

Selected Pennsylvania Statutes & Laws Pertaining to Firearms

Pennsylvania Uniform Firearms Act:

<http://paopencarry.org/uniform-firearms-act>

§ 6106. Firearms not to be carried without a license.

(a) **Offense defined.**—Any person who carries a firearm in any vehicle or any person who carries a firearm concealed on or about his person, except in his place of abode or fixed place of business, without a valid and lawfully issued license under this chapter commits a felony of the third degree.

(b) **Exceptions.** The provisions of subsection(a) shall not apply to:

(1) Constables, sheriffs, prison or jail wardens, or their deputies, policemen of this Commonwealth or its political subdivisions, or other law-enforcement officers.

(2) Members of the army, navy, marine corps, air force or coast guard of the United States or of the National Guard or organized reserves when on duty.

(4) Any persons engaged in target shooting with a firearm, if such persons are at or are going to or from their places of assembly or target practice and if, while going to or from their places of assembly or target practice, the firearm is not loaded.

(7) Any person engaged in the business of manufacturing, repairing, or dealing in firearms, or the agent or representative of any such person, having in his possession, using or carrying a firearm in the usual or ordinary course of such business.

(8) Any person while carrying a firearm which is not loaded and is in a secure wrapper from the place of purchase to his home or place of business, or to a place of repair, sale or appraisal or back to his home or place of business, or in moving from one place of abode or business to another or from his home to a vacation or recreational home or dwelling or back, or to recover stolen property under section 6111.1(b)(4) (relating to Pennsylvania State Police), or to a place of instruction intended to teach the safe handling, use or maintenance of firearms or back or to a location to which the person has been directed to relinquish firearms under 23Pa.C.S. § 6108 (relating to relief) or back upon return of the relinquished firearm or to a licensed dealer's place of business for relinquishment pursuant to 23 Pa.C.S. § 6108.2 (relating to relinquishment for consignment sale, lawful transfer or safekeeping) or back upon return of the relinquished firearm or to a location for safekeeping pursuant to 23 Pa.C.S. § 6108.3 (relating to relinquishment to third party for safekeeping) or back upon return of the relinquished firearm.

(9) Persons licensed to hunt, take furbearers or fish in this Commonwealth, if such persons are actually hunting, taking furbearers or fishing as permitted by such license, or are going to the places where they desire to hunt, take furbearers or fish or returning from such places. ~Requires Sportsmans Permit per 6106(c)(1)

(10) Persons training dogs, if such persons are actually training dogs during the regular training season. ~Requires Sportsmans Permit per 6106(c)(1)

(11) Any person while carrying a firearm in any vehicle, which person possesses a valid and lawfully issued license for that firearm which has been issued under the laws of the United States or any other state.

(12) A person who has a lawfully issued license to carry a firearm pursuant to section 6109 (relating to licenses) and that said license expired within six months prior to the date of arrest and that the individual is otherwise eligible for renewal of the license.

(13) Any person who is otherwise eligible to possess a firearm under this chapter and who is operating a motor 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 valid license has been issued pursuant to section 6109 to the spouse or parent owning the firearm.

(14) A person lawfully engaged in the interstate transportation of a firearm as defined under 18 U.S.C §921(a)(3) (relating to definitions) in compliance with 18 U.S.C. § 926A (relating to interstate transportation of firearms).

(15) **{condensed for brevity}** A license from a reciprocal state.

§ 6108. Carrying firearms on public streets or public property in Philadelphia.

No person shall carry a firearm, rifle or shotgun at any time upon the public streets or upon any public property in a city of the first class unless:

1. such person is licensed to carry a firearm; or

2. such person is exempt from licensing under section 6106(b) of this title (relating to firearms not to be carried without a license).

§ 912. Possession of weapon on school property.

(a) **Definition.**—Notwithstanding the definition of "weapon" in section 907 (relating to possessing instruments of crime), "weapon" for purposes of this section shall include but not be limited to any knife, cutting instrument, cutting tool, nun-chuck stick, firearm, shotgun, rifle and any other tool, instrument or implement capable of inflicting serious bodily injury.

(b) **Offense defined.**—A person commits a misdemeanor of the first degree if he possesses a weapon 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.

(c) **Defense.**—It shall be a defense that the weapon is possessed and used in conjunction with a lawful supervised school activity or course or is possessed for other lawful purpose.

Useful Resources and Links:



Pennsylvania Firearms Owners Association

www.pafoa.org



Pennsylvania Open Carry Info

www.paopencarry.org

www.OpenCarry.org

A national open carry website

Pennsylvania Uniform Firearms Act

paopencarry.org/uniform-firearms-act

Gun Owners of America

www.GunOwners.org

National Rifle Association

www.NRA.org

Allegheny County Sportsmen's League

www.acslpa.org

Firearms Owners Against Crime

www.foac-pac.org

National reciprocity info:

www.handgunlaw.us

www.carryconcealed.net

Notes:

Revision: 8b. ~ Aug 2010

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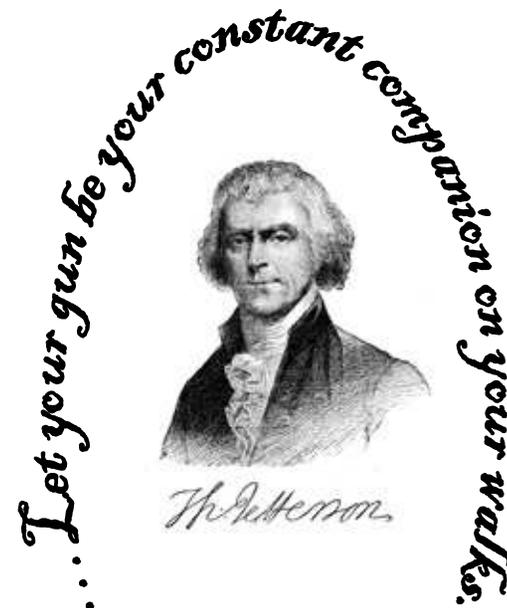
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Your Pennsylvania Gun Rights



Is that Legal?

A handy guide to your PA rights and the law.

Brought to you by:



www.PAOpenCarry.org

Pennsylvania Constitution

Article I; Section 21

Right to Bear Arms

“The right of the citizens to bear arms in defense of themselves and the State shall not be questioned.”

http://sites.state.pa.us/PA_Constitution.html

DISCLAIMER: All PA firearms laws and interpretations noted here are provided only for your convenience. None of the information contained herein is guaranteed accurate or current. You are responsible to know and understand the law before you carry a firearm.

FACTS ABOUT CONCEALED CARRY

In Pennsylvania, you can carry a handgun concealed on or about your person, without a license, only in your abode and fixed place of business.

Ref: 18 Pa.C.S. §6106

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In order to carry a handgun concealed in public you must possess a valid PA License to Carry Firearms (LTCF) or license from a reciprocal state.

Ref: 18 Pa.C.S. §6106

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Carrying a handgun (open or concealed) in a vehicle requires a valid PA LTCF or a carry license from ANY other state. Ref: 18 Pa.C.S. §6106

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Cities, towns and municipalities are prohibited by PA law from enacting laws prohibiting concealed or open carry. Ref: 18 Pa.C.S. §6120

LICENSING

Pursuant to 18 Pa.C.S. §6109 of the PA Uniform Firearms Act (UFA), resident License to Carry Firearms (LTCF) are issued by the county sheriff of the jurisdiction in which the applicant resides. Nonresident licenses are issued by select county sheriff offices.

Other states that honor PA's LTCF:

AK*, AR, AZ, CO†, FL†, GA, ID, IN, KY, LA, MI†, MO, MT, NC, NH†, OK, SD, TN, TX, UT, VA, VT*, WV, WY

(* Vermont (VT) & Alaska (AK). Anyone who can legally own a firearm can carry it concealed. No permit or license is required.)

(† Honors PA resident license only. No non-resident licenses)

~~ Open carry may or may not be legal in the above states! ~~

Find the most current reciprocity information at the PA Attorney General's site: www.attorneygeneral.gov

FACTS ABOUT OPEN CARRY

Yes, open carry IS legal in Pennsylvania.

In Pennsylvania, persons who are not prohibited by law from owning firearms may openly carry a handgun in plain sight with no license except in vehicles*¹, cities of the first class (Philadelphia)*², and where prohibited specifically by statute. Ref: 18 Pa.C.S. §6106, §6107, §6108

There are also two cases that specifically state that a person may carry a firearm openly:

Commonwealth v. Ortiz: paopencarry.org/Ortiz-v-Commonwealth

Commonwealth v. Hawkins: paopencarry.org/pdfs/hawkins.pdf

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*¹ Open carry (handgun) in a vehicle requires a valid PA LTCF or a carry license from ANY other state.

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*² Open carry in Philadelphia requires a valid PA LTCF or a reciprocal state's carry license.

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You do not need to be a resident of PA to open carry.

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Cities, towns, and municipalities are prohibited by PA law from enacting laws prohibiting concealed or open carry. Ref: 18 Pa.C.S. §6120

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There is no stipulation in law that a PA LTCF holder must carry concealed. Furthermore, lawful open carry of a firearm is NOT grounds for revocation of a PA LTCF.

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Brandishing & Disturbing the Peace: There is no “brandishing” or “disturbing the peace” law in PA.

A person who shows or indicates that they have a gun with the intent to intimidate another person can be charged with various forms of assault, including Terroristic Threats. Mere open carry of a handgun, lacking any other threatening behavior or verbal threat, is not assault.

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Disorderly Conduct & Terroristic Threats: Open carry, in a holster, lacking any other threatening behavior by the person carrying, does not meet the statutory conditions of Disorderly Conduct or Terroristic Threats since open carry is a legitimate exercise of a Pennsylvanian's rights; such conduct is not by itself threatening, nor does it “*cause a hazardous or physically offensive condition that serves no legitimate purpose of the actor*” as is required by the statute.

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It is highly recommended to consider the advantages and disadvantages of open carry, as well as your own training and ability to retain your weapon from unauthorized access, before open carrying.

Places Off-Limits While Carrying in PA:

- ANY Court facility Ref: 18Pa.C.S. §913
- ANY Federal facilities (unless authorized)
- State Parks (LTCF holders are exempt for concealed carry)
- Detention Facilities (adult & Juvenile)
- Airport Terminals (secure areas only)
- Philadelphia public streets unless you hold a valid LTCF or reciprocal license (Applies to OC and CC)
- Primary and secondary schools. However, the statute allows for “a defense that the weapon is possessed and used in conjunction with a lawful supervised school activity or course or is possessed for other lawful purpose.” Ref: 18Pa.C.S. §912. (see back panel for full statute)

Carrying a firearm in establishments that sell or serve alcohol is allowed in Pennsylvania.

GENERAL FACTS ABOUT FIREARMS

Buying, Selling and Transferring ownership:

Long guns: Rifles and shotguns may be transferred (bought, sold and gifted) between PA residents without going through a Federally Licensed Firearms Dealer (FFL) provided the recipient of any firearms is not known to be a person prohibited by law from owning firearms.

Transfer of ownership of long guns with NON PA residents must go through an FFL either in the recipient's state or PA.

Handguns can be transferred between spouses, between children and parent, and between grandchildren and grandparents without going through an FFL.

All other transfers of handguns, between PA residents, must go through a PA FFL dealer or county sheriff.

Transfer of handguns to NON PA residents must go through an FFL in the recipient's state.

Transporting within PA: Long guns MUST be unloaded (clear chamber and no magazine in weapon) and for magazine fed weapons any loaded magazines must be in a separate container in order to be transported in vehicles within PA.

Handguns may be loaded while in a vehicle only if the person in possession holds a valid PA LTCF or a carry license from any other state.

Without a LTCF, or other state permit, handguns may only be transported, unloaded, to and from specific activities and locations. To and from: the place of purchase, repair, range, hunting location, etc. For a complete list and comprehensive limitations please see 18 Pa.C.S. §6106(b).

Transporting outside of PA: Federal law allows for transportation of firearms through states that restrict or prohibit possession or firearms ONLY when both of the following is true: 1) The firearm is unloaded, and neither the firearm nor any ammunition is readily accessible or is directly accessible to the driver/passengers. 2) The firearm is legal to “possess and carry” in BOTH the originating state and the destination state of the trip. Ref: US Title 18, § 926A