Concealed Carry in Pennsylvania
Source of Pennsylvania law

- “The right of the citizens to bear arms in defense of themselves and the State shall not be questioned.” PA Constitution Article 1, Section 21.
- Pennsylvania Uniform Firearms Act of 1995
  - Located in Crimes Code, 18 Pa.C.S. § 6101
  - Went into effect October 1995
  - Provides uniform rules for entire state (mostly)
  - Defines what type of weapons require licenses and types of licenses available
  - NOT the exclusive source of law for carrying a weapon
Firearms that require a license

- Pistol or revolver with barrel less than 15 inches
- Shotgun with a barrel less than 18 inches
- Rifle with a barrel less than 16 inches
- Any firearm with an overall length of less than 26 inches
- “Loaded” – ammunition in the chamber, non-detachable magazine, cylinder, or detachable magazine IF the magazine is with the firearm
When you need a license

- It is a crime to carry a firearm without a license under the following circumstances:
  - In your vehicle
  - Concealed “on or about your person”

- You do not need a license to carry a firearm:
  - In your house
  - At your “fixed” place of business
  - Not concealed on your person – Open carry
A word on open carry...

- While legal, generally not a good idea
  - Most people carry for personal protection; open carry makes you an immediate target
  - If questioned by a police officer, you will need to provide ID and wait while they check to see if you are prohibited from possessing a weapon
  - The second you enter a vehicle, you better have a license, or you have committed a crime
- There is no such crime as “brandishing” a firearm in Pennsylvania
Other license exceptions

- Law enforcement officers (not just while on duty) and military personnel on duty
- While hunting, furtaking, or fishing
- If your license expired within the previous 6 months
- When transporting a firearm for purchase, sale, repair, or moving provided it is not loaded
How to obtain license

- Complete application and submit to Sheriff’s office in the county in which you live
  - York County requires a two sided form
- Pay required fee
- Background check for initial application
- Pick up in person and be photographed
- It is a crime to provide false information on your application
Who cannot get a license

- Convicted felons
- Persons declared incapacitated or involuntarily committed
- 3 DUI’s within 5 years
- Fugitive from justice
- Protection from abuse
- Illegal aliens
- Enumerated offenses
Obligations to law enforcement

- When carrying a firearm concealed on or about one's person or in a vehicle, an individual licensed to carry a firearm shall, upon lawful demand of a law enforcement officer, produce the license for inspection. Failure to produce such license either at the time of arrest or at the preliminary hearing shall create a rebuttable presumption of nonlicensure.
Where you can not carry

- Post office / Federal property
- Court facility
  - Storage facility to be provided
- State parks
  - Firearm must remain in the vehicle
  - Summary offense to violate park rules
  - Rules do not apply to individual with license
- Private property – if instructed/posted
Carrying on school property

- Federal “Gun Free School Zones” Do NOT prohibit a properly licensed person from carrying on school property

- State law on “weapons”
  - Buildings, grounds, or transportation to/from school
  - Defense – “other lawful purposes”
Reciprocity

- These states recognize Pennsylvania permits:

- For more details visit: www.attorneygeneral.gov
Map of states recognizing Pennsylvania permits:
Use of force

- Justification for use of deadly force
  - such force is immediately necessary to protect himself against death, serious bodily injury, kidnapping or sexual intercourse compelled by force or threat; AND
  - the act was not provoked for the purpose of using deadly force

- Same rules apply to using force to protect another person, except substitute the other person for yourself
Presumptions of threat

- You can presume that the imminent use of force is necessary when these two things BOTH happen:
  - Person is entering or has entered or is attempting to remove a person from a dwelling, residence, or occupied vehicle; AND
  - Unlawful and forceful entry has occurred or is occurring
Duty to retreat – Castle Doctrine

- You have a duty to retreat - when you can - unless:
  - You have the right to be where you are;
  - You are not engaged in criminal activity;
  - You legally possess your firearm;
  - You have the right to use deadly force; and
  - There is a firearm, replica firearm, or other lethal weapon displayed.
Liability for injuries to bystanders

- No criminal liability for an injury to innocent bystander struck by bullet intended for assailant when the use of force is legally justified

- Civil liability may be imposed based upon negligence
  - Important to be well trained and practiced in the use of your firearm
Questions?

**DISTRICT OFFICES:**
Harborcreek: (In the K-Mart Plaza), 4457 Buffalo Rd, Erie, Pa. 16510 | 814-897-2080
Corry: 434 North Center St., Corry, PA 16407 | 814-664-9126

**SATELLITE OFFICES:**
Wednesdays: 1:00 p.m. – 3:00 p.m.

North East: North East Township Bldg., 10300 W. Main Rd., North East, Pa 16428
Union City: Northwest Savings Bank, 22 N. Main Street, Union City, Pa. 16438 | 814-438-3831

**CAPITOL OFFICE:**
161B East Wing, PO Box 202004, Harrisburg, PA 17120-2004 | 717-783-9087

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