

## 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 that was replaced by the instant check, and no longer applies.
- Q. What if I own a firearm, and I am convicted of a crime that prohibits me from possessing firearms?**
- A. You have 60 days from the date of the imposition of any disability (such as a conviction which prohibits ownership of a firearm) 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 possess a firearm?**
- A. You do not need a license to 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. You must have a licensed firearm dealer or sheriff process the transaction. The \$3.00 surcharge does not apply. There will be a \$2.00 Pennsylvania Instant Check System (PICS) background check done on the intended recipient of the firearm, to ensure the individual is eligible to acquire the firearm.
- 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. Persons under the age of 18 (minors) may only possess or transport a handgun (any pistol or revolver with a barrel length less than 15 inches, shotguns with a barrel length less than 18 inches, any rifle with a barrel length less than 16 inches, or firearms with an overall length of less than 26 inches) 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:
- A valid photo drivers license

- A valid government-issued photo identification 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 the 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 photo ID be provided.

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

A. There are **35 PROHIBITED OFFENSES\* (crimes)** for which a conviction would prohibit a person from lawfully purchasing or possessing a firearm under the UFA. There are **SEVEN CONDITIONS\*\*** which would also prohibit this. Additionally, one condition (three convictions for driving under the influence of alcohol or controlled substance, within a five-year period) prohibits subsequent purchase or receipt by transfer, but not possession of firearms already owned. These prohibited offenses and conditions listed in the UFA under § 6105 are as follows:

**\*THE 35 PROHIBITED OFFENSES ARE:**

- § 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 Harassment & stalking, if relating to stalking
- § 2901 Kidnapping
- § 2902 Unlawful restraint
- § 2910 Luring a child into a motor vehicle
- § 3121 Rape
- § 3123 Involuntary deviate intercourse
- § 3125 Aggravated indecent assault
- § 3301 Arson and related offenses
- § 3302 Causing or risking catastrophe
- § 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
- § 4912 Impersonating a public servant, if impersonating a law enforcement officer
- § 4952 Intimidation of witnesses or victims
- § 4953 Retaliation against witness or victim
- § 5121 Escape
- § 5122 Weapons or implements for escape
- § 5501 Riot, if the offense relates to a firearm or other deadly weapon
- § 5515 Prohibiting of paramilitary training
- § 6110 Possession of firearm by minor
- § 6301.1 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.

**\*\*THE SEVEN CONDITIONS ARE:**

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 (PL 233, No. 64) punishable by imprisonment exceeding two years; or
3. has been convicted of driving under the influence of alcohol or controlled substance (75 Pa. C.S. § 3731) on three or more separate occasions within a five-year period; or
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 (PL 817, No. 143); or
5. is an alien, is illegally or unlawfully in the United States; or
6. is the subject of an active protection from abuse order issued pursuant to 23 Pa. C. S. § 6108, relating to relief; or
7. was adjudicated delinquent (with conditions specified in the UFA). With the exception of crimes committed under sections 2502, 2503, 2702, 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.

*Because of its length, the Uniform Firearms Act cannot be included in this brochure. Your State legislator can provide you with a copy of the Uniform Firearms Act upon request.*

• **Federal Prohibitions**

Prohibitions under federal law (as it applies in Pennsylvania) include: Under indictment for, or conviction 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. Federal law, under the Lautenberg Amendment, applies prohibitions of misdemeanor convictions, if the offense involves domestic violence.

**PENNSYLVANIA INSTANT CHECK SYSTEM – P.I.C.S.**

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

Pennsylvania Firearm Dealers and County Sheriffs access the PICS program through a toll free telephone number. If an individual is eligible to acquire a firearm, the PICS background check replaces the former, mandatory five-day waiting period. Operation has shown that approximately 70% of the individuals attempting to purchase a firearm can be approved instantly.

The PICS background check program issues only approval or denial determinations. By law, no record information may be disseminated as a result of the background check.

There are instances where temporary delays in approval or denial determinations are necessary. If a record is identified and is incomplete, it is necessary to research the record and contact the agency(s) that may be able to provide information required in order to complete the background check. There are also occasions in the circumstance of a common name that time is required to ensure whether or not the record actually belongs to the individual attempting to purchase a firearm.

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

Information obtained from:  
Crimes Code of Pennsylvania  
Pennsylvania State Police, Bureau of Records and Identification, Firearms Division  
NRA-ILA  
Pennsylvania Office of the Attorney General

**Section 6105(a):**

Effective November 22, 1995, 18 Pa.C.S. § 6105(a) prohibits persons convicted of any of the following offenses under 18 Pa.C.S. from possessing, using, controlling, transferring, manufacturing, or obtaining a license to possess, use, control, transfer, or manufacture a firearm in the Commonwealth of Pennsylvania. A conviction includes a finding of guilty or the entering of a plea of guilty or nolo contendere, whether or not judgement has been imposed, as determined by the law of the jurisdiction in which the prosecution was held. The term does not include a conviction which has been expunged or overturned or for which an individual has been pardoned unless the pardon expressly provides that the individual may not possess or transport firearms.

**Section 6105(b):**

§ 908	Prohibited offensive weapons.	§ 3921	Theft by unlawful taking or disposition, upon conviction of the second felony offense.
§ 911	Corrupt organizations.	§ 3923	Theft by extortion, when the offense is accompanied by threats of violence.
§ 912	Possession of weapon on school property.	§ 3925	Receiving stolen property, upon conviction of the second felony offense.
§ 2502	Murder.	§ 4912	Impersonating a public servant, if the person is impersonating a law enforcement officer.
§ 2503	Voluntary manslaughter.	§ 4952	Intimidation of witnesses or victims.
§ 2504	Involuntary manslaughter, if the offense is based on the reckless use of a firearm.	§ 4953	Retaliation against witness or victim.
§ 2702	Aggravated assault.	§ 5121	Escape.
§ 2703	Assault by prisoner.	§ 5122	Weapons or implements for escape.
§ 2704	Assault by life prisoner.	§ 5501(3)	Riot, if the offense relates to a firearm or other deadly weapon.
§ 2709.1	Stalking.	§ 5515	Prohibiting of paramilitary training.
§ 2716	Weapons of mass destruction	§ 5516	Facsimile weapons of mass destruction.
§ 2901	Kidnapping.	§ 6110.1	Possession of firearm by minor.
§ 2902	Unlawful restraint	§ 6301	Corruption of minors.
§ 2910	Luring a child into a motor vehicle.	§ 6302	Sale or lease of weapons and explosives.
§ 3121	Rape.		
§ 3123	Involuntary deviate sexual intercourse.		
§ 3125	Aggravated indecent assault.		
§ 3301	Arson and related offenses.		
§ 3302	Causing or risking catastrophe.		
§ 3502	Burglary.		
§ 3503	Criminal trespass, if the offense is graded a felony of the second degree or higher.		Any offense equivalent to any of the above-enumerated offenses under the prior laws of this Commonwealth, or any offense equivalent to any of the above-enumerated offenses under the statutes of any other state or of the United States.
§ 3701	Robbery.		
§ 3702	Robbery of motor vehicle.		

**Section 6105(c):**

Effective November 22, 1995, 18 Pa.C.S. § 6105(c) also prohibits the following persons from possessing, using, controlling, transferring, manufacturing, or obtaining a license to possess, use, control, transfer, or manufacture a firearm in the Commonwealth of Pennsylvania.

**ARE YOU A PERSON WHO:**

1. is a fugitive from justice; or
2. has been convicted of an offense under the act of April 14, 1972 (P.L. 233, No. 64), known as The Controlled Substance, Drug, Device and Cosmetic Act, or any equivalent Federal statute or equivalent statute of any other state, that may be punishable by a term of imprisonment exceeding two years; or
3. has been convicted of driving under the influence 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. For the purposes of this paragraph only, the prohibition of Section 6105(a) shall only apply to transfers or purchases of firearms after the third conviction; or
4. has been adjudicated as an incompetent or who has been involuntarily committed to a mental institution for inpatient care and treatment under section 302, 303, or 304 of the provisions of the act of July 9, 1976 (P.L. 817, No. 143), known as the Mental Health Procedures Act; or
5. being an alien, is illegally or unlawfully in the United States; or
6. is the subject of an active protection from abuse order issued pursuant to 23 Pa.C.S. § 6108 (relating to relief), which order provides for the relinquishment of firearms during the period of time the order is in effect. This prohibition shall terminate upon the expiration or vacation of an active protection from abuse order or portion thereof relating to the relinquishment of firearms; or
7. was adjudicated delinquent by a court pursuant to 42 Pa.C.S. § 6341 (relating to adjudication) 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 under 18 Pa.C.S. sections 2502, 2503, 2702, 2703, 2704, 2901, 3121, 3123, 3301, 3502, 3701, and 3923; or
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) (relating to unlawful acts) who has been convicted in any court of a misdemeanor crime of domestic violence 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. ~~(6105(c)(9) shall take effect 5/9/06)~~