



Pennsylvania

Summary of State Firearms Law

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Overview

In its publication [Gun Laws Matter: A Comparison of State Firearms Laws and Statistics](#), LCAV ranked each state based on a review of state laws in 25 different firearms-related policy areas. Pennsylvania ranked 11 out of 50 – having enacted some relatively strong gun violence prevention laws. Among other things, Pennsylvania:

- Requires a [background check prior to the private sale](#) of a handgun;
- Conducts [its own background checks](#) for firearm sales; and
- Requires firearm dealers to obtain a [state license](#).

However, Pennsylvania does **not**:

- Prohibit the transfer or possession of [assault weapons](#), [50 caliber rifles](#) or [large capacity ammunition magazines](#);
- Require firearm owners to obtain a [license](#);
- Require the [registration of firearms](#);
- Limit the [number of firearms](#) that may be purchased at one time;
- Impose a [waiting period](#) on firearm purchases;
- Regulate [unsafe handguns](#);
- Regulate [ammunition sales](#);
- Allow [local governments to regulate](#) firearms or ammunition; or
- Provide local law enforcement with discretion to deny a [license to carry firearms](#) to any applicant who meets certain basic qualifications.

Pennsylvania Statistics

Various statistics about firearms in Pennsylvania may be found in the [2010 Firearms Annual Report of the Pennsylvania State Police](#).

Gun Deaths

Pennsylvania has the median number of gun deaths per capita among the states. In 2008, 1,345 people died from firearm-related injuries in Pennsylvania.¹

Crime Guns

Mayors Against Illegal Guns recently developed web pages detailing [data about each state's crime gun imports and exports](#). In every year from 2006 through 2009, Pennsylvania was one of the top ten interstate suppliers of crime guns.² Pennsylvania is the top interstate supplier of crime guns to Delaware and New Jersey.³

Number of Federally Licensed Firearms Dealers

There are 2,227 federally licensed firearms dealers and pawnbrokers in Pennsylvania.⁴

¹ National Center for Injury Prevention and Control, U.S. Centers for Disease Control and Prevention, *WISQARS Fatal Injury Reports, 1999-2008, for National, Regional, and States* (September 2011).

² Mayors Against Illegal Guns, *Trace the Guns: The Link Between Gun Laws and Interstate Gun Trafficking* 5 (September 2010), at <http://www.tracetheguns.org/report.pdf>.

³ Mayors Against Illegal Guns, *Trace the Guns*, at <http://www.tracetheguns.org>.

⁴ U.S. Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives, *List of Federal Firearms Licensees* (December 2011), at <http://www.atf.gov/about/foia/ffl-list.html>.

Pennsylvania “Right to Bear Arms”

Pennsylvania’s constitution provides a right to bear arms, but courts have agreed that this right may be restricted in the exercise of police power for the good order of society and protection of citizens. See [LCAV’s State Right to Bear Arms Provisions](#) for more-detailed information.

Local Authority to Regulate Firearms in Pennsylvania

Pennsylvania has preempted most area of local firearms regulation. See [LCAV's State Preemption/Local Authority to Regulate Firearms summary](#) for further information.

State Firearms Policies in Pennsylvania

Please note that many firearm-related laws have exceptions for military and law enforcement personnel.

Persons Prohibited from Firearm Possession

Pennsylvania Prohibited Purchasers Generally

See [Regulating Guns in America: Prohibited Purchasers](#) for a comprehensive discussion of this issue.

[Federal law prohibits certain persons from purchasing or possessing firearms](#), such as felons, certain domestic abusers, and certain people with a history of mental illness.

Pennsylvania law provides that, subject to certain limited exceptions, no person shall possess a firearm if he or she has been convicted of:

- Possessing, using, making, repairing, selling, or otherwise dealing in any "offensive weapon," including machine guns, sawed-off shotguns, firearms with a silencer, and stun guns (see § 908);
- An offense relating to organized crime;
- Possessing a weapon on school property;
- Murder;
- Voluntary or involuntary manslaughter involving reckless use of a firearm;
- Aggravated assault;
- Assault by a prisoner or a "life prisoner;"
- Stalking;
- Kidnapping or unlawful restraint;
- Rape, involuntary intercourse, or aggravated indecent assault;
- Luring a child into a motor vehicle;
- Arson;
- Causing or risking catastrophe;

- Burglary;
- Criminal trespass (at the level of second degree felony or higher);
- Robbery or robbery of a motor vehicle;
- Felony theft or felony extortion accompanied by threats of violence (if it is the second conviction for said felony);
- Felony receiving stolen property;
- Impersonating a law enforcement officer;
- Intimidation of, or retaliation against, a witness or a victim;
- Escape from "official detention";⁵
- Possession of weapons or implements for escape from a detention facility, correctional institution or mental hospital;
- Riot;
- Paramilitary training;
- Possession of a firearm by a minor or corruption of minors;
- An offense involving "facsimile weapons of mass destruction"; or
- Unlawful sale or lease of weapons or explosives.⁶

Pennsylvania law also prohibits the following individuals from possessing a firearm:

- A fugitive from justice;
- A person who has been convicted of an offense under The Controlled Substance, Drug, Device and Cosmetic Act;⁷
- A person who has been adjudicated as incompetent or involuntarily committed to a mental institution;
- An illegal alien;

⁵ See 18 Pa. Cons. Stat. Ann. § 5121 (defining "official detention" as arrest, detention in any facility for the custody of persons under charge or conviction of a crime or alleged or found to be delinquent, detention for extradition or deportation, or any other detention for law enforcement purposes).

⁶ 18 Pa. Cons. Stat. Ann. § 6105(b).

⁷ See 35 Pa. Stat. Ann. § 780-101 *et seq.*

- A person adjudicated delinquent under federal or state law as a result of conduct which, if committed by an adult, would constitute specified offenses under Pennsylvania law for a period of 15 years or until the person is age 30;⁸
- A person who is the subject of an active protection from abuse order that provides for the relinquishment of firearms; or
- A person who is prohibited by federal law from possessing or acquiring a firearm because of a conviction for a misdemeanor crime of domestic violence.⁹

A person who has been convicted of driving under the influence on three or more separate occasions within a five-year period is prohibited from purchasing but not possessing a firearm.¹⁰

Pennsylvania law allows persons who are prohibited by Pennsylvania law from possessing firearms by virtue of a criminal conviction to apply to the court of common pleas of the county where the principal residence of the applicant is situated for relief from the firearm prohibition.¹¹ The court must grant the relief if ten years have passed since the conviction.¹²

A person prohibited from possessing firearms because he or she was adjudicated incompetent or involuntarily committed to a mental institution may similarly petition a court for relief from disability, in which case the hearing must be closed.¹³ The court may grant such relief as it deems appropriate if it determines that the applicant may possess a firearm without risk to himself or herself or any other person.¹⁴

For information on the background check process used to enforce these provisions, see the [Pennsylvania Background Checks](#) section.

⁸ See 18 Pa. Cons. Stat. Ann. § 6105(c)(7), (8).

⁹ 18 Pa. Cons. Stat. Ann. § 6105(c).

¹⁰ 18 Pa. Cons. Stat. Ann. § 6105(c)(3).

¹¹ 18 Pa. Cons. Stat. Ann. § 6105(d). A hearing must be held in open court, and the commissioner and the district attorney of the county where the application is filed and any victim or survivor of a victim of the offense upon which the disability was based may be parties to the proceeding. 18 Pa. Cons. Stat. Ann. § 6105(e).

¹² *Id.* See also 18 Pa. Cons. Stat. Ann. § 6105.1 (purporting to restore federal firearms eligibility to persons convicted under Pennsylvania's prior laws). Note that federal law still considers a person to be prohibited from purchasing and possessing firearms even if state law purports to have restored his or her firearms eligibility, unless the person has had all of his or her civil rights restored (not just his or her firearms eligibility). See 18 U.S.C. § 921(a)(20), (33). *United States v. Essig*, 10 F.3d 968 (3rd Cir. 1993); *United States v. Leuschen*, 395 F.3d 155 (3rd Cir. 2005). See also *Pa. State Police v. Paulshock*, 836 A.2d 110 (Pa. 2003).

¹³ 18 Pa. Cons. Stat. Ann. § 6105(f)(1), (3).

¹⁴ 18 Pa. Cons. Stat. Ann. § 6105(f)(1).

Pennsylvania Minimum Age to Purchase or Possess Firearms

Subject to certain exceptions, a person under the age of 18 may not possess or transport a firearm anywhere in Pennsylvania.¹⁵ This prohibition does not apply to a minor who is under the supervision of a parent, grandparent, legal guardian, or an adult acting with the permission of the minor's parent or legal guardian and the minor is engaged in lawful activity, such as safety training, target shooting, or organized firearm competition. In addition, the prohibition does not apply to a minor who is lawfully hunting or trapping in accordance with the Game and Wildlife Code.¹⁶

Any person who knowingly and intentionally delivers or provides a firearm to a minor commits a felony of the third degree and the firearm is subject to seizure by law enforcement.¹⁷ Pennsylvania law also prohibits any person from selling or leasing any deadly weapon or cartridge to any person under age 18.¹⁸

[Federal age restrictions](#) impose stricter limits.

See [Regulating Guns in America: Minimum Age to Purchase / Possess Firearms](#) for a comprehensive discussion of this issue.

¹⁵ 18 Pa. Cons. Stat. Ann. § 6110.1(a).

¹⁶ 34 Pa. Cons. Stat. Ann. § 101 *et seq.*

¹⁷ 18 Pa. Cons. Stat. Ann. § 6110.1(c), (d).

¹⁸ 18 Pa. Cons. Stat. Ann. § 6302. This prohibition does not apply to hunting by minors in accordance with the Game and Wildlife Code, 34 Pa. Cons. Stat. Ann. § 101 *et seq.*

Domestic Violence and Firearms in Pennsylvania

See [Regulating Guns in America: Domestic Violence and Firearms](#) for a comprehensive discussion of this issue.

Firearm Prohibitions for Domestic Violence Misdemeanants

Only persons prohibited by [federal law](#) from possessing firearms as a result of a domestic violence misdemeanor are subject to Pennsylvania's law prohibiting firearm possession by domestic violence misdemeanants.¹⁹

For information about temporary delays in the background process that allow the Pennsylvania State Police to determine whether a misdemeanor involved domestic violence, see the [Pennsylvania Background Checks](#) section.

Firearm Prohibitions for Persons Subject to Domestic Violence Protective Orders, and Relinquishment of Firearms When Domestic Violence Protective Orders Are Issued

Pennsylvania law prohibits anyone subject to a current domestic violence protective order from possessing a firearm if the protective order provides for the relinquishment of firearms.²⁰ A court issuing a domestic violence protective order is authorized, but not required, to order the abuser to relinquish all of his or her firearms, as well as ammunition used or threatened to be used in an incident of abuse.²¹ Any family member or current or former sexual or intimate partner who has been subject to abuse may seek such an order.²² If ordered to relinquish firearms or ammunition, the abuser must then relinquish his or her firearms and ammunition to law enforcement, a licensed dealer, or a third party who has received a special "safekeeping permit" from law enforcement.²³ In the event an abuser decides to relinquish a firearm or ammunition to a dealer or a third party, the dealer or third party must provide the abuser with a receipt describing the firearm or ammunition and the abuser must provide this receipt to law enforcement.²⁴

¹⁹ [18 U.S.C. §§ 921\(a\)\(33\), 922\(g\)\(9\)](#); 18 Pa. Cons. Stat. Ann. § 6105(c)(9). The relationship need not be an element of the offense to meet these requirements. 18 Pa. Cons. Stat. Ann. § 6105(c)(9)(iv).

²⁰ 18 Pa. Cons. Stat. Ann. § 6105(c)(6).

²¹ 23 Pa. Cons. Stat. Ann. § 6108(a)(7).

²² 23 Pa. Cons. Stat. Ann. § 6102(a).

²³ 23 Pa. Cons. Stat. Ann. §§ 6108-6108.3.

²⁴ 23 Pa. Cons. Stat. Ann. §§ 6108.2(c), 6108.3.

A plaintiff may also petition for a “temporary” order for protection from abuse if he or she alleges immediate and present danger of abuse to the plaintiff or minor children, in which case the court shall conduct an “ex parte” proceeding (without notice to the defendant).²⁵ In an ex parte proceeding, the court may direct that the defendant temporarily relinquish to the sheriff any firearms or ammunition for the duration of the temporary order if the petition demonstrates abuse which involves a firearm or other weapon, or an immediate and present danger of such abuse (based on a list of factors).²⁶

Pennsylvania law requires the State Police to maintain a registry of temporary and final protection orders, court-approved consent agreements and foreign protection orders.²⁷ This registry indicates whether firearms or ammunition were ordered relinquished in each protection order or consent agreement. A court that has entered a protection order or consent agreement must make the information available to the Pennsylvania State Police within 24 hours of the order.²⁸

For general information on the background check process and categories of prohibited purchasers or possessors, see the [Pennsylvania Background Checks](#) and [Pennsylvania Prohibited Persons](#) sections.

Removal of Firearms at the Scene of a Domestic Violence Incident

Pennsylvania law grants a police officer a right of arrest without a warrant whenever he or she has probable cause to believe the defendant has committed involuntary manslaughter, assault, reckless endangerment, terroristic threats or stalking against a “family or household member” even if the offense did not take place in the officer’s presence, if the officer first observes recent physical injury to the victim or other corroborative evidence.²⁹ Pennsylvania law requires the arresting police officer in this situation to seize all weapons used by the defendant in the commission of the offense.³⁰

In addition, Pennsylvania law grants a police officer a right of arrest without a warrant whenever he or she has probable cause to believe the defendant has violated a protection order, even if the violation was not committed in the presence of the police officer.³¹ Subsequent to the arrest, the police officer must seize all firearms and ammunition used or

²⁵ 23 Pa. Cons. Stat. Ann. § 6107(b)(1).

²⁶ 23 Pa. Cons. Stat. Ann. § 6107(b)(3).

²⁷ 23 Pa. Cons. Stat. Ann. § 6105(e).

²⁸ 23 Pa. Cons. Stat. Ann. § 6105(e)(4).

²⁹ 18 Pa. Cons. Stat. Ann. § 2711(a). See 23 Pa. Cons. Stat. Ann. § 6102 (defining “family or household member”).

³⁰ 18 Pa. Cons. Stat. Ann. § 2711(b).

³¹ 23 Pa. Cons. Stat. Ann. § 6113.

threatened to be used during the violation of the protection order or during prior incidents of abuse, and any other firearms in the defendant's possession.³²

³² *Id.*

Disarming Prohibited Persons in Pennsylvania

With the exception of persons subject to an active protection from abuse order, Pennsylvania law gives [persons prohibited from possessing firearms](#) a “reasonable period of time, not to exceed 60 days from the date of the imposition” of the firearm prohibition, in which to sell or transfer his or her firearms to another eligible person who is not a member of the prohibited person’s household.³³

A policy of the Philadelphia Adult Probation and Parole Department provides that anyone under its supervision has 10 days to dispose of a weapon. This policy provides for surrender of firearms to the police department, sale to a licensed firearms dealer, or sale to an eligible person. After the person sells or transfers his or her firearms, he or she is required to provide his or her Probation or Parole officer with a receipt or record of sale.³⁴

For laws governing the procedure for surrender of firearms by a person subject to a protective order, see the section entitled [Domestic Violence and Firearms in Pennsylvania](#).

³³ 18 Pa. Cons. Stat. Ann. § 6105(a)(2).

³⁴ [First Judicial District of Pennsylvania, Adult Probation and Parole Department, Firearms Surrender Policy, \(last revised November 2005\)](#).

Sales & Transfers

Background Checks in Pennsylvania

See [Regulating Guns in America: Background Checks](#) for a comprehensive discussion of this issue.

[Federal law requires federally licensed firearms dealers \(but not private sellers\) to initiate a background check on the purchaser prior to sale of a firearm.](#) Federal law provides states with the option of serving as a state “point of contact” and conducting their own background checks using state, as well as federal, records and databases, or having the checks performed by the FBI using only the federal [National Instant Criminal Background Check System \(“NICS”\) database](#). (Note that state files are not always included in the federal database.)

The Pennsylvania State Police (“PSP”) serves as a state point of contact for NICS.³⁵ Before a federally licensed importer, manufacturer or dealer transfers a firearm to an unlicensed person, the importer, manufacturer or dealer must request, by means of a telephone call, that PSP conduct a criminal history, juvenile delinquency history, and a mental health check.³⁶ The licensee and the purchaser must provide such information as is necessary to accurately identify the purchaser, and the licensee must inspect photo identification of the potential purchaser or transferee.³⁷ The licensee may not transfer the firearm until he or she receives a unique approval number from PSP for the purchase.³⁸ The licensee must also collect from the buyer or transferee and forward to PSP a fee equivalent to the cost of conducting the background check, but not exceeding \$2 per buyer or transferee, and issue a receipt containing the approval number to the purchaser or transferee.³⁹

The dealer is prohibited from transferring the firearm if PSP has issued a “temporary delay” in order to investigate whether the person has been convicted of a domestic violence misdemeanor that disqualifies the person from firearm possession.⁴⁰

In addition, to sell a handgun or short-barreled rifle or shotgun, a dealer must:

³⁵ 18 Pa. Cons. Stat. Ann. §§ 6111, 6111.1; [Pennsylvania State Police, 2010 Firearms Annual Report \(2011\)](#).

³⁶ 18 Pa. Cons. Stat. Ann. § 6111(b)(3).

³⁷ 18 Pa. Cons. Stat. Ann. § 6111(b)(2), (3).

³⁸ 18 Pa. Cons. Stat. Ann. § 6111(b)(4).

³⁹ 18 Pa. Cons. Stat. Ann. § 6111(a), (b).

⁴⁰ 18 Pa. Cons. Stat. Ann. § 6111(b)(7).

- Require the purchaser to complete a purchase application, which includes a statement that the purchaser is the actual buyer of the firearm. The dealer must retain a copy of the application for at least 20 years, mail the original to PSP within 14 days of the sale, and provide one copy to the purchaser;
- Record the approval number on the application; and
- If the purchaser passes the background check, deliver the firearm to the purchaser securely wrapped and unloaded.⁴¹

Upon receipt of a request for a criminal history, juvenile delinquency history and mental health record check of the potential purchaser or transferee, PSP must immediately during the licensee's call or by return call review PSP's criminal history, fingerprint records, juvenile delinquency and mental health records to determine if the potential purchaser or transferee is prohibited from receipt or possession of a firearm under federal or state law.⁴² PSP must then inform the licensee making the inquiry either that the potential purchase or transfer is prohibited, or provide the licensee with a unique approval number.⁴³

According to the [2010 Firearms Annual Report of the Pennsylvania State Police](#), PSP searches the following databases as part of a background check prior to approving a firearm transfer:

- NICS;
- PSP's criminal history records;
- PSP's juvenile delinquency records;
- PSP's mental health records;
- PSP's protection from abuse file (see the [Pennsylvania Domestic Violence and Firearms](#) section); and
- PSP's wanted/missing person file.⁴⁴

⁴¹ 18 Pa. Cons. Stat. Ann. § 6111(a), (b); [37 Pa. Code § 33.111](#). For more information about the procedures that licensed dealers must follow to complete the sale, please see the administrative regulations of PSP available at [37 Pa. Code §§ 33.102, 33.113](#).

⁴² 18 Pa. Cons. Stat. Ann. § 6111.1(b)(1)(i), (ii).

⁴³ 18 Pa. Cons. Stat. Ann. § 6111.1(b)(1)(iii).

⁴⁴ Pennsylvania State Police, *2010 Firearms Annual Report 2-3* (2011), at http://www.portal.state.pa.us/portal/server.pt/document/1102470/pennsylvania_state_police_2010_firearms_annual_report_pdf.

Pennsylvania law allows PSP to issue a temporary delay of the approval of the purchase or transfer of a firearm if the criminal history or juvenile delinquency background check indicates a conviction for a misdemeanor that PSP cannot determine is or is not related to domestic violence.⁴⁵ (Federal and Pennsylvania law prohibit firearm possession by persons convicted of certain domestic violence misdemeanors. See the [Pennsylvania Domestic Violence and Firearms](#) section for further information.) During the temporary delay, PSP must investigate the conviction with courts and law enforcement or related institutions as necessary to determine whether the misdemeanor conviction involved domestic violence.⁴⁶ PSP must conduct the investigation as expeditiously as possible.⁴⁷

Law enforcement files concerning any child adjudicated delinquent for any criminal activity that would prohibit him or her from firearm possession must be recorded in the registry of PSP for the limited purpose of firearm background checks.⁴⁸

For information about the reporting of mental health information for use in firearm purchaser background checks, see the [Pennsylvania Mental Health Reporting](#) section.

Pennsylvania law requires PSP to maintain a telephone number, operational seven days a week between the hours of 8 a.m. and 10 p.m., for purposes of responding to inquiries from licensees. PSP must also employ and train such personnel as necessary to expeditiously administer these requirements.⁴⁹

A person who has been denied a firearms transfer based on a background check may seek review from PSP and/or appeal that decision to the Pennsylvania Attorney General. The person may further appeal an unfavorable decision by the Attorney General in court.⁵⁰

Statistics regarding background checks for firearm transfers in Pennsylvania can be found in the [2010 Firearms Annual Report of the Pennsylvania State Police](#).

For a discussion of persons prohibited by federal or state law from possessing or purchasing a firearm, see the [Pennsylvania Prohibited Purchasers Generally](#) section.

In Pennsylvania, private sellers (sellers who are not licensed dealers) may only sell a handgun to an unlicensed purchaser through a licensed importer, manufacturer, dealer or county sheriff's office, who must initiate a background check as described above.⁵¹ Private sellers are not required to initiate background checks when transferring a long gun in

⁴⁵ 18 Pa. Cons. Stat. Ann. § 6111(b)(7).

⁴⁶ *Id.*

⁴⁷ *Id.*

⁴⁸ 18 Pa. Cons. Stat. Ann. § 6111.1(h)(2).

⁴⁹ 18 Pa. Cons. Stat. Ann. § 6111.1(c).

⁵⁰ For more information, see 18 Pa. Cons. Stat. Ann. § 6111.1(e)(2).

⁵¹ 18 Pa. Cons. Stat. Ann. § 6111(c), (f)(1)-(2); [37 Pa. Code § 33.111\(g\)](#).

Pennsylvania, although federal and state laws prohibiting certain persons from purchasing or possessing firearms still apply. See the [Pennsylvania Private Sales](#) section.

See the section below for information regarding the [Retention of Sales / Background Check Records in Pennsylvania](#).

Mental Health Reporting in Pennsylvania

See [Regulating Guns in America: Mental Health Reporting](#) for a comprehensive discussion of this issue.

Federal law prohibits possession of a firearm or ammunition by any person who has been “adjudicated as a mental defective” or involuntarily “committed to any mental institution.”⁵² No federal law, however, requires states to report the identities of these individuals to the [National Instant Criminal Background Check System \(“NICS”\) database](#), which the FBI uses to perform background checks prior to firearm transfers.

There is no law in Pennsylvania requiring the reporting of mental health information to NICS. However, Pennsylvania law authorizes such disclosure, by stating:

Notwithstanding any law to the contrary, the Pennsylvania State Police may disclose, electronically or otherwise, to the United States Attorney General or a designee, any record relevant to a determination of whether a person is disqualified from possessing or receiving a firearm under [18 U.S.C. § 922\(g\)\(3\) or \(4\)](#) [prohibiting possession of a firearm or ammunition by any person who is an unlawful user of or addicted to any controlled substance or who has been adjudicated as a mental defective or involuntarily committed to any mental institution] or an applicable state statute.⁵³

Pennsylvania law also requires judges of the courts of common pleas to notify the Pennsylvania State Police (“PSP”), on a form developed by PSP, of:

- The identity of any individual who has been adjudicated as an incompetent or as a mental defective or who has been involuntarily committed to a mental institution or who has been involuntarily treated as described or federal or Pennsylvania law relating to firearms; and
- Any finding of fact or court order related to any person prohibited by federal law from possessing a firearm or ammunition as an unlawful user of or addicted to any controlled substance.⁵⁴

⁵² [18 U.S.C. § 922\(d\)\(4\)](#).

⁵³ 18 Pa. Cons. Stat. Ann. § 6111.1(f)(3).

⁵⁴ 18 Pa. Cons. Stat. Ann. § 6111.1(f). See also 18 Pa. Cons. Stat. Ann. § 6109(i.1)(2) (requiring “the judge of the court of common pleas, mental health review officer or county mental health and mental retardation administrator” to report to PSP persons adjudicated incompetent, or involuntarily

The notification must be transmitted by the judge to PSP within seven days of the adjudication, commitment or treatment.⁵⁵

The Pennsylvania law that governs the confidentiality of mental health records states that it does not restrict judges of the courts of common pleas, mental health review officers and county mental health and mental retardation administrators from disclosing information to PSP or PSP from disclosing information to any person, in accordance with these provisions.⁵⁶

If a court grants relief from the Pennsylvania prohibition on firearm possession by persons adjudicated to be incompetent or involuntarily committed to a mental institution, a copy of the order must be sent to PSP within ten days. The order must include the name, date of birth and social security number of the individual.⁵⁷

As of October 2011, Pennsylvania had submitted only one mental health record to NICS.⁵⁸

For general information on the background check process and categories of prohibited purchasers or possessors, see the [Pennsylvania Background Checks](#) section and the section entitled [Prohibited Purchasers Generally](#).

committed for inpatient care and treatment, or upon involuntary treatment of a person as described in 18 Pa. Cons. Stat. Ann. § 6105(c)(4)); 50 Pa. Stat. Ann. § 7109(d) (same).

⁵⁵ 18 Pa. Cons. Stat. Ann. §§ 6109(i.1)(2), 6111.1(f)(2); 50 Pa. Stat. Ann. § 7109(d).

⁵⁶ 50 Pa. Stat. Ann. § 7111.

⁵⁷ 18 Pa. Cons. Stat. Ann. § 6105(j). For PSP's regulations regarding the reporting of mental health information, see [37 Pa. Code §§ 33.103\(e\), 33.120](#).

⁵⁸ Mayors Against Illegal Guns, *Fatal Gaps: How Missing Records in the Federal Background Check System Put Guns in the Hands of Killers* 50 (Nov. 2011), at http://www.mayorsagainstillegalguns.org/downloads/pdf/maig_mimeo_revb.pdf.

Multiple Purchases / Sales of Firearms in Pennsylvania

Pennsylvania has no law restricting sales or purchases of multiple firearms.

See [*Regulating Guns in America: Restrictions on Multiple Purchases or Sales of Firearms*](#) for a comprehensive discussion of this issue.

Retention of Sales / Background Check Records in Pennsylvania

Pennsylvania law states that a firearms dealer's state license will be revoked if the licensee fails to keep a record in triplicate of every firearm sold and retain the records for 20 years.⁵⁹

Pennsylvania law also requires firearm dealers to provide a record of the sale of any handgun or certain other firearms to the Firearms Division of the Pennsylvania State Police ("PSP"), which maintains a permanent database of these sales.⁶⁰ Generally, no record of sale is completed for the purchase of a long gun;⁶¹ however, PSP must destroy any record of sale of a long gun within 72 hours of the background check.⁶²

Regarding long guns, the dealer must submit a statement to PSP within 14 days of the sale, containing the number of long guns sold, the amount of surcharge and other fees remitted and a list of the unique approval numbers given, together with a statement that the background checks have been performed on the firearms contained in the statement. PSP promulgates a form for this statement.⁶³

See [Regulating Guns in America: Retention of Firearm Sales and Background Check Records](#) for a comprehensive discussion of this issue.

⁵⁹ 18 Pa. Cons. Stat. Ann. § 6113.

⁶⁰ 18 Pa. Cons. Stat. Ann. § 6111(b).

⁶¹ 18 Pa. Cons. Stat. Ann. § 6111(b)(1.4).

⁶² 18 Pa. Cons. Stat. Ann. § 6111(b)(1.1)(v). See the [Pennsylvania Registration of Firearms](#) section regarding whether this constitutes "registration" of handguns.

⁶³ 18 Pa. Cons. Stat. Ann. § 6111(b)(1.4).

Pennsylvania Waiting Periods

Pennsylvania imposes no waiting period between the time of purchase and the actual physical transfer of a firearm.

See [Regulating Guns in America: Waiting Periods](#) for a comprehensive discussion of this issue.

Gun Dealers & Other Sellers

Pennsylvania Dealer Regulations

See [Regulating Guns in America: Dealer Regulations](#) for a comprehensive discussion of this issue.

[Federal law requires firearms dealers to obtain a license](#) from the Bureau of Alcohol, Tobacco, Firearms & Explosives (ATF), although resource limitations prevent ATF from properly overseeing all its licensees.

Pennsylvania law requires all retail firearms dealers to be licensed by the state.⁶⁴ A license will be revoked if the licensee:

- Fails to conduct business only where designated in the license or at a lawful gun show or meet;
- Fails to display the license on the premises;
- Sells any firearm in violation of Pennsylvania law;
- Sells a firearm to a purchaser without evidence of the purchaser's identity unless the purchaser is personally known to the licensee;
- Fails to keep a record in triplicate of every firearm sold and retain the records for 20 years;
- Displays any firearm where it can be readily seen from outside the premises;
- Fails to store firearms securely when closed for business in the event of a clear and present danger to public safety as declared by the Pennsylvania State Police ("PSP"); or
- Fails to possess all applicable current revenue licenses.⁶⁵

By signing the application for a license to sell firearms, the applicant is acknowledging that if a license is granted, the applicant gives permission to PSP, or their designee, and the

⁶⁴ 18 Pa. Cons. Stat. Ann. § 6112.

⁶⁵ 18 Pa. Cons. Stat. Ann. § 6113. For additional information about the licensing of firearms dealers, see [37 Pa. Code § 33.116](#).

issuing authority, to visit the licensee's business location and inspect the premises, records, and documents without a warrant.⁶⁶

When an unlicensed person desires to sell or transfer a handgun or short-barreled rifle or shotgun to another unlicensed person upon the place of business of a licensed dealer, the dealer must follow the procedures for the transfer as if he or she were the seller of the firearm.⁶⁷

All licensed dealers must provide each purchaser a free firearms safety brochure containing a summary of state firearms regulations.⁶⁸ The brochures are provided by PSP at no cost to the dealer.⁶⁹

Pennsylvania law only regulates the storage of firearms and ammunition by dealers when closed for business in an area where the Commissioner of PSP has found a clear and present danger to public safety to exist.⁷⁰

Retail firearms dealer licenses are issued by the chief or head of any police force or police department of a city, and, elsewhere, the sheriff of the county, and are valid for three years.⁷¹

For information about the Pennsylvania law:

- Requiring a locking device to accompany the sale of a firearm, see the [Pennsylvania Locking Devices](#) section.
- Limiting sales of ammunition, see the [Pennsylvania Ammunition Regulation](#) section.
- Requiring federally licensed dealers to conduct background checks on firearm purchasers, see the [Pennsylvania Background Checks](#) section.
- Requiring dealers to maintain records of sales, see the [Pennsylvania Retention of Sales / Background Check Records](#) section.
- Applicable to both licensed and private firearm sellers, see the [Pennsylvania Private Sales](#) section.

⁶⁶ [37 Pa. Code § 33.116\(c\)](#).

⁶⁷ 18 Pa. Cons. Stat. Ann. § 6111(c).

⁶⁸ 18 Pa. Cons. Stat. Ann. § 6125; [37 Pa. Code § 33.111\(d\)\(5\)](#).

⁶⁹ 18 Pa. Cons. Stat. Ann. § 6125.

⁷⁰ See [37 Pa. Code §§ 31.101-31.106](#).

⁷¹ 18 Pa. Cons. Stat. Ann. § 6113(a).

Private Sales in Pennsylvania

See [Regulating Guns in America: Private Sales](#) for a comprehensive discussion of this issue.

In Pennsylvania, an unlicensed seller may only sell a handgun or short-barreled rifle or shotgun to an unlicensed purchaser at the place of business of a licensed importer, manufacturer, dealer or county sheriff's office.⁷² The licensed importer, manufacturer, dealer or sheriff must comply with all of the dealer regulations set forth in the [Pennsylvania Dealer Regulations](#) section, including a background check on prospective purchaser.⁷³ These requirements do not apply to transfers between spouses, parents and children, and grandparents and grandchildren.⁷⁴ These requirements also do not generally apply to transfers of long guns.⁷⁵

Any seller who knowingly and intentionally delivers a firearm to an individual who is not eligible to possess a firearm commits a third degree felony.⁷⁶

No seller may deliver a handgun or short-barreled rifle or shotgun to the purchaser or transferee unless the firearm is securely wrapped and unloaded.⁷⁷

See the section entitled [Firearms Trafficking](#) for additional laws that limit private sales of firearms.

⁷² 18 Pa. Cons. Stat. Ann. § 6111(c), (f)(1), (2).

⁷³ 18 Pa. Cons. Stat. Ann. § 6111(a), (c).

⁷⁴ 18 Pa. Cons. Stat. Ann. § 6111(c).

⁷⁵ 18 Pa. Cons. Stat. Ann. § 6111(f)(2).

⁷⁶ 18 Pa. Cons. Stat. Ann. § 6111(g)(2).

⁷⁷ 18 Pa. Cons. Stat. Ann. § 6111(a).

Pennsylvania Gun Shows

Pennsylvania does not specifically regulate gun shows. However, it does regulate where and how private persons may transfer handguns and short-barreled rifles and shotguns to unlicensed transferees.⁷⁸ It specifies that the place of business for a retail dealer includes a lawful gun show or meet.⁷⁹ Since a transfer of a handgun must take place at the place of business of a licensed dealer,⁸⁰ a private person may thus transfer a handgun to an unlicensed transferee at a gun show. However, the private seller must have a licensed importer, manufacturer, dealer or county sheriff's office perform a background check on the prospective purchaser.⁸¹ The licensee must also follow all other dealer regulations specified in the [Pennsylvania Dealer Regulations](#) section before transferring the handgun.⁸²

See also the [Pennsylvania Private Sales](#) section for state laws that apply at gun shows.

See [Regulating Guns in America: Gun Shows](#) for a comprehensive discussion of this issue.

⁷⁸ 18 Pa. Cons. Stat. Ann. § 6111(c).

⁷⁹ 18 Pa. Cons. Stat. Ann. § 6113(a).

⁸⁰ 18 Pa. Cons. Stat. Ann. § 6111(c).

⁸¹ 18 Pa. Cons. Stat. Ann. § 6111(c); [37 Pa. Code § 33.111\(g\)](#).

⁸² 18 Pa. Cons. Stat. Ann. § 6111(c); [37 Pa. Code § 33.111\(g\)](#).

Pennsylvania Immunity Statutes

Pennsylvania law prohibits certain lawsuits by political subdivisions against firearms or ammunition manufacturers, trade associations or dealers.⁸³ For further information, see [Local Authority to Regulate Firearms in Pennsylvania](#).

Pennsylvania law also states that all owners of rifle or pistol ranges are exempt and immune from any civil action or criminal prosecution in any matter relating to noise or noise pollution resulting from the normal and accepted shooting activity on ranges, provided that the owners of the ranges are in compliance with any applicable noise control laws or ordinances existing at the time construction of the range was initiated.⁸⁴ Owners of such ranges are also not subject to any action for nuisance and no court may enjoin the use or operation of the ranges on the basis of noise or noise pollution, provided that the owners of the ranges are in compliance with any applicable noise control laws or ordinances existing at the time construction of the range was initiated.⁸⁵ If no noise control laws or ordinances existed at the time construction of the range was initiated, then the immunity granted by these provisions applies to the ranges.

For detailed information about government and private party lawsuits against the gun industry, the status of litigation involving gun industry immunity statutes in various states, or pending gun industry immunity legislation, visit the [Brady Center's Legal Action Project](#) and the [Coalition to Stop Gun Violence's Gun Industry Immunity page](#).

See [LCAV's policy page on Immunity Statutes / Manufacturer Litigation](#) for further information.

⁸³ 18 Pa. Cons. Stat. Ann. § 6120(a.1)(1).

⁸⁴ 35 Pa. Stat. Ann. § 4501.

⁸⁵ 35 Pa. Stat. Ann. § 4502.

Gun Owner Responsibilities

Licensing of Gun Owners or Purchasers in Pennsylvania

Pennsylvania has no law requiring gun owners or purchasers to obtain a license.

See [Regulating Guns in America: Licensing of Gun Owners or Purchasers](#) for a comprehensive discussion of this issue.

Pennsylvania Registration of Firearms

Under Pennsylvania law, firearm dealers must provide a record of the sale of handguns and certain other firearms to the Firearms Division of the Pennsylvania State Police ("PSP"), which maintains a permanent database of handgun sales.⁸⁶ However, this database does not constitute a registry of gun ownership, and PSP maintains no record of long gun sales.⁸⁷ Pennsylvania law specifically prevents any provision of its law from allowing any government or law enforcement agency to create a registry of firearm ownership.⁸⁸ State law also requires PSP to destroy any application or record of sale of a long gun within 72 hours of the background check.⁸⁹

In *Allegheny County Sportsmen's League v. Rendell*, 860 A.2d 10 (Pa. 2004), the Supreme Court of Pennsylvania interpreted these provisions to permit PSP to maintain a database of the purchasers of handguns, but not of long guns.⁹⁰

In addition, Pennsylvania's law regarding domestic violence contains a similar provision, stating that it does not allow any person or entity to create a registry of firearm ownership, although information may be retained to ensure compliance with these statutes and to document the return of firearms to persons no longer subject to protective orders.⁹¹ Such information is not subject to public disclosure.

See the section entitled [Retention of Sales / Background Check Records in Pennsylvania](#) for further information about sales reporting requirements. See [Regulating Guns in America: Registration of Firearms](#) for a comprehensive discussion of this issue.

⁸⁶ 18 Pa. Cons. Stat. Ann. § 6111(b).

⁸⁷ *Allegheny County Sportsmen's League v. Rendell*, [860 A.2d 10, 16 \(Pa. 2004\)](#).

⁸⁸ Pursuant to 18 Pa. Cons. Stat. Ann. § 6111.4, "nothing in this chapter shall be construed to allow any government or law enforcement agency or any agent thereof to create, maintain or operate any registry of firearm ownership" within Pennsylvania. 18 Pa. Cons. Stat. Ann. § 6111(b)(1.1)(v), relating to background checks for firearm transfers, provides that "no information on the application/record of sale provided pursuant to this subsection shall be retained as precluded by section 6111.4...by the Pennsylvania State Police."

⁸⁹ 18 Pa. Cons. Stat. Ann. § 6111(b)(1.1)(v).

⁹⁰ 18 Pa. Cons. Stat. Ann. § 6111(b)(1.1)(v)'s requirement that applications and records of sale of long guns be destroyed within 72 hours does not apply to applications and records of sale of handguns. *Rendell*, 860 A.2d at 18. The database maintained by the PSP did not constitute a registry of firearm ownership because it only contained applications and records of sale. *Id.* at 22.

⁹¹ 23 Pa. Cons. Stat. Ann. § 6108.4 states that nothing in 23 Pa. Cons. Stat. Ann. §§ 6101-6122 (regarding domestic violence) shall be construed to allow any person or entity to create, maintain or operate a database or registry of firearm ownership.

Reporting Lost or Stolen Firearms in Pennsylvania

Pennsylvania does not require firearm owners to report the loss or theft of a firearm. However, in 2008, Pennsylvania amended its law prohibiting the false reporting of an offense or incident to law enforcement authorities to make the offense graded one step greater if the false report involves the theft or loss of a firearm.⁹²

See [Regulating Guns in America: Reporting Lost or Stolen Firearms](#) for a comprehensive discussion of this issue.

⁹² 18 Pa. Cons. Stat. Ann. § 4906.

Firearms in Public Places

Concealed Weapons Permitting in Pennsylvania

See [Regulating Guns in America: Carrying Concealed Weapons](#) for a comprehensive discussion of this issue.

Pennsylvania law penalizes any person who, without a license, carries a firearm in any vehicle or concealed on or about his or her person, other than at his or her home or business.⁹³

Pennsylvania is a "shall issue" state, meaning that local law enforcement must issue a license to carry a firearm if the applicant meets certain qualifications. Law enforcement must issue a license "if, after an investigation not to exceed 45 days, it appears that the applicant is an individual concerning whom no good cause exists to deny the license."⁹⁴ The applicant must state a reason for seeking the license, which may include self-defense, employment, hunting, target shooting, gun collecting, or "another proper reason."⁹⁵ A license will be denied if the applicant:

- Is not 21 years of age;
- Has a character and reputation indicating the applicant would be likely to act in a manner dangerous to public safety;
- Has been convicted of, or adjudicated delinquent in the past ten years for, any offense under The Controlled Substance, Drug, Device and Cosmetic Act (35 Pa. Stat. Ann. § 780-101 *et seq.*);
- Does not qualify to possess a firearm under Pennsylvania law or has been convicted of, or adjudicated delinquent in the past ten years for, any of the crimes which disqualify individuals from firearm possession under Pennsylvania law (see also the [Pennsylvania Background Checks](#) section);
- Is not of sound mind or has ever been committed to a mental institution;

⁹³ 18 Pa. Cons. Stat. Ann. § 6106(a)(1). If the offender is otherwise eligible for a license, however, the penalty is less. 18 Pa. Cons. Stat. Ann. § 6106(a)(2). Please see the [Guns in Vehicles](#) section for a list of exceptions.

⁹⁴ 18 Pa. Cons. Stat. Ann. § 6109(e).

⁹⁵ 18 Pa. Cons. Stat. Ann. § 6109(c).

- Is addicted to or an unlawful user of marijuana or a stimulant, depressant or narcotic drug;
- Is a habitual drunkard;
- Has been charged with, or convicted of, a crime punishable by more than one year of imprisonment;
- Is an undocumented alien;
- Has been dishonorably discharged from the armed forces;
- Is a fugitive from justice;
- Is otherwise prohibited from possessing, using, manufacturing, controlling, purchasing, selling, or transferring a firearm as provided by Pennsylvania law; or
- Is prohibited from possessing or acquiring a firearm under the United States Code.⁹⁶

The license may be revoked by the issuing authority for "good cause," which exists where, among other things, the license holder falls into any of the prohibited categories listed above.⁹⁷

Firearm Safety Training

Pennsylvania law does not require applicants for a license to carry a firearm to undergo firearm safety training or otherwise demonstrate knowledge of firearms safety.

Duration & Renewal

A Pennsylvania license to carry a firearm is valid for up to five years.⁹⁸

⁹⁶ 18 Pa. Cons. Stat. Ann. § 6109.

⁹⁷ 18 Pa. Cons. Stat. Ann. § 6109(i). Additional application and background check requirements, as well as license suspension and disqualification information, are detailed under 18 Pa. Cons. Stat. Ann. § 6109 and [37 Pa. Code §§ 33.114, 33.115, 33.119](#). In 2008, Pennsylvania enacted a law allowing local law enforcement to issue a "temporary emergency license to carry a concealed firearm," which is valid for 45 days. See 18 Pa. Cons. Stat. Ann. § 6109(m.1). To obtain a temporary license, a person must submit evidence of imminent danger to himself or herself or his or her minor child, and a sworn affidavit attesting that he or she is eligible for a license to carry a firearm and not legally prohibited from possessing a firearm. The evidence of imminent danger must take the form of a police report or other document prepared by a law enforcement officer describing facts that give rise to the person's reasonable fear of criminal attack. The sheriff must conduct a background check prior to issuing a temporary license. Prior to the expiration of the temporary license, if it is not revoked, the sheriff must issue a regular license to carry a firearm to the person. *Id.*

Disclosure or Use of Information

Pennsylvania does not allow personal application or license information of license holders to be made public. All information provided by the license applicant, including but not limited to his or her name or identity, "shall be confidential and not subject to public disclosure."⁹⁹

Reciprocity

Pennsylvania law allows the state Attorney General to enter into agreements with other states to honor their concealed weapons permits in Pennsylvania.¹⁰⁰ The law requires the Attorney General to annually contact any other state that does not have a reciprocity agreement with Pennsylvania to determine if:

- The state will negotiate a reciprocity agreement;
- A licensee may carry a concealed firearm in that state; or
- A licensee may apply for a license or permit to carry a firearm issued by the state.¹⁰¹

The Attorney General shall maintain a current list of states with any of the above, and the list shall be posted on the Internet, provided to the Pennsylvania State Police and made available to the public upon request. For the current list of such states, see the [Pennsylvania Office of the Attorney General](#) web site.

Pennsylvania law also provides an exception to the requirement of a license to carry a firearm for any person who possesses a valid and lawfully issued license or permit to carry a firearm under the laws of another state, regardless of whether a reciprocity agreement exists, if the state provides a reciprocal privilege for individuals licensed to carry firearms under Pennsylvania law, and the Attorney General has determined that the firearm laws of the state are similar to the firearm laws of Pennsylvania.¹⁰²

⁹⁸ 18 Pa. Cons. Stat. Ann. § 6109(f); [37 Pa. Code § 33.115\(d\)](#). Renewal provisions can be found under 18 Pa. Cons. Stat. Ann. § 6109. An exception exists to the requirement of a license to carry a firearm for a person whose license expired within the previous six months and who is eligible for renewal. 18 Pa. Cons. Stat. Ann. § 6106(b)(12).

⁹⁹ 18 Pa. Cons. Stat. Ann. § 6111(i). See also [37 Pa. Code § 33.103](#).

¹⁰⁰ 18 Pa. Cons. Stat. Ann. § 6109(k).

¹⁰¹ 18 Pa. Cons. Stat. Ann. § 6109(m)

¹⁰² 18 Pa. Cons. Stat. Ann. § 6106(b)(15).

Open Carrying in Pennsylvania

Pennsylvania generally allows the open carrying of firearms without a license. However, in Philadelphia (the only “city of the first class”),¹⁰³ a license is required to openly carry a firearm.¹⁰⁴

For a comprehensive discussion of this issue, see [LCAV's policy page on the Open Carrying of Firearms in Public](#).

¹⁰³ 53 Pa. Stat. Ann. § 101.

¹⁰⁴ 18 Pa. Cons. Stat. Ann. §§ 6108-6109.

Location Restrictions

Guns in Vehicles in Pennsylvania

No person, even the holder of a license to carry a firearm, may carry a loaded long gun in a vehicle.¹⁰⁵

In addition, Pennsylvania law provides that "any person who carries a firearm in any vehicle...without a valid and lawfully issued license...commits a felony."¹⁰⁶ This rule does not apply to:

- Those traveling to or from target shooting, if the firearm is unloaded with the cartridges or shells carried in a separate container;
- Officers or employees of the United States duly authorized to carry a concealed firearm;
- Agents, messengers, or employees of banks or businesses whose duties require them to protect money or other valuable property in the discharge of their duties;
- Any person engaged in the business of manufacturing, repairing, or dealing in firearms or the agent of such person, having in his or her possession, using, or carrying a firearm in the usual course of business;
- Any person carrying an unloaded firearm in a secure wrapper between certain places, including the place of purchase or repair to his or her home or place of business, or when moving from one home or business to another;
- Any person licensed to hunt or fish, if he or she is actually hunting or fishing;
- A person training dogs;
- Any person carrying a firearm in a vehicle who 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;
- A person who had a license to possess a firearm that expired within six months before his or her date of arrest, if the person is otherwise eligible for renewal of the license; and

¹⁰⁵ Pennsylvania defines a firearm as "[a]ny 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." 18 Pa. Cons. Stat. Ann. § 6102. Loaded firearms not included in this definition generally may not be carried by any person, including holders of a license to carry a firearm, in any vehicle. 18 Pa. Cons. Stat. Ann. § 6106.1(a).

¹⁰⁶ 18 Pa. Cons. Stat. Ann. § 6106(a).

- Any person who is otherwise eligible to possess a firearm and who is operating a 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 license has been issued to the spouse or parent owning the firearm.¹⁰⁷

It is generally unlawful to operate or ride in any snowmobile or ATV in possession of a loaded firearm.¹⁰⁸

See the [Guns in Schools in Pennsylvania](#) section below regarding transportation to schools.

Finally, no person may possess a firearm of any kind "in or on or against any conveyance propelled by mechanical power or its attachments at any time whether or not the vehicle or its attachment is in motion unless the firearm is unloaded" or that person is in possession of a valid license to carry a firearm.¹⁰⁹ This prohibition does not apply to holders of a license to carry a firearm.¹¹⁰

¹⁰⁷ 18 Pa. Cons. Stat. Ann. § 6106(b). One who violates this section but "who is otherwise eligible to possess a valid license" and "has not committed any other criminal violation" commits a misdemeanor of the first degree. 18 Pa. Cons. Stat. Ann. § 6106(a)(2).

¹⁰⁸ 75 Pa. Cons. Stat. Ann. § 7727.

¹⁰⁹ 34 Pa. Cons. Stat. Ann. § 2503.

¹¹⁰ 34 Pa. Cons. Stat. Ann. § 2503(b)(3).

Guns in Schools in Pennsylvania

Pennsylvania prohibits the possession of firearms in the buildings of, on the grounds of, or in any conveyance providing transportation to or from any elementary or secondary publicly-funded educational institution, any elementary or secondary private school licensed by the Department of Education or any elementary or secondary parochial school.¹¹¹

However, a defense to the statute exists where the weapon is possessed and used in conjunction with a lawful supervised school activity or course or "is possessed for other lawful purpose."¹¹²

State law prohibits hunting with a firearm in a "safety zone," defined as an area within 150 yards of "any attached or detached playground of any school, nursery school or day-care center."¹¹³

Holders of a license to carry a firearm are subject to all of these location limits.

See [LCAV's policy page on Guns in Schools](#) for further information.

¹¹¹ 18 Pa. Cons. Stat. Ann. § 912.

¹¹² 18 Pa. Cons. Stat. Ann. § 912(c).

¹¹³ 34 Pa. Cons. Stat. Ann. § 2505(a), (c).

Other Location Restrictions in Pennsylvania

Pennsylvania prohibits any person, even the holder of a license to carry a firearm, from knowingly possessing a firearm in a court facility or knowingly causing a firearm to be present in a court facility, with certain limited exceptions.¹¹⁴

Pennsylvania has no laws prohibiting firearms in the following places, although administrative regulations may apply:

- Bars and other places where alcoholic beverages are sold or served;
- Places of worship;
- Sports arenas;
- Gambling facilities; or
- Polling places.

¹¹⁴ 18 Pa. Cons. Stat. Ann. § 913(1).

Consumer & Child Safety

Pennsylvania Design Safety Standards for Handguns

Pennsylvania does not specifically regulate junk guns or unsafe firearms. According to research conducted by the Center to Prevent Handgun Violence (now Brady Center to Prevent Gun Violence), however, Pennsylvania's Attorney General may have the authority to regulate junk guns, as well as promulgate other firearms safety standards, pursuant to the Pennsylvania Unfair Trade Practices and Consumer Protection Law.¹¹⁵ For details, view the Center's report, [Targeting Safety](#).

See [Regulating Guns in America: Design Safety Standards for Handguns](#) for a comprehensive discussion of this issue.

¹¹⁵ 73 Pa. Stat. Ann. §§ 201-3, 201-3.1.

Locking Devices in Pennsylvania

Pennsylvania law prohibits a licensed firearms dealer from transferring a handgun or short-barreled rifle or shotgun unless he or she provides the transferee with a locking device, the transferee purchases a locking device, or the design of the handgun incorporates a locking device.¹¹⁶ "Locking device" is defined as either: 1) a device that, when installed on a firearm, is designed to prevent the firearm from being operated without first deactivating the device; or 2) 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.¹¹⁷

[Federal law](#) contains a similar provision.

See [Regulating Guns in America: Locking Devices](#) for a comprehensive discussion of this issue.

¹¹⁶ 18 Pa. Cons. Stat. Ann. § 6142. This section does not apply to transfers to law enforcement or licensed dealers. *Id.*

¹¹⁷ *Id.*

Personalized / Owner-Authorized Firearms in Pennsylvania

Pennsylvania does not require firearms to be personalized. See [Regulating Guns in America: Personalized Firearms](#) for a comprehensive discussion of this issue.

Pennsylvania Child Access Prevention

Pennsylvania does not penalize someone who has allowed a child to have access to a firearm.

See [Regulating Guns in America: Child Access Prevention](#) for a comprehensive discussion of this issue.

Classes of Weapons / Ammunition

Assault Weapons in Pennsylvania

Pennsylvania does not prohibit the transfer or possession of assault weapons. See [*Regulating Guns in America: Assault Weapons*](#) for a comprehensive discussion of this issue.

Large Capacity Ammunition Magazines in Pennsylvania

Pennsylvania does not prohibit the transfer or possession of large capacity ammunition magazines. See [Regulating Guns in America: Large Capacity Ammunition Magazines](#) for a comprehensive discussion of this issue.

Fifty Caliber Rifles in Pennsylvania

Pennsylvania has no law restricting fifty caliber rifles. See [Regulating Guns in America: Fifty Caliber Rifles](#) for a comprehensive discussion of this issue.

Machine Guns/Automatic Firearms in Pennsylvania

Pennsylvania law prohibits the possession of machine guns, unless the machine gun was registered under the National Firearms Act, or falls within some other exception.¹¹⁸ Note that the National Firearms Act generally allows private citizens to register and possess machine guns so long as they were manufactured prior to May 19, 1986, and are not prohibited by state or local law.

See [LCAV's policy page on Machine Guns](#) for further information.

¹¹⁸ 18 Pa. Cons. Stat. Ann. § 908(a), (b)(1).

Non-Powder Guns in Pennsylvania

With certain exceptions, Pennsylvania law prohibits:

- Any person from selling, lending, giving, or otherwise transferring any air rifle to any person under age 18, except where the relationship of parent and child, guardian and ward or adult instructor and pupil exists between such person and the person under age 18.¹¹⁹
- Any dealer from selling, lending, renting, giving, or otherwise transferring an air rifle to any person under age 18, where the dealer knows, or has reasonable cause to believe, the person to be under age 18, or where such dealer has failed to make reasonable inquiry relative to the age of such person, and such person is under age 18.¹²⁰
- Any person under age 18 from carrying any air rifle on the highways or public lands unless accompanied by an adult, except that a person under age 18 may carry such rifle unloaded in a suitable case or securely wrapped.¹²¹

These provisions do not affect the validity of any ordinance enacted by any political subdivision which imposes greater restrictions or limitations in respect to the sale and purchase, use or possession of air rifles.¹²²

“Air rifle” is defined as “[a]ny air gun, air pistol, spring gun, spring pistol, B-B gun, or any implement that is not a firearm, which impels a pellet of any kind with a force that can reasonably be expected to cause bodily harm. The term does not include a paintball gun or paintball marker.”¹²³

See [Regulating Guns in America: Non-Powder Guns](#) for a comprehensive discussion of this issue.

¹¹⁹ 18 Pa. Cons. Stat. Ann. § 6304(a)(2).

¹²⁰ 18 Pa. Cons. Stat. Ann. § 6304(a)(1).

¹²¹ 18 Pa. Cons. Stat. Ann. § 6304(b)(1).

¹²² 18 Pa. Cons. Stat. Ann. § 6304(e).

¹²³ 18 Pa. Cons. Stat. Ann. § 6304(g).

Ammunition Regulation in Pennsylvania

Pennsylvania law makes it a separate crime for a person who commits or attempts to commit a “crime of violence” to possess, use or attempt to use a KTW teflon-coated bullet or other “armor-piercing ammunition” while committing or attempting to commit that crime.¹²⁴ “Armor-piercing ammunition” is defined as:

[A]mmunition which, when or if fired from any firearm as defined in section 6102 that is used or attempted to be used in violation of subsection (a) under the test procedure of the National Institute of Law Enforcement and Criminal Justice Standard for the Ballistics Resistance of Police Body Armor promulgated December 1978, is determined to be capable of penetrating bullet-resistant apparel or body armor meeting the requirements of Type IIA of Standard NILECJ-STD-0101.01 as formulated by the United States Department of Justice and published in December of 1978.¹²⁵

Pennsylvania law does not otherwise regulate the sale or possession of ammunition in any way.

See [Regulating Guns in America: Ammunition Regulation](#) for a comprehensive discussion of this issue.

¹²⁴ 18 Pa. Cons. Stat. Ann. § 6121.

¹²⁵ 18 Pa. Cons. Stat. Ann. § 6121(d).

Investigating Gun Crimes

Pennsylvania Microstamping/Ballistic Identification

Pennsylvania has no laws regarding microstamping or ballistic identification.

See [Regulating Guns in America: Ballistic Identification](#) and LCAV's policy page on [Firearm Microstamping](#) for a comprehensive discussion of these issues.

Firearms Trafficking in Pennsylvania

See [LCAV's policy page on Firearms Trafficking](#) for further information on this topic.

Pennsylvania law penalizes:

- Anyone who knowingly and intentionally makes any materially false oral or written statement in connection with the purchase, delivery or transfer of a firearm, including a statement on any form promulgated by federal or state agencies;¹²⁶
- Anyone who willfully furnishes or exhibits any false identification intended or likely to deceive the seller, licensed dealer or licensed manufacturer in connection with the purchase, delivery or transfer of a firearm;¹²⁷
- Any seller who knowingly and intentionally delivers a firearm to an individual who is not eligible to possess a firearm;¹²⁸ and
- Any seller who delivers a firearm in violation of the requirements of Pennsylvania law and "who has reason to believe that the firearm is intended to be used in the commission of a crime or attempt to commit a crime." This person can be held civilly and criminally liable for the crime or attempted crime.¹²⁹

Pennsylvania law requires any licensed dealer, importer, or manufacturer who intends to transfer a handgun or short-barreled rifle or shotgun to utilize an "application/record of sale" which contains the following question:

Are you the actual buyer of the firearm(s), as defined under 18 Pa.C.S. § 6102 (relating to definitions), listed on this application/record of sale?

Warning: You are not the actual buyer if you are acquiring the firearm(s) on behalf of another person, unless you are legitimately acquiring the firearm as a gift for any of the following individuals who are legally eligible to own a firearm:

(1) spouse; (2) parent; (3) child; (4) grandparent; or (5) grandchild.¹³⁰

Upon confiscating or recovering a firearm from the possession of anyone who is not permitted by federal or state law to possess a firearm, Pennsylvania law requires a local law enforcement agency to use the best available information, including a firearms trace where necessary, to determine how and from where the person gained possession of the firearm.¹³¹

¹²⁶ 18 Pa. Cons. Stat. Ann. § 6111(g)(4).

¹²⁷ 18 Pa. Cons. Stat. Ann. § 6111(g)(4).

¹²⁸ 18 Pa. Cons. Stat. Ann. § 6111(g)(2).

¹²⁹ 18 Pa. Cons. Stat. Ann. § 6111(g)(5), (6).

¹³⁰ 18 Pa. Cons. Stat. Ann. § 6111(b)(1).

¹³¹ 18 Pa. Cons. Stat. Ann. § 6127.

Pennsylvania State Links

[Bureau of Alcohol, Tobacco, Firearms & Explosives, Philadelphia Field Division \(NJ, PA\)](#)

[CeaseFire PA](#)

[Domestic Violence Services of Cumberland & Perry Counties](#)

[Heeding God's Call](#)

[Pennsylvania Attorney General](#)

[Pennsylvania Coalition Against Domestic Violence](#)

[XCE – X-Offenders for Community Empowerment](#)