

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.)*

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.)*

For more information on Pennsylvania's firearm laws, residents may pick up the bulletin "PA Laws Relating to Firearms" at their Representative's local office(s).

Castle Doctrine

Occupants of a dwelling or vehicle are presumed to have a reasonable belief that use of deadly force is necessary in order to protect themselves from serious bodily injury, kidnapping, rape or death from an intruder who unlawfully and forcefully enters or attempts to kidnap another. 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, 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.)*

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85th Legislative District

343 Chestnut St, Suite 1
Mifflinburg PA 17844
Phone: (570) 966-0052 or
(570) 837-0052
FAX: (570) 966-0053

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PENNSYLVANIA FIREARM LAWS



Definitions

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Pennsylvania Firearm Laws

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

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.

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 uses 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.

Concealed Firearms

It is illegal to carry a firearm in any vehicle or a concealed firearm 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.)*

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 18 PACS, Section 6108.)*

Pennsylvania License To Carry Firearms

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, 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 \$20 fee will be charged at the time of application. *(See 18 PACS, Section 6109.)*

Possession of a Firearm 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 hunting or 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.)*

Sale or Transfer of Firearms

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.*