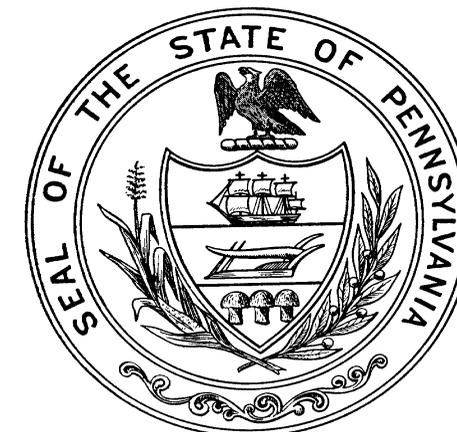


## INFORMATION FOR PENNSYLVANIA FIREARM PURCHASERS

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## BASIC FIREARM SAFETY



- § 3502 Burglary
- § 3503 Criminal trespass, if a felony of the 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, if the fictitious report involved the theft of a firearm as provided in 4906(c)(2)
- § 4912 Impersonating a public servant if impersonating a law enforcement officer
- § 4952 Intimidation of witnesses or victims
- § 4953 Retaliation against witness, victim or party
- § 5121 Escape
- § 5122 Weapons or implements for escape
- § 5501(3) Riot
- § 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

*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.*

### **Prohibiting 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 (P.L. 233, No. 64) punishable by imprisonment exceeding two years; or
3. has been convicted of driving under the influence (DUI) of alcohol or controlled substance as provided in 75 Pa.C.S. § 3802 (relating to driving under influence of alcohol or controlled substance) or the former 75 Pa.C.S. § 3731, on three or more separate occasions within a five-year period; or  
(Note: Depending on the grade of the offense, certain DUI offenses could be prohibiting under Federal law upon the first conviction.)

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 (P.L. 817, No. 143); or
5. is an alien, is illegally or unlawfully in the United States; or
6. is the subject of an active final protection from abuse order issued pursuant to 23 Pa.C.S. § 6108, is the subject of any other active protection from abuse order issued pursuant to 23 Pa.C.S. § 6107(b), which provided for the relinquishment of firearms during the period of time the order is in effect or is otherwise prohibited from possessing or acquiring a firearm under 18 U.S.C. § 922(g)(8). This prohibition shall terminate upon the expiration or vacation of the order or portion thereof relating to the relinquishment of firearms; or
7. was adjudicated delinquent (with conditions specified in the UFA). With the exception of crimes committed under sections 2502, 2503, 2702, 2703, 2704, 2901, 3121, 3123, 3301, 3502, 3701, and 3923, this prohibition may terminate 15 years after the last applicable delinquent adjudication or upon the person reaching the age of 30, whichever is earlier.
8. was adjudicated delinquent by a court pursuant to 42 Pa.C.S. § 6341 or under any equivalent Federal statute or statute of any other state as a result of conduct which if committed by an adult would constitute an offense enumerated in 18 Pa.C.S. § 6105(b) with the exception of those crimes set forth in paragraph 7. This prohibition shall terminate 15 years after the last applicable delinquent adjudication or upon the person reaching the age of 30, whichever is earlier.
9. is prohibited from possessing or acquiring a firearm under 18 U.S.C. § 922(g)(9). If the offense which resulted in the prohibition under 18 U.S.C. § 922(g)(9) was committed, as provided in 18 U.S.C. § 921(a)(33)(A)(ii) (relating to definitions), by a person in any of the following relationships: (i) the current or former spouse, parent or guardian of the victim; (ii) a person with whom the victim shares a child in common; (iii) a person who cohabits with or has cohabited with the victim as a spouse, parent or guardian; or (iv) a person similarly situated to a spouse, parent or guardian of the victim; then the relationship need not be an element of the offense to meet the requirements of this paragraph.
10. has been convicted of an offense under subsection (a.1)(2). The prohibition shall terminate five years after the date of conviction, final release from confinement or final release from supervision, whichever is later.

**Section 6105(a.1)(2):** A person who is the subject of an active final protection from abuse order issued pursuant to 23 Pa.C.S. § 6108, is the subject of any other active protection from abuse order issued pursuant to 23 Pa.C.S. § 6107(b) (relating to hearings), which provided for the relinquishment of firearms or other weapons or ammunition during the period of time the order is in effect, or is otherwise prohibited from possessing or acquiring a firearm under 18 U.S.C. § 922(g)(8) (relating to unlawful acts), commits a misdemeanor of the second degree if he intentionally or knowingly fails to relinquish a firearm or other weapon or ammunition.

### **Federal Prohibitions**

Prohibitions under federal law can be found in 18 U.S.C. §922. These include but are not limited to the following: Under indictment for, or convicted 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.

### **PENNSYLVANIA INSTANT CHECK SYSTEM PICS**

The Pennsylvania State Police implemented the Pennsylvania Instant Check System (PICS) on July 1, 1998. This 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.

By law, no record information may be disseminated as a result of the background check.

Because of its length, the Uniform Firearms Act (UFA) cannot be included in this brochure. Your State legislator or the PSP can provide you with a copy of the UFA upon written request.

For additional information, contact:

**Pennsylvania State Police  
Firearms Division  
1800 Elmerton Avenue  
Harrisburg PA 17110  
Telephone: 717-783-5495**

or visit our website at [www.psp.pa.gov](http://www.psp.pa.gov).

**The primary purpose of PICS is public safety: to ensure an eligible person may acquire a firearm, and that a prohibited person may not!**

## BASIC FIREARMS SAFETY

Safety must be your first concern when handling, using, or storing any firearm. **These safety rules must always be followed:**

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

## CHILDREN AND 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, and that the firearms have not been 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 firearms accidents are preventable. Protect yourself and your loved ones by taking firearms safety seriously.**

### ?? COMMONLY ASKED QUESTIONS ??

- 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 which 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. If the conviction is for a Misdemeanor Crime of Domestic Violence, you must relinquish your firearms within 24 hours. For other prohibiting convictions under the UFA, you have 60 days from the date of the imposition of the firearms disability, to sell or transfer any firearms you own to a person who is not a member of your household.
- Q. Do I need a license to carry in order to possess a firearm?
- A. You do not need a license to carry to merely 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 firearm to a friend?
- A. PA residents can transfer a long gun to another PA resident providing the individual is not prohibited. Handgun transfers must be completed at a licensed firearm dealer's place of business. Private transfers for any type of firearm to an individual who resides in another state must be processed through a licensed

firearm dealer from the buyer's state of residence.

- Q. When processing a private transfer, will the dealer charge me a fee?
- A. There is a \$2.00 fee to run a PICS check to verify that the intended recipient of the firearm is not prohibited. In addition, most firearm dealers have a processing fee that is determined by the individual dealers. Therefore, you may want to ask the dealer what his fee is prior to initiating the transfer.
- 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. 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. Can I allow persons under the age of 18 to use firearms?
- A. Yes, persons under the age of 18 (minors) may possess or transport a legal pistol, revolver, shotgun, or rifle 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:
- Valid photo drivers license or ID card.
  - 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 firearms background check (Brady check) which requires a photo identification card. Even though 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 form of government-issued photo ID be provided.

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

- A. The prohibiting offenses and conditions listed in the UFA under § 6105 are as follows:

### PROHIBITING OFFENSES & CONDITIONS:

#### 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 or structure
- §3121 Rape
- §3123 Involuntary deviate sexual intercourse
- §3125 Aggravated indecent assault
- §3301 Arson and related offenses
- §3302 Causing or risking catastrophe