

An Overview of Gun Purchase and Carry in Pennsylvania

So, you want to buy a gun... how does this work?

First, what type of gun? For a **handgun**, you need to:

- Be 21 years of age or older
- Purchase through a federally licensed firearms dealer (easily found)
- Pass a **background check** by paying a fee (usually \$20-\$40) and completing a form

The background check is a three-page form. You can wait while it is run through the PICS, PA background check system, run by the State Police. Most are completed within a few minutes.

If you pass the background check, you can take your gun and be on your way. (See "gun carry.")

People "prohibited" from gun purchase:

- Convicted in any court of a crime punishable by imprisonment for a term over one year;
- Fugitive from justice; (Definition applied recently changed to cover fewer people.)
- Unlawful user of or addicted to any controlled substance (as defined in section 102 of the Controlled Substances Act, codified at 21 U.S.C. § 802);
- Adjudicated as a mental defective or has been committed to any mental institution;
- An illegal alien;
- Discharged from the Armed Forces under dishonorable conditions; (Recently found some branches had not been sending their records to federal database)
- Renounced his or her United States citizenship;
- Subject to a court order restraining the person from harassing, stalking, or threatening an intimate partner or child of the intimate partner; or
- Convicted of a misdemeanor crime of domestic violence.



For a **long gun** (rifle or shotgun):

- If you purchase from a federally licensed firearms dealer, you must be 18 and successfully complete a background check. (See description above.)
- However, you can buy through a "private purchase", in which case there is no background check. It is up to the seller to determine the legitimacy of the sale.
- Long guns include hunting rifles, shot guns and semi-automatic weapons such as AR-15s.

There is no restriction as to how many guns you may purchase at one time.

I have my gun? Where can I take it? (Gun Carry)

Pennsylvania is an "**open carry**" state. This means that any legal gun owner can "openly" (carry in plain view) a gun in any location except within a Class One City (Philadelphia.) So, if you see someone walking down the street with a gun on his or her hip; that is legal.

Concealed (hidden) Carry

Carrying a loaded, hidden gun requires a Concealed Carry License. You can apply for one at the County Sheriff by completing a multi-page form. There is a fee, although it costs less than a driver's license and lasts longer (\$20 for 5 years.)

There will be a wait while the application is processed. Part of the application is checking several references to testify to the applicant's suitability for carrying a loaded weapon (although some Sheriff's Offices do not complete this step.)

Note that PA is a "shall issue" state. This means the Sheriff "shall issue" the license unless they come upon good reason why the applicant is not suitable. (Some states are "may issue," which means the Sheriff can determine if there is a good reason for concealed carry.)

So, You're Approved for Concealed Carry... What Now?

This license allows you to carry your concealed, loaded gun into any private property, including private homes, unless the owner has posted "no firearms" or told you they're prohibited. There are some exceptions, U.S. Post Offices, schools, military installations, some courthouses.

You may also carry the loaded firearm in the cabin of your vehicle.



What Else Should I Know about PA Law?

- Requires dealers to issue a trigger lock when selling a handgun or short barrel firearm
- Prohibits "straw purchase*"
- As a "Castle Doctrine" state, a person in any lawful place outside his home "has no duty to retreat and has the right to stand his ground and use force, *including deadly force* if (he) believes it is immediately necessary to do so to protect himself against death, serious bodily injury, kidnapping, or sexual intercourse by force or threat."

**Straw purchase -A legal purchaser buys the guns and then illegally transfers them to someone who is not allowed to purchase) to reduce trafficking of illegal firearms*

How Does PA Compare with Other States?

More Permissive (e.g. New Hampshire)	More Restrictive (e.g. New York)
Private transfer of guns with no background check	Background check before <i>every</i> gun purchase
No permit/license required to <i>conceal carry</i> a gun. Open carry is legal.	State issue license required <i>pre-gun purchase</i> (takes time to procure)
Purchase a handgun at age 21, but can carry a handgun at age 18.	Assault weapons ban, restrictions on ammunition
State law prohibits communities from passing laws regulating guns	Required to report lost or stolen guns

Sample Regulations from Other States

- Waiting period before purchase
- Pre-purchase education/safety training requirement
- "Live fire" proficiency demonstration required before Concealed Carry License Issued