

CONCEALED CARRY IN PENNSYLVANIA

HOSTED BY: STATE REPRESENTATIVE *State Representative Eric Nelson*



Source of PA 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 follow circumstances:
- In your vehicle
- Concealed "on or about your person"
- You don't 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
 - A citizen does NOT have to provide ID to verify lawful ownership of a weapon, except in Philadelphia. It is recommended that citizens work with law enforcement.
 - The second you enter a vehicle, you better have a license, or you have committed a crime

Other License Exceptions

- Law enforcement officers (not just while on duty) and military personnel on duty
- While hunting, fur taking, or fishing
- If your license expired within the previous 6 months
- When transporting a firearm for purchase, sale, repair or moving (between range, work, recreation home) provided it is not loaded (and that you make 'no' stops in between destinations).

How to Obtain a License

- Complete application and submit to Sheriff's office in the county in which you live
- Pay required fee & complete 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 non-licensure.

Where You Cannot Carry

- Post office/Federal property
- Court Facility
 - Storage facility to be provided
- State Parks
 - It is legal to carry firearms concealed with LTCF.
 - NO Open Carry of Firearm-must remain in the vehicle
 - Summary of offense to violate park rules

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 PA permits:
 - Alaska, Arizona, Arkansas, Colorado, Florida, Georgia, Idaho, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Michigan, Mississippi, Missouri, Montana, New Hampshire, North Carolina, North Dakota, Oklahoma, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, West Virginia, Wisconsin, Wyoming
 - Utah reciprocity has been changed as of (5/12/2014)
 - For more details, visit www.attorneygeneral.gov

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

- 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