Unlawful restraint
 § 2910 Luring a child into a motor vehicle
 § 3121 Rape

§ 3123 Involuntary deviate sexual intercourse
 § 3125 Aggravated indecent assault
 § 3301 Arson and related offenses
 § 3302 Causing or risking catastrophe
 § 3502 Burglary
 § 3503 Criminal trespass, if a felony of 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
 § 4906 False reports to law enforcement authorities – theft of a firearm.
 § 4912 Impersonating a public servant, if impersonating

a law enforcement officer
 § 4952 Intimidation of witnesses or victims.
 § 4953 Retaliation of witness or victim
 § 5121 Escape
 § 5122 Weapons or implements for escape
 § 5501(3) Riot, if the offense relates to a firearm or other deadly weapon
 § 5515 Prohibiting of paramilitary training
 § 5516 Facsimile weapons of mass destruction
 § 6110.1 Possession of firearm by minor
 § 6301 Corruption of minors
 § 6302 Sale or lease of weapons and explosives

In summary, prohibited offenses include 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.

PROHIBITED CONDITIONS

Are you a person who...

- 1** is a fugitive from justice: or
- 2** has been convicted of an offense under the Controlled Substance, Drug, Device and Cosmetic Act or other equivalent statutes punishable by imprisonment exceeding two years; or
- 3** has been convicted of driving under the influence of alcohol or controlled substance on three or more separate occasions within a five-year period; or
- 4** has been adjudicated as an incompetent or who has been involuntarily committed to a mental institution for treatment under § 302, 303, or 304 under the Mental Health Procedures Act (PL 817, No.143); or
- 5** is an alien and is illegally or unlawfully in the United States; or
- 6** is the subject of an active protection from abuse order issued pursuant to 23 PA C.S. § 6108, relating to relief, which order provides for the relinquishment of firearms; or
- 7** as a juvenile, was adjudicated delinquent for an offense under section 2502, 2503, 2702, 2703, 2704, 2901, 3121, 3123, 3301, 3502, 3701 or 3923 of the Pennsylvania Crimes Code.
- 8** as a juvenile, was adjudicated delinquent for an offense listed in Section 6105(b) of the UFA (other than those offenses which appear above in 7). These prohibitions terminate 15 years after the last applicable delinquent adjudication or upon the person reaching age of 30, whichever is earlier.
- 9** has been prohibited from possessing a firearm under 18 U.S.C. Section 922(g)(9).

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.