PENNSYLVANIA

LAWS RELATING TO FIREARMS

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INTRODUCTION

The laws of Pennsylvania relating to firearms were originally compiled by the Legislative Reference Bureau in 1993 primarily for distribution by members of the General Assembly. This edition updates the original compilation through Act 96 of 2015.

This compilation is unofficial and includes only portions of the Constitution of Pennsylvania and the statutes of this Commonwealth. While every effort has been made to identify all relevant material within the scope of this publication, it is possible that some provisions have been omitted either intentionally or inadvertently.

In general, the statutes are included verbatim. Editorial additions are indicated by brackets; the omission of parts of sections not relevant to the compilation are indicated by the use of “* * *”.

The appropriate printed statutes should be consulted for official purposes. Official versions of statutes are published in the Laws of Pennsylvania and the Pennsylvania Consolidated Statutes. The legal citation for each section appears at the end of the section. A comprehensive list of all legal citations can be found at the end of the compilation.

This compilation is the result of a search of the database for statutes pertaining to firearms. The terms used in the search for applicable statutes included the singular and plural of the following terms: firearm, ammunition, pistol, arms, gun, rifle, weapon, trigger, gunpowder, shot, cartridge, shoot, rimfire, muzzleloader, revolver, bullet, centerfire and center fire.

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TABLE OF CONTENTS

PART I. CONSTITUTIONAL RIGHT TO BEAR ARMS 1

Right to bear arms 1

PART II. ENFORCEMENT OF LAW 1

Chapter 1. Pennsylvania State Police 1

Pennsylvania State Police 1
Rules and regulations 3
Administrative regulations 4
Distribution of uniform firearm laws and firearm safety brochures 4
Pennsylvania State Police [fees] 4
The Pennsylvania State Police Force [as game protectors and forest, fish or fire wardens] . . . 4

Chapter 2. Police Powers Generally 4

Use of force in law enforcement 4
Exceptions to prohibition of interception and disclosure of communications 6
Emergency hostage and barricade situations 6
Registration of firearms 7

Chapter 3. Firearms Training 8

Subchapter A. General Provisions Relating to Training 8

Use of firearms 8
Police training 8

Subchapter B. County Probation and Parole Officers 8

Short title of chapter 8
Definitions [relating to county probation and parole officers] 8
County Probation Officers' Firearm Education and Training Commission 9
[County Probation Officers' Firearm Education and Training] Commission membership 9
Powers and duties of [County Probation Officers' Firearm Education and Training] commission 9
Training mandatory [for county probation officers] 10
Requirements for [county probation officers' firearm education and training] program participation or waiver 11
County Probation Officers' Firearm Education and Training Fund 11

Subchapter C. Lethal Weapons Training 11

Legislative Findings and Purpose 11
Definitions [relating to lethal weapons training] 12
Education and Training Program 12

TABLE OF CONTENTS

Powers and Duties of Commissioner [of Pennsylvania State Police] 12
Certificate of Qualification 13
Certification and Fee 13
Good Standing 14
Retired Police Officer 14
Penalties 14
Prohibited Act 14
Active Police Officers 15

Chapter 4. Acceptance of Gifts 15

[Private services, gifts and payments] 15
Private Services, Gifts and Payments [in Second Class Counties] 15
Private Services, Gifts and Payments [in Counties] 16

Chapter 5. Private Police and Other Enforcement Agents 16

Suspension, revocation, limitation and restriction of appointment [of humane society police officers]; restoration of appointment 16
Limitation on possession of firearms [by humane society police officers] 16
Powers [of special fire police] 16
[Industrial police] 17
[Special fire police] 17
[Delaware River Port Authority police] 17
[Delaware River Port Authority police training] 18
Administration of Act [Controlled Substance, Drug, Device and Cosmetic] 18

Chapter 6. Municipal Regulation of Firearms 19

Limitation on the regulation of firearms and ammunition 19
Exceptions to governmental immunity 20
Limitation on municipal powers 20
[Powers of second class cities] 20
[Regulation by cities] 20
Charter Limitations [in second class counties] 21
Regulate discharge of guns and deadly weapons 21
Care of memorials 21

Chapter 7. Sentences for Firearms Violations 21

Adoption of guidelines for sentencing 21
Other offenses 21
Sentences for offenses committed with firearms 22
Sentences for certain drug offenses committed with firearms 22
Life imprisonment for homicide 23
Fine 23
Sentence of county intermediate punishment 24

TABLE OF CONTENTS

Chapter 8. Probation and Parole 24

Waiver of disability or pardons 24
Order of probation 24
Parole power 24
Board of Pardons 25
Probationary tenancy [for drug traffickers] 25

Chapter 9. Prisoners 26

Assault by prisoner 26
Assault by life prisoner 26
Visitation 26
Contraband prohibited 27

PART III. SALES 27

Sale or transfer of firearms 27
Firearm sales surcharge 33
Firearm Records Check Fund 33
Purchase of rifles and shotguns outside this Commonwealth 34
Sale or lease of weapons and explosives 34
Sale of starter pistols 34
Sale and use of air rifles 34
[Licensing and regulation of secondhand dealers in second class cities] 35
Firearm Records Check Fund (Reserved) 36

PART IV. LICENSES 36

Firearms not to be carried without a license 36
Licenses 38
Retail dealer required to be licensed 46
Licensing of dealers 46
Proof of license and exception 47
Licenses 47

PART V. PROVISIONS RELATING TO SPECIFIC SITUATIONS 47

Chapter 1. Children and Minors 47

Possession of firearm by minor 47
Corruption of minors 48
Exclusions from child abuse 48
Expunction of information of perpetrator who was under 18 years of age when child abuse was committed 48
Transfer to criminal proceedings 49

TABLE OF CONTENTS

Chapter 2. Domestic Relations 49

Probable cause arrests in domestic violence cases 49
Definitions [relating to protection from abuse] 50
Responsibilities of law enforcement agencies 51
Commencement of proceedings 51
Hearings 51
Relief 53
Return of relinquished firearms, other weapons and ammunition and additional relief 54
Relinquishment for consignment sale, lawful transfer or safekeeping 55
Relinquishment to third party for safekeeping 57
Registry or database of firearm ownership 61
Penalties for release of information 61
Arrest for violation of order 61
Immunity 61
Warrantless searches 62

Chapter 3. Education 62

Possession of weapon on school property 62
Scope of subchapter 62
Legislative findings and declarations 62
Definitions [relating to Straw Purchase Prevention Education Program] 63
Straw Purchase Prevention Education Program 63
Powers and duties of Attorney General 64
Straw Purchase Prevention Education Fund 64
Transfer for initial funding 64
School Police Officers 64
Possession of Weapons [on School Property] Prohibited 65
Definitions [relating to safe schools] 66
Office for Safe Schools 66
Reporting 66
Sworn Statement 69
Maintenance of Records 69
Safe Schools Advocate in School Districts of the First Class 70
Standing 70
Definitions [relating to disruptive student programs] 70
Powers and Duties of Councils of Trustees [of State System of Higher Education Institutions] 71
Placement of Certain Adjudicated Students 71
Crime statistics and security policies and procedures 71

Chapter 4. Private Detectives 72

Issuance of Licenses; Fees; Bonds 72
Employes 72

TABLE OF CONTENTS

Unlawful Acts [relating to private detectives] 73

Chapter 5. Athletics and Sports 74

Promoter's license 74
Denial of [athlete agent] registration 74
General immunity for noise [for shooting ranges] 75

Chapter 6. Military Affairs 75

National Guard to be organized and maintained 75
Delegating responsibility for requisitioning Federal supplies 75
Uniforms, arms and equipment [for Pennsylvania Guard] 75
Assaulting or willfully disobeying superior commissioned officer 76
Misbehavior before the enemy 76
Aiding the enemy 76
Retention of licenses and certifications of persons entering military service 76

Chapter 7. Emergencies 77

Prohibited conduct during emergency 77
General authority of Governor 77
Definitions [relating to emergencies] 77
Appropriation to Rifle Clubs [in Second Class Counties] in Time of War 78
Appropriation to Rifle-Clubs [in Counties] in Time of War 78

Chapter 8. Animals 78

Cruelty to animals 78
Enforcement of this act [Dog Law] by the secretary [Secretary of Agriculture]; provisions for inspections 78
Methods of destruction of animals and exclusive method for small domestic animals 78

Chapter 9. Fishing and Boating 79

Deputy waterways conservation officers 79
Powers and duties of waterways conservation officers and deputies 79

Chapter 10. Game and Wildlife 79

Definitions [relating to game and wildlife] 79
Powers and duties of enforcement officers 80
Disposition of seized property 80
Regulations 81
Unlawful activities 81
Prima facie evidence of hunting 81
Unlawful devices and methods 81

TABLE OF CONTENTS

Unlawful use of lights while hunting 82
Restrictions on recreational spotlighting 83
Prohibited devices and methods 83
Cooperation after lawfully killing big game 83
Permitted acts 83
Training dogs on small game 84
Hunting or furtaking prohibited while under influence of alcohol or controlled substance 84
Loaded firearms in vehicles 84
Shooting on or across highways 85
Safety zones 85
Prohibitions within burial grounds 85
Restrictions on shooting 86
Protection of institutions, parks and resorts 86
Littering and restrictions on vehicles 87
Incident reports 87
Shooting at or causing injury to human beings 87
Rendering assistance after incidents 88
Protective material required 89
Possession of firearm for protection of self or others 89
License requirements 89
Eligibility for license 90
Unlawful acts concerning licenses 90
Denial or revocation of licenses 91
Disabled person permits 91
Regulated hunting grounds permits 92
Special retriever training areas 92
Field dog trials for retrievers 92
Fox chasing 92
Additional limitations on operation [of snowmobile or ATV] 93

Chapter 11. Low-Level Radioactive Waste Disposal Regional Facilities 93

Content 93

Chapter 12. Innkeepers 93

Innkeepers' rights 93

Chapter 13. Mentally Ill Persons 94

Mental Health Review Officer 94
Confidentiality of Records 94

Chapter 14. Retired Law Enforcement Officers 94

Legislative findings 94
Definitions 95

TABLE OF CONTENTS

Retired law enforcement identification card 95
Firearm training and qualification card 96
Return of qualification card 97

PART VI. CRIMES AND OFFENSES 97

Chapter 1. Uniform Firearms Act Violations 98

Crimes committed with firearms 98
Evidence of intent 98
Persons not to possess, use, manufacture, control, sell or transfer firearms 98
Restoration of firearm rights for offenses under prior laws of this Commonwealth 103
Carrying loaded weapons other than firearms 104
Carrying firearms on public streets or public property in Philadelphia 104
Possession of firearm with altered manufacturer's number 105
Loans on, or lending or giving firearms prohibited 105
Altering or obliterating marks of identification 106
Violation penalty 106
Certain bullets prohibited 106
Firearm tracing 106
Locking device for firearms 107

Chapter 2. Crimes and Offenses Generally 107

Use of force in self-protection 107
Possessing instruments of crime 108
Prohibited offensive weapons 109
Use or possession of electric or electronic incapacitation device 109
Possession of firearm or other dangerous weapon in court facility 110
Simple assault 111
Aggravated assault 111
Assault of law enforcement officer 111
Discharge of a firearm into an occupied structure 111
Harassment 112
Stalking 112
General rule [for loss of property rights for sexual offense violation] 112
Grading of theft offenses 112
Retail theft 113
Tampering with records or identification 113
False reports to law enforcement authorities 113
Disarming law enforcement officer 114
Hindering apprehension or prosecution 114
Failure to report injuries by firearm or criminal act 114
Escape 115
Weapons or implements for escape 116
Riot 116
Prohibiting of paramilitary training 116

TABLE OF CONTENTS

Riotous assemblies; proclamation to disperse; penalty for failure to disperse; possession of firearms or deadly weapons 117
Penalties 117

PART VII. MISCELLANEOUS PROVISIONS 118

Definitions [relating to offenses involving danger to the person] 118
Definitions [relating to theft and related offenses] 118
Definitions [relating to Uniform Firearms Act] 118
Antique firearms 119
Controlled substances forfeiture 119
Terrorism action 121
Complaint 122
Definitions [relating to county probation officers] 123
Definitions [relating to motivational boot camps] 123
Definitions [relating to State intermediate punishment] 124
Definitions [relating to recidivism risk reduction] 125
Definitions [relating to Nonnarcotic Medication Assisted Substance Abuse Treatment Grant Pilot Program] 126
Establishment of pilot program 126
Use of grant funding 127
Prior authorization 127
Report to General Assembly 127
Definitions [relating to State parole agents] 128
Reports by garages 128

TABLE OF STATUTES 129

Unconsolidated Statutes 129

Consolidated Statutes 131

PENNSYLVANIA LAWS RELATING TO FIREARMS

PART I
CONSTITUTIONAL RIGHT TO BEAR ARMS

§ 21. Right to bear arms.

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

(Pennsylvania Constitution, Article I, Section 21)

PART II
ENFORCEMENT OF LAW

Chapter 1. Pennsylvania State Police

§ 6111.1. Pennsylvania State Police.

(a) Administration.–The Pennsylvania State Police shall have the responsibility to administer the provisions of this chapter [18 Pa.C.S. Ch. 61 (relating to firearms and other dangerous articles)].

(b) Duty of Pennsylvania State Police.–

(1) Upon receipt of a request for a criminal history, juvenile delinquency history and mental health record check of the potential purchaser or transferee, the Pennsylvania State Police shall immediately during the licensee's call or by return call forthwith:

(i) review the Pennsylvania State Police criminal history and fingerprint records to determine if the potential purchaser or transferee is prohibited from receipt or possession of a firearm under Federal or State law;

(ii) review the juvenile delinquency and mental health records of the Pennsylvania State Police to determine whether the potential purchaser or transferee is prohibited from receipt or possession of a firearm under Federal or State law; and

(iii) inform the licensee making the inquiry either:

(A) that the potential purchase or transfer is prohibited; or

(B) provide the licensee with a unique approval number.

(2) In the event of electronic failure, scheduled computer downtime or similar event beyond the control of the Pennsylvania State Police, the Pennsylvania State Police shall immediately notify the requesting licensee of the reason for and estimated length of the delay. If the failure or event lasts for a period exceeding 48 hours, the dealer shall not be subject to any penalty for completing a transaction absent the completion of an instantaneous records check for the remainder of the failure or similar event, but the dealer shall obtain a completed application/record of sale following the provisions of section 6111(b)(1) and (1.1) (relating to sale or transfer of firearms) as if an instantaneous records check has not been established for any sale or transfer of a firearm for the purpose of a subsequent background check.

(3) The Pennsylvania State Police shall fully comply, execute and enforce the directives of this section as follows:

(i) The instantaneous background check for firearms as defined in section 6102 (relating to definitions) shall begin on July 1, 1998.

(ii) The instantaneous background check for firearms that exceed the barrel lengths set forth in section 6102 shall begin on the later of:

(A) the date of publication of the notice under section 6111(a)(2); or

(B) December 31, 1998.

(4) The Pennsylvania State Police and any local law enforcement agency shall make all reasonable efforts to determine the lawful owner of any firearm confiscated or recovered by the Pennsylvania State Police or any local law enforcement agency and return said firearm to its lawful owner if the owner is not otherwise prohibited from possessing the firearm. When a court of law has determined that the Pennsylvania State Police or any local law enforcement agency have failed to exercise the duty under this subsection, reasonable attorney fees shall be awarded to any lawful owner of said firearm who has sought judicial enforcement of this subsection.

* * *

(d) Distribution.–The Pennsylvania State Police shall provide, without charge, summaries of uniform firearm laws and firearm safety brochures pursuant to section 6125 (relating to distribution of uniform firearm laws and firearm safety brochures).

(e) Challenge to records.–

(1) Any person who is denied the right to receive, sell, transfer, possess, carry, manufacture or purchase a firearm as a result of the procedures established by this section may challenge the accuracy of that person's criminal history, juvenile delinquency history or mental health record pursuant to a denial by the instantaneous records check by submitting a challenge to the Pennsylvania State Police within 30 days from the date of the denial.

(2) The Pennsylvania State Police shall conduct a review of the accuracy of the information forming the basis for the denial and shall have the burden of proving the accuracy of the record. Within 20 days after receiving a challenge, the Pennsylvania State Police shall notify the challenger of the basis for the denial, including, but not limited to, the jurisdiction and docket number of any relevant court decision and provide the challenger an opportunity to provide additional information for the purposes of the review. The Pennsylvania State Police shall communicate its final decision to the challenger within 60 days of the receipt of the challenge. The decision of the Pennsylvania State Police shall include all information which formed a basis for the decision.

(3) If the challenge is ruled invalid, the person shall have the right to appeal the decision to the Attorney General within 30 days of the decision. The Attorney General shall conduct a hearing de novo in accordance with the Administrative Agency Law. The burden of proof shall be upon the Commonwealth.

(4) The decision of the Attorney General may be appealed to the Commonwealth Court by an aggrieved party.

(f) Notification of mental health adjudication, treatment, commitment, drug use or addiction.–

(1) Notwithstanding any statute to the contrary, judges of the courts of common pleas shall notify the Pennsylvania State Police, on a form developed by the Pennsylvania State Police, of:

(i) the identity of any individual who has been adjudicated as an incompetent or as a mental defective or who has been involuntarily committed to a mental institution under the act of July 9, 1976 (P.L.817, No.143), known as the Mental Health Procedures Act, or who has been involuntarily treated as described in section 6105(c)(4) (relating to persons not to possess, use, manufacture, control, sell or transfer firearms) or as described in 18 U.S.C. § 922(g)(4) (relating to unlawful acts) and its implementing Federal regulations; and

(ii) any finding of fact or court order related to any person described in 18 U.S.C. § 922(g)(3).

(2) The notification shall be transmitted by the judge to the Pennsylvania State Police within seven days of the adjudication, commitment or treatment.

(3) Notwithstanding any law to the contrary, the Pennsylvania State Police shall, within 72 hours of receipt, disclose, electronically or otherwise, to the United States Attorney General or a designee, any record relevant to a determination of whether a person is disqualified from possessing or receiving a firearm under 18 U.S.C. § 922 (g)(3) or (4) or an applicable state statute, and any record relevant to a determination of whether a person is not disqualified or is no longer disqualified from possessing or receiving a firearm under 18 U.S.C. § 922(g)(3) or (4) or an applicable state statute.

(g) Review by court.--

(1) Upon receipt of a copy of the order of a court of competent jurisdiction which vacates a final order or an involuntary certification issued by a mental health review officer, the Pennsylvania State Police shall, after disclosing relevant records under subsection (f)(3), expunge all records of the involuntary treatment received under subsection (f).

* * *

(3) The Pennsylvania State Police, after disclosing relevant records under subsection (f)(3), shall expunge all records of an involuntary commitment of an individual who is discharged from a mental health facility based upon the initial review by the physician occurring within two hours of arrival under section 302(b) of the Mental Health Procedures Act and the physician's determination that no severe mental disability existed pursuant to section 302(b) of the Mental Health Procedures Act. The physician shall provide signed confirmation of the determination of the lack of severe mental disability following the initial examination under section 302(b) of the Mental Health Procedures Act to the Pennsylvania State Police.

* * *

(i) Reports.–The Pennsylvania State Police shall annually compile and report to the General Assembly, on or before December 31, the following information for the previous year:

(1) number of firearm sales, including the types of firearms;

(2) number of applications for sale of firearms denied, number of challenges of the denials and number of final reversals of initial denials;

(3) summary of the Pennsylvania State Police's activities, including the average time taken to complete a criminal history, juvenile delinquency history or mental health record check; and

(4) uniform crime reporting statistics compiled by the Pennsylvania State Police based on the National Incident-based Reporting System.

* * *

(j.3) Immunity.–The Pennsylvania State Police and its employees shall be immune from actions for damages for the use of a firearm by a purchaser or for the unlawful transfer of a firearm by a dealer unless the act of the Pennsylvania State Police or its employees constitutes a crime, actual fraud, actual malice or willful misconduct.

(k) Definitions.–As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

"Firearm." The term shall have the same meaning as in section 6111.2 (relating to firearm sales surcharge).

"Physician." Any licensed psychiatrist or clinical psychologist as defined in the act of July 9, 1976 (P.L.817, No.143), known as the Mental Health Procedures Act.

(18 Pa.C.S. § 6111.1)

§ 6111.5. Rules and regulations.

The Pennsylvania State Police shall in the manner provided by law promulgate the rules

and regulations necessary to carry out this chapter [18 Pa.C.S. Ch. 61 (relating to firearms and other dangerous articles)], including regulations to ensure the identity, confidentiality and security of all records and data provided pursuant hereto.
(18 Pa.C.S. § 6111.5)

§ 6124. Administrative regulations.

The commissioner [Commissioner of the Pennsylvania State Police] may establish form specifications and regulations, consistent with section 6109(c) (relating to licenses), with respect to uniform forms control, including the following:

(1) License to carry firearms.
(2) Firearm registration.
(3) Dealer's license.
(4) Application for purchase of a firearm.
(5) Record of sale of firearms.

(18 Pa.C.S. § 6124)

§ 6125. Distribution of uniform firearm laws and firearm safety brochures.

It shall be the duty of the Pennsylvania State Police beginning January 1, 1996, to distribute to every licensed firearm dealer in this Commonwealth firearms safety brochures at no cost to the dealer. The brochures shall be written by the Pennsylvania State Police, with the cooperation of the Pennsylvania Game Commission, and shall include a summary of the major provisions of this subchapter [the Uniform Firearms Act], including, but not limited to, the duties of the sellers and purchasers and the transferees of firearms. The brochure or a copy thereof shall be provided without charge to each purchaser.
(18 Pa.C.S. § 6125)

Section 616-A. Pennsylvania State Police [fees].–The Pennsylvania State Police are authorized to charge fees for the following purposes and in the following amounts:

* * *

(6) Firearm and name check:

(i) Noncriminal justice agencies and individuals..... 10.00

(1929, P.L.177, No.175, § 616-A)

Section 712. The Pennsylvania State Police Force [as game protectors and forest, fish or fire wardens].–The various members of the Pennsylvania State Police are hereby authorized and empowered:

* * *

(b) To act as game protectors, and as forest, fish, or fire wardens, and for the better performance of such duties,

(1) Seize all guns, boats, decoys, traps, dogs, game, fish, shooting paraphernalia, or hunting or fishing appliances or devices, used, taken, or had in possession, contrary to the laws of this State. Any article so seized shall be held subject to such disposition as the Executive Director of the Pennsylvania Fish Commission or the Executive Director of the Pennsylvania Game Commission or the Secretary of Environmental Resources may respectively determine.

* * *

(1929, P.L.177, No.175, § 712)

Chapter 2. Police Powers Generally

§ 508. Use of force in law enforcement.

(a) Peace officer's use of force in making arrest.–

(1) A peace officer, or any person whom he has summoned or directed to assist him, need not retreat or desist from efforts to make a lawful arrest because of resistance or threatened resistance to the arrest. He is justified in the use of any force which he believes to be necessary to effect the arrest and of any force which he believes to be necessary to defend himself or another from bodily harm while making the arrest. However, he is justified in using deadly force only when he believes that such force is necessary to prevent death or serious bodily injury to himself or such other person, or when he believes both that:

(i) such force is necessary to prevent the arrest from being defeated by resistance or escape; and

(ii) the person to be arrested has committed or attempted a forcible felony or is attempting to escape and possesses a deadly weapon, or otherwise indicates that he will endanger human life or inflict serious bodily injury unless arrested without delay.

(2) A peace officer making an arrest pursuant to an invalid warrant is justified in the use of any force which he would be justified in using if the warrant were valid, unless he knows that the warrant is invalid.

(b) Private person's use of force in making arrest.–

(1) A private person who makes, or assists another private person in making a lawful arrest is justified in the use of any force which he would be justified in using if he were summoned or directed by a peace officer to make such arrest, except that he is justified in the use of deadly force only when he believes that such force is necessary to prevent death or serious bodily injury to himself or another.

(2) A private person who is summoned or directed by a peace officer to assist in making an arrest which is unlawful, is justified in the use of any force which he would be justified in using if the arrest were lawful, unless he knows that the arrest is unlawful.

(3) A private person who assists another private person in effecting an unlawful arrest, or who, not being summoned, assists a peace officer in effecting an unlawful arrest, is justified in using any force which he would be justified in using if the arrest were lawful, if:

(i) he believes the arrest is lawful; and

(ii) the arrest would be lawful if the facts were as he believes them to be.

(c) Use of force regarding escape.–

(1) A peace officer, corrections officer or other person who has an arrested or convicted person in his custody is justified in the use of such force to prevent the escape of the person from custody as the officer or other person would be justified in using under subsection (a) if the officer or other person were arresting the person.

(2) A peace officer or corrections officer is justified in the use of such force, including deadly force, which the officer believes to be necessary to prevent the escape from a correctional institution of a person whom the officer believes to be lawfully detained in such institution under sentence for an offense or awaiting trial or commitment for an offense.

(3) A corrections officer is justified in the use of such force, which the officer believes to be necessary to defend himself or another from bodily harm during the pursuit of the escaped person. However, the officer is justified in using deadly force only when the officer believes that such force is necessary to prevent death or serious bodily injury to himself or another or when the officer believes that:

(i) such force is necessary to prevent the apprehension from being defeated by resistance; and

(ii) the escaped person has been convicted of committing or attempting to commit a forcible felony, possesses a deadly weapon or otherwise indicates that he will endanger human life or inflict serious bodily injury unless apprehended without delay.

(d) Use of force to prevent suicide or the commission of crime.–

(1) The use of force upon or toward the person of another is justifiable when the actor believes that such force is immediately necessary to prevent such other person from committing suicide, inflicting serious bodily injury upon himself, committing or consummating the commission of a crime involving or threatening bodily injury, damage to or loss of property or a breach of the peace, except that:

(i) Any limitations imposed by the other provisions of this chapter on the justifiable use of force in self-protection, for the protection of others, the protection of property, the effectuation of an arrest or the prevention of an escape from custody shall apply notwithstanding the criminality of the conduct against which such force is used.

(ii) The use of deadly force is not in any event justifiable under this subsection unless:

(A) the actor believes that there is a substantial risk that the person whom he seeks to prevent from committing a crime will cause death or serious bodily injury to another unless the commission or the consummation of the crime is prevented and that the use of such force presents no substantial risk of injury to innocent persons; or

(B) the actor believes that the use of such force is necessary to suppress a riot or mutiny after the rioters or mutineers have been ordered to disperse and warned, in any particular manner that the law may require, that such force will be used if they do not obey.

(2) The justification afforded by this subsection extends to the use of confinement as preventive force only if the actor takes all reasonable measures to terminate the confinement as soon as he knows that he safely can, unless the person confined has been arrested on a charge of crime.

(18 Pa.C.S. § 508)

§ 5704. Exceptions to prohibition of interception and disclosure of communications.

It shall not be unlawful and no prior court approval shall be required under this chapter [the Wiretapping and Electronic Surveillance Control Act] for:

* * *

(12) Any investigative or law enforcement officer or any person acting at the direction or request of an investigative or law enforcement officer to intercept a wire or oral communication involving suspected criminal activities where the officer or the person is a party to the communication and there is reasonable cause to believe that:

(i) the other party to the communication is either:

(A) holding a hostage; or

(B) has barricaded himself and taken a position of confinement to avoid apprehension; and

(ii) that party:

(A) may resist with the use of weapons; or

(B) is threatening suicide or harm to himself or others.

* * *

(18 Pa.C.S. § 5704)

§ 5713.1. Emergency hostage and barricade situations.

(a) Designation.–The Attorney General or a district attorney may designate supervising law enforcement officers for the purpose of authorizing the interception of wire or oral communications as provided in this section.

(b) Procedure.–A supervising law enforcement officer who reasonably determines that an emergency situation exists that requires a wire or oral communication to be intercepted before an order authorizing such interception can, with due diligence, be obtained, and who determines that there are grounds upon which an order could be entered under this chapter [the Wiretapping and Electronic Surveillance Control Act] to authorize such interception, may intercept such wire or oral communication. An application for an order approving the interception must be made by the supervising law enforcement officer in accordance with section 5709 (relating to application for order) within 48 hours after the interception has occurred or begins to occur. Interceptions pursuant to this section shall be conducted in accordance with the procedures of this subchapter [18 Pa.C.S. Ch. 57 Subch. A (relating to general provisions)]. Upon request of the supervising law enforcement officer who determines to authorize interceptions of wire communications under this section, a provider of electronic communication service shall provide assistance and be compensated therefor as provided in section 5712(f) (relating to issuance of order and effect). In the absence of an order, such interception shall immediately terminate when the situation giving rise to the hostage or barricade situation ends or when the application for the order is denied, whichever is earlier. In the event such application for approval is denied or in any other case where the interception is terminated without an order having been issued, the contents of any wire or oral communication intercepted shall be treated as having been obtained in violation of this subchapter, and an inventory shall be served as provided in section 5716 (relating to service of inventory and inspection of intercepted communications). Thereafter, the supervising law enforcement officer shall follow the procedures set forth in section 5713(b) (relating to emergency situations).

(c) Defense.–A good faith reliance on the provisions of this section shall be a complete defense to any civil or criminal action brought under this subchapter or any other statute against any law enforcement officer or agency conducting any interceptions pursuant to this section as well as a provider of electronic communication service who is required to provide assistance in conducting such interceptions upon request of a supervising law enforcement officer.

(d) Definitions.–As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

"Emergency situation." Any situation where:

(1) a person is holding a hostage and is threatening serious physical injury and may resist with the use of weapons; or

(2) a person has barricaded himself and taken a position of confinement to avoid apprehension and:

(i) has the ability to resist with the use of weapons; or

(ii) is threatening suicide or harm to himself or others.

"Supervising law enforcement officer."

(1) For designations by a district attorney, any law enforcement officer trained pursuant to section 5724 (relating to training) to carry out interceptions under this section who has attained the rank of lieutenant or higher in a law enforcement agency within the county or who is in charge of a county law enforcement agency.

(2) For designations by the Attorney General, any member of the Pennsylvania State Police trained pursuant to section 5724 to carry out interceptions under this section and designated by the Commissioner of the Pennsylvania State Police who:

(i) has attained the rank of lieutenant or higher; or

(ii) is in charge of a Pennsylvania State Police barracks.

(18 Pa.C.S. § 5713.1)

§ 6111.4. Registration of firearms.

Notwithstanding any section of this chapter [18 Pa.C.S. Ch. 61 (relating to firearms and

other dangerous articles)] to the contrary, nothing in this chapter shall be construed to allow any government or law enforcement agency or any agent thereof to create, maintain or operate any registry of firearm ownership within this Commonwealth. For the purposes of this section only, the term "firearm" shall include any weapon that is designed to or may readily be converted to expel any projectile by the action of an explosive or the frame or receiver of any such weapon.
(18 Pa.C.S. § 6111.4)

Chapter 3. Firearms Training

Subchapter A. General Provisions Relating to Training

§ 7148. Use of firearms.

The Constables' Education and Training Board, with the review and approval of the Pennsylvania Commission on Crime and Delinquency, shall establish standards for the certification or qualification of constables and deputy constables to carry or use firearms in the performance of any duties.
(44 Pa.C.S. § 7148)

§ 2167. Police training.

(a) General rule.–All municipalities of this Commonwealth or groups of municipalities acting in concert and all colleges and universities shall be required to train all members of their police departments pursuant to [53 Pa.C.S. Ch. 21 Subch. D (relating to municipal police education and training)] prior to their enforcing criminal laws, enforcing moving traffic violations under Title 75 (relating to vehicles) or being authorized to carry a firearm.

* * *

(53 Pa.C.S. § 2167)

Subchapter B. County Probation and Parole Officers

§ 6301. Short title of chapter.

This chapter [61 Pa.C.S. Ch. 63] shall be known and may be cited as the County Probation Officers' Firearm Education and Training Law.
(61 Pa.C.S. § 6301)

§ 6302. Definitions [relating to county probation and parole officers].

The following words and phrases when used in this chapter [61 Pa.C.S. Ch. 63 (relating to county probation officers' firearm education and training)] shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Board." The Pennsylvania Board of Probation and Parole.

"Certification." The assignment of a certification number to a probation or parole officer after successful completion of a mandatory basic training course or receipt of a waiver of basic training from the County Probation Officers' Firearm Education and Training Commission and successful completion of mandatory training.

"Commission." The County Probation Officers' Firearm Education and Training Commission.

"Fund." The County Probation Officers' Firearm Education and Training Fund established under section 6308 (relating to County Probation Officers' Firearm Education and Training Fund).

"Officer." A county probation or parole officer of this Commonwealth.

"Program." The County Probation Officers' Firearm Education and Training Program established in this chapter.

"School." A school currently approved by the Municipal Police Officers' Education and Training Commission under 53 Pa.C.S. Ch. 21 Subch. D (relating to municipal police education and training).

"Weapon-carrying officer." A county probation or parole officer who is authorized to carry a weapon in connection with performance of the duties of the officer's employment.
(61 Pa.C.S. § 6302)

§ 6303. County Probation Officers' Firearm Education and Training Commission.

The County Probation Officers' Firearm Education and Training Commission is established under the Pennsylvania Board of Probation and Parole. The commission shall establish within six months following the appointment of commission members a County Probation Officers' Firearm Education and Training Program to provide firearm education and training in accordance with the provisions of this chapter [61 Pa.C.S. Ch. 63 (relating to county probation officers' firearm education and training)].
(61 Pa.C.S. § 6303)

§ 6304. [County Probation Officers' Firearm Education and Training] Commission membership.

(a) Composition.–The commission [County Probation Officers' Firearm Education and Training] shall be composed of the chairman of the [Pennsylvania] board [of Probation and Parole] and eight other members to be appointed by the Governor:

(1) Three county adult probation officers who are full members of the County Chief Adult Probation and Parole Officers' Association of Pennsylvania, one of whom is a chief adult probation officer from a county authorized to carry firearms and two of whom are firearms instructors certified as such by the National Rifle Association, the Pennsylvania State Police or the Federal Bureau of Investigation.

* * *

(4) One judge of a court of common pleas of a county that employs officers who carry firearms.

* * *

(6) One county commissioner from a county which employs officers who carry firearms.

* * *

(61 Pa.C.S. § 6304)

§ 6305. Powers and duties of [County Probation Officers' Firearm Education and Training] commission.

The powers and duties of the commission [County Probation Officers' Firearm Education and Training] shall be as follows:

(1) To develop, establish and administer the minimum courses of study and training and competency standards for firearm training for county probation officers, including an initial curriculum of at least 40 hours and including the firing of a qualification course.

(2) To revoke an officer's certification for failing to comply with educational and training requirements established by the commission.

(3) To approve or revoke the approval for the purposes of this chapter [61 Pa.C.S. Ch. 63 (relating to county probation officers' firearm education and training)] of any school

that may be utilized to comply with the educational and training requirements as established by the commission.

(4) To establish the minimum qualifications for instructors, to approve or revoke the approval of any instructor and to develop the requirements for continued certification.

(5) To promote the most efficient and economical program for training by utilizing existing facilities, programs and qualified Federal, State and local police personnel.

(6) To make an annual report to the Governor and to the General Assembly concerning:

(i) The administration of the program.

(ii) The activities of the commission, together with any recommendations for executive or legislative actions.

(7) To require in accordance with this chapter county probation officers to attend a minimum number of hours in in-service training as provided for by regulation, unless the officer's employer files a show-cause document with the commission, requesting additional time for the officer to comply with the in-service training requirements. Approval of the request shall be made by the commission on a case-by-case basis.

(8) To appoint an administrative officer who shall serve and be directly responsible to the commission.

(9) To consult and cooperate with universities, colleges, community colleges and institutes for the development of specialized courses for county probation and parole officers.

(10) To consult and cooperate with departments and agencies of this Commonwealth and other states and the Federal Government concerned with county probation officer training.

(11) To certify officers who have satisfactorily completed basic educational and training requirements as established by the commission and to issue appropriate certificates to these officers.

(12) To visit and inspect approved schools at least once every two years. This inspection requirement does not apply where training is conducted locally at a satellite center consisting of a classroom and shooting range.

(13) To make rules and regulations and to perform other duties as may be reasonably necessary or appropriate to implement the training program for county probation officers.

(14) To consider granting waivers of mandatory basic training to county probation officers who have successfully completed previous equivalent training.

(15) To maintain certifications and other records as necessary.

(16) To issue reports to the president judges of the courts of common pleas relating to compliance with this chapter [61 Pa.C.S. Ch. 63].

(61 Pa.C.S. § 6305)

§ 6306. Training mandatory [for county probation officers].

Within two years of the establishment of the County Probation Officers' Firearm Education and Training Program and in accordance with the provisions of this chapter [61 Pa.C.S. Ch. 63 (relating to county probation officers' firearm education and training)], a county shall provide for the training of any officer in its county probation and parole department who carries a firearm. Following this two-year period, a county shall provide that training and certification requirements of this chapter are met prior to a county probation officer being authorized to carry a firearm.

(61 Pa.C.S. § 6306)

§ 6307. Requirements for [county probation officers' firearm education and training] program participation or waiver.

In order to participate in the [County Probation Officers' Firearm Education and] training program or be granted a waiver of training requirements, at a minimum, the officer must:

* * *

(3) Not have been convicted of an offense graded a misdemeanor of the first degree or greater or punishable by a term of imprisonment of more than two years, unless in possession of a waiver from the Bureau of Alcohol, Tobacco and Firearms of the Department of the Treasury.

(4) Have had the officer's fingerprints submitted by the officer's employer to the Pennsylvania State Police for the purposes of a background investigation. The officer shall have results of the investigation which indicate that the requirements of paragraph (3) are met.

(61 Pa.C.S. § 6307)

§ 6308. County Probation Officers' Firearm Education and Training Fund.

(a) Fund established.–The County Probation Officers' Firearm Education and Training Fund is established as a restricted receipts account within the General Fund. Moneys from the fund shall be used exclusively for the purposes described under this section.

(b) Costs imposed.–

(1) A person who accepts Accelerated Rehabilitative Disposition or pleads guilty or nolo contendere or is convicted of a felony or misdemeanor shall, in addition to any other court costs imposed under the laws of this Commonwealth, be sentenced to pay costs of $5. Costs collected by the clerk of courts under this subsection shall be paid into the fund.

(2) Moneys in the fund shall be used to offset or pay for:

(i) Training expenses.

(ii) [County Probation Officers' Firearm Education and Training] Commission expenses.

(3) Disbursement and allocation of fund moneys shall be at the discretion of the commission.

(c) Other moneys to be used.–In addition to payment of training expenses as prescribed under subsection (b), training expenses may also be paid out of the county offender supervision fund under section 1102 of the act of November 24, 1998 (P.L.882, No.111), known as the Crime Victims Act, or any other county fund.

(d) Juvenile probation officer participation.–In the event that sufficient funds are not generated under the provisions of subsection (b) to fully fund the costs of providing training to juvenile probation officers, a training fee representing the prorated share of the additional actual cost thereof shall be payable by a participating juvenile probation officer's county of employment.

(61 Pa.C.S. § 6308)

Subchapter C. Lethal Weapons Training

Section 2. Legislative Findings and Purpose.–(a) The General Assembly finds that there are private detectives, investigators, watchmen, security guards and patrolmen, privately employed within this Commonwealth who carry and use lethal weapons including firearms as an incidence of their employment and that there have been various tragic incidents involving these individuals which occurred because of unfamiliarity with the handling of weapons. The General Assembly also finds that there is presently no training required for such privately employed agents in the handling of lethal weapons or in the knowledge of law enforcement and the

protection of rights of citizens, and that such training would be beneficial to the safety of the citizens of this Commonwealth.

(b) It is the purpose of this act [the Lethal Weapons Training Act] to provide for the education, training and certification of such privately employed agents who, as an incidence to their employment, carry lethal weapons through a program administered or approved by the Commissioner of the Pennsylvania State Police.

(1974, P.L.705, No.235, § 2)

Section 3. Definitions [relating to lethal weapons training].–As used in this act [the Lethal Weapons Training Act]:

* * *

"Lethal weapons" include but are not limited to firearms and other weapons calculated to produce death or serious bodily harm. A concealed billy club is a lethal weapon. The chemical mace or any similar substance shall not be considered as "lethal weapons" for the purposes of this act [the Lethal Weapons Training Act].

* * *

(1974, P.L.705, No.235, § 3)

Section 4. Education and Training Program.–(a) An education and training program in the handling of lethal weapons, law enforcement and protection of rights of citizens shall be established and administered or approved by the commissioner [of the Pennsylvania State Police] in accordance with the provisions of this act [the Lethal Weapons Training Act].

(b) All privately employed agents, except those who have been granted a waiver from compliance herewith by the commissioner [of the Pennsylvania State Police] who, as an incidence to their employment, carry a lethal weapon shall be required to attend the program established by subsection (a) of this section in accordance with the requirements or regulations established by the commissioner [of the Pennsylvania State Police] and, upon satisfactory completion of such program, shall be entitled to certification by the commissioner [of the Pennsylvania State Police].

(c) Except for colleges and universities, no nongovernment employer of a privately employed agent who, as an incidence to his employment, carries a lethal weapon, shall own, operate, or otherwise participate in, directly or indirectly, the establishment or administration of the program established by subsection (a) of this section.

(1974, P.L.705, No.235, § 4)

Section 5. Power and Duties of Commissioner [of Pennsylvania State Police].–The commissioner [of the Pennsylvania State Police] shall have the power and duty:

(1) To implement and administer or approve the minimum courses of study and training for the program in the handling of lethal weapons, law enforcement and protection of the rights of citizens.

(2) To implement and administer or approve physical and psychological testing and screening of the candidate for the purpose of barring from the program those not physically or mentally fit to handle lethal weapons. However, candidates who are full-time police officers and have successfully completed a physical and psychological examination as a prerequisite to employment or to continued employment by their local police departments or who have been continuously employed as full-time police officers since June 18, 1974 shall not be required to undergo any physical or psychological testing and screening procedures so implemented.

(3) To issue certificates of approval to schools approved by the commissioner and to withdraw certificates of approval from those schools disapproved by the commissioner.

(4) To certify instructors pursuant to the minimum qualifications established by the

commissioner.

(5) To consult and cooperate with universities, colleges, community colleges and institutes for the development of specialized courses in handling lethal weapons, law enforcement and protection of the rights of citizens.

(6) To consult and cooperate with departments and agencies of this Commonwealth and other states and the Federal Government concerned with similar training.

(7) To certify those individuals who have satisfactorily completed basic educational and training requirements as established by the commissioner and to issue appropriate certificates to such persons.

(8) To visit and inspect approved schools at least once a year.

(9) In the event that the commissioner implements and administers a program, to collect reasonable charges from the students enrolled therein to pay for the costs of the program.

(10) To make such rules and regulations and to perform such other duties as may be reasonably necessary or appropriate to implement the education and training program.

(11) To grant waivers from compliance with the provisions of [the Lethal Weapons Training Act] applicable to privately employed agents who have completed a course of instruction in a training program approved by the commissioner.

(1974, P.L.705, No.235, § 5)

Section 6. Certificate of Qualification.–(a) Any person desiring to enroll in [a lethal weapons training] program shall make application to the commissioner [of the Pennsylvania State Police], on a form to be prescribed by the commissioner.

(b) The application shall be signed and verified by the applicant. It shall include his full name, age, residence, present and previous occupations and such other information that may be required by the commissioner to show the good character, competency and integrity of the applicant.

(c) The application shall be personally presented by the applicant at an office of the Pennsylvania State Police where his fingerprints shall be affixed thereto. The application shall be accompanied by two current photographs of the applicant of a size and nature to be prescribed by the commissioner and a thirty-five dollar ($35) application fee, unless the applicant is a full-time police officer, in which case no application fee shall be required. Thereafter the application shall be forwarded to the commissioner.

(d) The fingerprints of the applicant shall be examined by the Pennsylvania State Police and the Federal Bureau of Investigation to determine if he has been convicted of or has pleaded guilty or nolo contendere to a crime of violence. The commissioner shall have the power to waive the requirement of Federal Bureau of Investigation examination. Any fee charged by the Federal agency shall be paid by the applicant.

(e) No application shall be accepted if the applicant is under the age of eighteen.

(f) After the application has been processed and if the commissioner determines that the applicant is eighteen years of age and has not been convicted of or has not pleaded guilty or nolo contendere to a crime of violence, and has satisfied any other requirements prescribed by him under his powers and duties pursuant to section 5, he shall issue a certificate of qualification which shall entitle the applicant to enroll in an approved program.

(1974, P.L.705, No.235, § 6)

Section 7. Certification and Fee.–(a) A certification fee of not more than fifteen dollars ($15) shall be paid by each individual satisfactorily completing the program prior to the receipt of a certificate.

(b) The commissioner [of the Pennsylvania State Police] shall furnish to each individual satisfactorily completing the program, an appropriate wallet or billfold size copy of the certificate,

which shall include a photograph of the individual thereon.

(c) Every certified individual shall carry his wallet or billfold size certificate on his person as identification during the time when he is on duty or going to and from duty and carrying a lethal weapon.

(d) Certification shall be for a period of five years.

(e) Privately employed agents who, as an incidence to their employment, carry a lethal weapon shall be required to renew their certification within six months prior to the expiration of their certificate. The commissioner shall prescribe the manner in which the certification shall be renewed, and may charge a nominal renewal fee therefore, not to exceed fifteen dollars ($15).
(1974, P.L.705, No.235, § 7)

Section 8. Good Standing.–(a) Privately employed agents must possess a valid certificate whenever on duty or going to and from duty and carrying a lethal weapon.

(b) Whenever an employer of a privately employed agent subject to the provisions of this act [the Lethal Weapons Training Act] discharges him for cause, the employer shall notify the commissioner of such within five days of the discharge.

(c) The commissioner may revoke and invalidate any certificate issued to a privately employed agent under this act whenever he learns that false, fraudulent or misstated information appears on the original or renewal application or whenever he learns of a change of circumstances that would render an employee ineligible for original certification.
(1974, P.L.705, No.235, § 8)

Section 8.1. Retired Police Officer.–(a) A nondisability retired police officer of a Pennsylvania municipality or the Pennsylvania State Police shall be initially certified under [the Lethal Weapons Training Act], and need not meet the training and qualification standards or physical and psychological qualifications hereunder, if he was a full-time police officer for at least twenty years, retired in good standing and has assumed the duties of a privately employed agent on or before three years from the date of his retirement. If a retired police officer commences his duties as a privately employed agent after three years from the date of his retirement he must meet the physical and psychological requirements of this act for certification under this section.

(b) A retired police officer initially certified under this section shall not be required to pay the application fee but shall pay the certification fee upon the submission of a completed application provided by the commissioner [of the Pennsylvania State Police].
(1974, P.L.705, No.235, § 8.1)

Section 9. Penalties.–(a) Any privately employed agent who in the course of his employ carries a lethal weapon, and who fails to comply with subsection (b) of section 4 or with subsection (a) of section 8 of this act [the Lethal Weapons Training Act], shall be guilty of a misdemeanor and upon conviction shall be subject to imprisonment of not more than one year or payment of a fine not exceeding one thousand dollars ($1,000), or both.

(b) Any privately employed agent who in the course of his employ carries a lethal weapon, and who violates subsection (c) of section 7 of this act shall be guilty of a summary offense, and, upon conviction, shall pay a fine not exceeding fifty dollars ($50).
(1974, P.L.705, No.235, § 9)

Section 10. Prohibited Act.–No individual certified under this act [the Lethal Weapons Training Act] shall carry an inoperative or model firearm while employed and he shall carry only a powder actuated firearm approved by the commissioner [of the Pennsylvania State Police].
(1974, P.L.705, No.235, § 10)

Section 10.1. Active Police Officers.–All active police officers subject to the training provisions of the act of June 18, 1974 (P.L.359, No.120), referred to as the Municipal Police Education and Training Law, shall be granted a waiver of the training requirements of this act [the Lethal Weapons Training Act] upon presentation to the commissioner [of the Pennsylvania State Police] of evidence of their completion of the training requirements of the Municipal Police Education and Training Law and the successful completion of a biennial firearms qualification examination administered by their respective police agency.
(1974, P.L.705, No.235, § 10.1)

Chapter 4. Acceptance of Gifts

Section 5. [Private services, gifts and payments.–] No State police, sheriff, deputy sheriff, constable, deputy constable, detective, police or other peace officer of this Commonwealth, or of any political subdivision thereof, (collectively referred to in [the act of June 4, 1937 (P.L.1595, No.324),] as "officers"), shall perform, directly or indirectly, any official services or official duties for any person, association or corporation, or receive, directly or indirectly, any compensation, gifts or gratuities from any person, association or corporation during the period of his official services: Provided, however, That nothing herein contained shall prohibit such officers from serving writs and other legal process as now authorized by law. Any compensation payable to any officer for official duties and services shall be paid only out of the public funds, to the amount and in the manner prescribed by law. Gifts, donations, and gratuities of any nature whatsoever made by any person, association or corporation to the Commonwealth, or any political subdivision thereof, or any official or agent thereof, shall not constitute public funds within the meaning of this section.

The Commonwealth, or any political subdivision thereof, or any official or agent thereof, shall not accept as a gratuity, gift or donation any arms, ammunition, military supplies, tear gas or equipment or supplies or articles of a similar character from, nor shall any such gratuity, gift or donation be made by, any person, association or corporation.

* * *

(1937, P.L.1595, No.324, § 5)

Section 1210. Private Services, Gifts and Payments [in Second Class Counties].–(a) No sheriff, deputy sheriff, detective or other county police officer whatsoever shall perform, directly or indirectly, any official services or official duties for any person, association or corporation, or receive, directly or indirectly, any compensation, gifts or gratuities from any person, association or corporation, during the period of his official services. Nothing herein contained shall prohibit such officers from serving writs and other legal process as authorized by law. Any compensation payable to any such officer for official duties and services shall be paid only out of the public funds, to the amount and in the manner prescribed by law. Gifts, donations and gratuities of any nature whatsoever, made by any person, association or corporation to the county or to any official or agent thereof, shall not constitute public funds within the meaning of this section.

(b) No county, or any official or agent thereof, shall accept as a gratuity, gift or donation any arms, ammunition, military supplies, tear gas or equipment, or supplies or articles of a similar character from, nor shall any such gratuity, gift or donation be made by, any person, association or corporation.

* * *

(1953, P.L.723, No.230, § 1210)

Section 1210. Private Services, Gifts and Payments [in Counties].–(a) No sheriff, deputy sheriff, detective or other county police officer whatsoever, shall perform, directly or indirectly, any official services or official duties for any person, association or corporation, or receive, directly or indirectly, any compensation, gifts or gratuities from any person, association or corporation during the period of his official services. Nothing herein contained shall prohibit such officers from serving writs and other legal process as authorized by law. Any compensation payable to any such officer for official duties and services shall be paid only out of the proper county, or other public funds, to the amount and in the manner prescribed by law. Gifts, donations, and gratuities of any nature whatsoever made by any person, association or corporation to the county or to any official or agent thereof, shall not constitute public funds within the meaning of this section.

(b) No county, or any official or agent thereof, shall accept as a gratuity, gift or donation any arms, ammunition, military supplies, tear gas or equipment, or supplies or articles of a similar character from, nor shall any such gratuity, gift or donation be made by any person, association or corporation.

* * *

(1955, P.L.323, No.130, § 1210)

Chapter 5. Private Police and Other Enforcement Agents

§ 3706. Suspension, revocation, limitation and restriction of appointment [of humane society police officers]; restoration of appointment.

(a) Grounds for suspension, revocation, limitation or restriction.–By its own action or pursuant to a written affidavit filed by a complainant, the court of common pleas may, after conducting a hearing, suspend, revoke, limit or restrict an appointment of an individual to act as a humane society police officer in the county if the court determines any of the following:

* * *

(4) Carrying or possessing a firearm in the performance of his or her duties without certification pursuant to section 3711 (relating to limitation on possession of firearms).

* * *

(22 Pa.C.S. § 3706)

§ 3711. Limitation on possession of firearms [by humane society police officers].

No individual appointed as a humane society police officer shall carry, possess or use a firearm in the performance of that individual's duties unless that individual holds a current and valid certification in the use and handling of firearms pursuant to at least one of the following:

(1) 53 Pa.C.S. Ch. 21 Subch. D (relating to municipal police education and training).

(2) The act of October 10, 1974 (P.L.705, No.235), known as the Lethal Weapons Training Act.

(3) The act of February 9, 1984 (P.L.3, No.2), known as the Deputy Sheriffs' Education and Training Act.

(4) Any other firearms program that has been determined by the Commissioner of the Pennsylvania State Police to be of sufficient scope and duration as to provide the participant with basic training in the use and handling of firearms.

(22 Pa.C.S. § 3711)

§ 7435. Powers [of special fire police].

* * *

(c) Construction.–Under no circumstances shall this subchapter [35 Pa.C.S. Ch. 74 Subch. D (relating to special fire police)] be construed to grant special fire police the right to use

firearms or other weapons in the exercise of special fire police powers granted by this subchapter.
(35 Pa.C.S. § 7435)

Section 1. [Industrial police]. Be it enacted, &c., That it shall be unlawful for any person employed as an industrial police to carry any firearm or other weapon except when on duty as such industrial police. All such weapons carried while on duty shall be left at the place of employment of such industrial police.

The term "industrial police," as used in this section, shall be construed to mean a police officer, or a person employed in any such capacity, for the protection of its property by the owner or operator of any colliery, furnace, rolling mill, water company, water supply company, water power company, electric light company, electric power company, electric transmission company, mineral, mining or quarrying company, or express company.
(1937, P.L.799, No.221, § 1)

Section 1. [Special fire police]. Any volunteer fire company in any city, borough, town, township or home rule municipality may nominate any of its members as special fire police. All special fire police so nominated shall, before they enter upon their duties as such, be confirmed by the mayor of the city, the mayor of the borough or town, the chairman of the board of commissioners or supervisors of the township, or the chief executive officer of a home rule municipality, as the case may be. When so confirmed and sworn and displaying a badge of authority they shall have full power to regulate traffic and keep crowds under control at or in the vicinity of any fire on which their companies are in attendance and to exercise such other police powers as are necessary in order to facilitate and prevent interference with the work of firemen in extinguishing fires and, in addition, shall have the police powers necessary to perform their duties when functioning as special fire police at any function, event, or parade conducted by, and under the auspices of, any volunteer fire company, or any other event, function, or parade conducted by an organization other than a volunteer fire company, providing the request to perform these duties is made by the governing body of the city, borough, town, township, or home rule municipality, in which the event will be conducted, or when accidents, floods or any other emergencies require performance of such traffic-control and crowd control duties. Such duties may be performed without prior request from the governing body until the arrival of proper State, city, borough, town, township, or home rule municipality, police authority and thereafter subject to direction of such police authority until the emergency no longer exists. A person functioning as special fire police, and performing a duty under any of the above conditions, shall be deemed to be performing the duties of his employment. Fire police performing such duties shall be identifiable by, at minimum, the wearing of a distinctive arm band or hat or uniform or insignia. Under no circumstances shall this act [the act of June 18, 1941 (P.L.137, No.74),] be construed to grant special fire police the right and/or power to use firearms or other weapons in the exercise of special fire police powers granted hereunder.
(1941, P.L.137, No.74, § 1)

Section 1. [Delaware River Port Authority police.] The Delaware River Port Authority, a body corporate and politic, functioning under the legislation enacted by the Commonwealth of Pennsylvania and the State of New Jersey, and the express consent of the Congress of the United States, and its wholly-owned subsidiary corporations through which it is effectuating its authorized purposes, shall have the power and authority to appoint the number of police officers as is found necessary to keep in safety and preserve order upon the bridges and tunnels and approaches thereto, and upon the rapid transit systems, ferries, facilities and other property as the Delaware River Port Authority or such subsidiary corporations does or may hereafter own,

lease or operate; to administer to such police officers an oath or affirmation faithfully to perform the duties of their respective positions or offices; and to provide for the payment of such police officers from the tolls, fares, charges and other revenue of the Delaware River Port Authority or such subsidiary corporations. The police officers so appointed shall have the power and authority to make arrests for any crimes, misdemeanors, and offenses committed under the laws of the State of New Jersey or the Commonwealth of Pennsylvania upon the bridges or within the tunnels or approaches thereto, on the rapid transit systems, ferries, facilities or other property owned, leased or operated by the Delaware River Port Authority or such subsidiary corporations, for disorder or breach of the peace, or for violations of any lawful regulation which may be adopted by the Delaware River Port Authority, or such subsidiary corporations. The police officers shall be authorized and empowered to make arrests or issue citations for evasion or attempts to evade the payment of tolls, fares or other charges which may be fixed or may have been fixed for the use of such bridge, tunnel, rapid transit system, or ferry, facility or other property owned, leased or operated by the Delaware River Port Authority or such subsidiary corporations. In addition, while acting within any other areas of the port district, police officers appointed by the Delaware River Port Authority or such subsidiary corporations shall have all of the powers, including the right to carry firearms while on duty, and all of the immunities conferred by law on police officers or municipal police officers in the enforcement of the laws of the State of New Jersey and the Commonwealth of Pennsylvania, provided that no police officer shall be so empowered unless the officer has satisfied all the training and requalification requirements of section 1.1.

* * *

(1957, P.L.61, No.34, § 1)

Section 1.1. [Delaware River Port Authority police training.] The Delaware River Port Authority and such subsidiary corporations shall require a police officer appointed under section 1 to successfully complete a police training course jointly agreed to by the Attorney General of the State of New Jersey and the Municipal Police Officers' Education and Training Commission with the approval of the Attorney General of the Commonwealth of Pennsylvania and shall further require that the police officer shall fully comply with the annual firearms qualifications standards as approved by the Attorney General of the Commonwealth of Pennsylvania.

A police officer may be exempted from the police training requirements of this section if he demonstrates that he has successfully completed a police training course conducted by any Federal, State or other public or private agency, the requirements of which are determined by the Attorney General of New Jersey and the Municipal Police Officers' Education and Training Commission with the approval of the Attorney General of the Commonwealth of Pennsylvania to be substantially equivalent to the police training course requirements of this section, but, notwithstanding such exemption, the police officer shall fully comply with the annual firearms qualification standards set forth in this section.

The cost of the police training described in this section shall be borne by the Delaware River Port Authority.

(1957, P.L.61, No.34, § 1.1)

Section 34. Administration of Act [Controlled Substance, Drug, Device and Cosmetic].–* * *

(c) The secretary [Secretary of Health] may designate specific officers and employes of the Bureau of Drug Control as law enforcement personnel and authorize such personnel to:

(1) Carry firearms in the performance of his official duties;

* * *

(1972, P.L.233, No.64, § 34)

Chapter 6. Municipal Regulation of Firearms

§ 6120. Limitation on the regulation of firearms and ammunition.

(a) General rule.–No county, municipality or township may in any manner regulate the lawful ownership, possession, transfer or transportation of firearms, ammunition or ammunition components when carried or transported for purposes not prohibited by the laws of this Commonwealth.

(a.1) No right of action.–

(1) No political subdivision may bring or maintain an action at law or in equity against any firearms or ammunition manufacturer, trade association or dealer for damages, abatement, injunctive relief or any other relief or remedy resulting from or relating to either the lawful design or manufacture of firearms or ammunition or the lawful marketing or sale of firearms or ammunition to the public.

(2) Nothing in this subsection shall be construed to prohibit a political subdivision from bringing or maintaining an action against a firearms or ammunition manufacturer or dealer for breach of contract or warranty as to firearms or ammunition purchased by the political subdivision.

(a.2) Relief.--A person adversely affected by an ordinance, a resolution, regulation, rule, practice or any other action promulgated or enforced by a county, municipality or township prohibited under subsection (a) or 53 Pa.C.S. § 2962(g) (relating to limitation on municipal powers) may seek declaratory or injunctive relief and actual damages in an appropriate court.

(a.3) Reasonable expenses.--A court shall award reasonable expenses to a person adversely affected in an action under subsection (a.2) for any of the following:

(1) A final determination by the court is granted in favor of the person adversely affected.

(2) The regulation in question is rescinded, repealed or otherwise abrogated after suit has been filed under subsection (a.2) but before the final determination by the court.

(b) Definitions.--As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

"Dealer." The term shall include any person engaged in the business of selling at wholesale or retail a firearm or ammunition.

"Firearms." This term shall have the meaning given to it in section 5515 (relating to prohibiting of paramilitary training) but shall not include air rifles as that term is defined in section 6304 (relating to sale and use of air rifles).

"Person adversely affected." Any of the following:

(1) A resident of this Commonwealth who may legally possess a firearm under Federal and State law.

(2) A person who otherwise has standing under the laws of this Commonwealth to bring an action under subsection (a.2).

(3) A membership organization, in which a member is a person described under paragraph (1) or (2).

"Political subdivision." The term shall include any home rule charter municipality, county, city, borough, incorporated town, township or school district.

"Reasonable expenses." The term includes, but is not limited to, attorney fees, expert witness fees, court costs and compensation for loss of income.

(18 Pa.C.S. § 6120)

§ 8542. Exceptions to governmental immunity.

* * *

(b) Acts which may impose liability.–The following acts by a local agency or any of its employees may result in the imposition of liability on a local agency:

(1) Vehicle liability.–The operation of any motor vehicle in the possession or control of the local agency, provided that the local agency shall not be liable to any plaintiff that claims liability under this subsection if the plaintiff was, during the course of the alleged negligence, in flight or fleeing apprehension or resisting arrest by a police officer or knowingly aided a group, one or more of whose members were in flight or fleeing apprehension or resisting arrest by a police officer. As used in this paragraph, "motor vehicle" means any vehicle which is self-propelled and any attachment thereto, including vehicles operated by rail, through water or in the air.

* * *

(d) Evidence.–Whenever any plaintiff claims liability under subsection (b)(1), evidence is admissible to demonstrate that the plaintiff, at any time during the course of the alleged negligence, was engaged or participating in willful misconduct, including, but not limited to, the illegal possession of controlled substances, firearms or ammunition.

(42 Pa.C.S. § 8542)

§ 2962. Limitation on municipal powers.

* * *

(g) Regulation of firearms.–A municipality shall not enact any ordinance or take any other action dealing with the regulation of the transfer, ownership, transportation or possession of firearms.

* * *

(53 Pa.C.S. § 2962)

Section 3. [Powers of second class cities.] Every city of the second class, in its corporate capacity, is authorized and empowered to enact ordinances for the following purposes, in addition to the other powers granted by [the Second Class City Law]:

* * *

XXVI. To prevent and restrain riots, routs, noises, disturbances or disorderly assemblies, in any street, house or place in the city; to regulate, prevent and punish the discharge of fire-arms, rockets, powder, fireworks, or any other dangerous, combustible material, in the streets, lots, grounds, alleys, or in the vicinity of any buildings; to prevent and punish the carrying of concealed deadly weapons; to arrest, fine, or set at work on the streets or elsewhere, all vagrants found in said city; to prevent and punish horse-racing, fast driving or riding in the streets, highways, alleys, bridges, or places in the city, and all games, practices or amusements therein likely to result in danger or damage to any person or property; and to prevent and punish the riding or driving of horses, mules, oxen, cattle, or other teams, or the passage of any vehicles drawn thereby, over, upon or across sidewalks, and to regulate the passing of the same through the public streets.

* * *

(1901, P.L.20, No.14, § 1903)

Section 1. [Regulation by cities.] Be it enacted, &c., That the cities of this Commonwealth be, and they are hereby, authorized to regulate or to prohibit and prevent the sale and use of fireworks, firecrackers, sparklers, and other pyrotechnics in such cities, and the unnecessary firing and discharge of firearms in or into the highways and other public places thereof, and to pass all necessary ordinances regulating or forbidding the same and prescribing

penalties for their violation.
(1921, P.L.430, No.204, § 1)

Section 3107-C. Charter Limitations [in second class counties].–* * *
(k) No county shall enact any ordinance or take any other action dealing with the regulation of the transfer, ownership, transportation or possession of firearms.
* * *
(1953, P.L.723, No.230, § 3107-C)

§ 12423. Regulate discharge of guns and deadly weapons.
To the extent permitted by Federal and other State law, council may regulate, prohibit and prevent the discharge of guns and prevent the carrying of concealed deadly weapons.
(11 Pa.C.S. § 12423)

§ 144A22. Care of memorials.
(a) Council authority.--Council may take charge of, care for, maintain and keep in good order and repair, at the expense of the city, any soldier's monument, gun or carriage or similar memorial, if the memorial:
(1) Is situate in the city.
(2) Is not in the charge or care of any individual, body or organization.
(3) Is not put up or placed by the Federal Government, the Commonwealth or the commissioners of the county or by the direction or authority of any other state.
* * *
(11 Pa.C.S. § 144A22)

Chapter 7. Sentences for Firearms Violations

§ 2154. Adoption of guidelines for sentencing.
(a) General rule.–The [Pennsylvania] commission [on Sentencing] shall adopt guidelines for sentencing within the limits established by law which shall be considered by the sentencing court in determining the appropriate sentence for defendants who plead guilty or nolo contendere to, or who were found guilty of, felonies and misdemeanors. The guidelines shall:
* * *
(3) Criminal behavior, by specifying a range of sentences of increased severity for offenders who pose a substantial risk to public safety, including those who possessed or used a deadly weapon during the commission of the current conviction offense.
* * *
(b) Definition.–As used in this section the term "possessed" means on the defendant's person or within his immediate physical control.
(42 Pa.C.S. § 2154)

§ 5552. Other offenses.
* * *
(b) Major offenses.–A prosecution for any of the following offenses must be commenced within five years after it is committed:
(1) Under the following provisions of Title 18 (relating to crimes and offenses):
* * *
Section 6111(g)(2) and (4) (relating to sale or transfer of firearms).
* * *
(c) Exceptions.–If the period prescribed in subsection (a), (b) or (b.1) has expired, a

prosecution may nevertheless be commenced for:

* * *

(4) An offense in violation of 18 Pa.C.S. § 6111(c) or (g), within one year of its discovery by State or local law enforcement, but in no case shall this paragraph extend the period of limitation otherwise applicable by more than eight years.

* * *

(42 Pa.C.S. § 5552)

§ 9712. Sentences for offenses committed with firearms.

(a) Mandatory sentence.–Except as provided under section 9716 (relating to two or more mandatory minimum sentences applicable), any person who is convicted in any court of this Commonwealth of a crime of violence as defined in section 9714(g) (relating to sentences for second and subsequent offenses), shall, if the person visibly possessed a firearm or a replica of a firearm, whether or not the firearm or replica was loaded or functional, that placed the victim in reasonable fear of death or serious bodily injury, during the commission of the offense, be sentenced to a minimum sentence of at least five years of total confinement notwithstanding any other provision of this title or other statute to the contrary. Such persons shall not be eligible for parole, probation, work release or furlough.

(b) Proof at sentencing.–Provisions of this section shall not be an element of the crime and notice thereof to the defendant shall not be required prior to conviction, but reasonable notice of the Commonwealth's intention to proceed under this section shall be provided after conviction and before sentencing. The applicability of this section shall be determined at sentencing. The court shall consider any evidence presented at trial and shall afford the Commonwealth and the defendant an opportunity to present any necessary additional evidence and shall determine, by a preponderance of the evidence, if this section is applicable.

(c) Authority of court in sentencing.–There shall be no authority in any court to impose on an offender to which this section is applicable any lesser sentence than provided for in subsection (a) or to place such offender on probation or to suspend sentence. Nothing in this section shall prevent the sentencing court from imposing a sentence greater than that provided in this section. Sentencing guidelines promulgated by the Pennsylvania Commission on Sentencing shall not supersede the mandatory sentences provided in this section.

(d) Appeal by Commonwealth.–If a sentencing court refuses to apply this section where applicable, the Commonwealth shall have the right to appellate review of the action of the sentencing court. The appellate court shall vacate the sentence and remand the case to the sentencing court for imposition of a sentence in accordance with this section if it finds that the sentence was imposed in violation of this section.

(e) Definitions.–As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

"Firearm." Any weapon, including a starter gun, which will or is designed to or may readily be converted to expel a projectile by the action of an explosive or the expansion of gas therein.

"Replica of a firearm." An item that can reasonably be perceived to be a firearm.

(42 Pa.C.S. § 9712)

§ 9712.1. Sentences for certain drug offenses committed with firearms.

(a) Mandatory sentence.–Any person who is convicted of a violation of section 13(a)(30) of the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act, when at the time of the offense the person or the person's accomplice is in physical possession or control of a firearm, whether visible, concealed about the person or the person's accomplice or within the actor's or accomplice's reach or in close proximity to the controlled substance, shall likewise be sentenced to a minimum sentence of at least five years

of total confinement.

(b) Limitation on aggregate sentences.–Where a defendant is subject to a mandatory minimum sentence under 18 Pa.C.S. § 7508(a) (relating to drug trafficking sentencing and penalties) and is also subject to an additional penalty under subsection (a) and where the court elects to aggregate these penalties, the combined minimum sentence may not exceed the statutory maximum sentence of imprisonment allowable under The Controlled Substance, Drug, Device and Cosmetic Act.

(c) Proof at sentencing.–Provisions of this section shall not be an element of the crime, and notice thereof to the defendant shall not be required prior to conviction, but reasonable notice of the Commonwealth's intention to proceed under this section shall be provided after conviction and before sentencing. The applicability of this section shall be determined at sentencing. The court shall consider any evidence presented at trial and shall afford the Commonwealth and the defendant an opportunity to present any necessary additional evidence and shall determine, by a preponderance of the evidence, if this section is applicable.

(d) Authority of court in sentencing.–There shall be no authority in any court to impose on an offender to which this section is applicable any lesser sentence than provided for in subsection (a) or to place such offender on probation or to suspend sentence. Nothing in this section shall prevent the sentencing court from imposing a sentence greater than that provided in this section. Sentencing guidelines promulgated by the Pennsylvania Commission on Sentencing shall not supersede the mandatory sentences provided in this section.

(e) Appeal by Commonwealth.–If a sentencing court refuses to apply this section where applicable, the Commonwealth shall have the right to appellate review of the action of the sentencing court. The appellate court shall vacate the sentence and remand the case to the sentencing court for imposition of a sentence in accordance with this section if it finds that the sentence was imposed in violation of this section.

(f) Definition.–As used in this section, the term "firearm" shall have the same meaning as that given to it in section 9712 (relating to sentences for offenses committed with firearms).

(42 Pa.C.S. § 9712.1)

§ 9715. Life imprisonment for homicide.

(a) Mandatory life imprisonment.–Notwithstanding the provisions of section 9712 (relating to sentences for offenses committed with firearms), 9713 (relating to sentences for offenses committed on public transportation) or 9714 (relating to sentences for second and subsequent offenses), any person convicted of murder of the third degree in this Commonwealth who has previously been convicted at any time of murder or voluntary manslaughter in this Commonwealth or of the same or substantially equivalent crime in any other jurisdiction shall be sentenced to life imprisonment, notwithstanding any other provision of this title or other statute to the contrary.

* * *

(42 Pa.C.S. § 9715)

§ 9758. Fine.

* * *

(b) Installment payment.–Except for fines imposed under Title 34 (relating to game), the court may permit installment payments as it considers appropriate to the circumstances of the defendant, in which case its order shall specify when each installment payment is due. Installment payments for fines imposed for summary offenses under Title 34 shall not exceed one year for summary offenses and, except for 34 Pa.C.S. § 2522 (relating to shooting at or causing injury to human beings), shall not exceed two years for misdemeanor offenses.

* * *

(42 Pa.C.S. § 9758)

§ 9763. Sentence of county intermediate punishment.

(a) General rule.–In imposing a sentence of county intermediate punishment, the court shall specify at the time of sentencing the length of the term for which the defendant is to be in a county intermediate punishment program or a combination of county intermediate punishment programs. The term may not exceed the maximum term for which the defendant could be confined and the program to which the defendant is sentenced. The court may order a defendant to serve a portion of the sentence under section 9755 (relating to sentence of partial confinement) or 9756 (relating to sentence of total confinement) and to serve a portion in a county intermediate punishment program or a combination of county intermediate punishment programs.

(b) Conditions generally.–The court may attach any of the following conditions upon the defendant as it deems necessary:

* * *

(9) To not possess a firearm or other dangerous weapon unless granted written permission.

* * *

(42 Pa.C.S. § 9763)

Chapter 8. Probation and Parole

§ 6123. Waiver of disability or pardons.

A waiver of disability from Federal authorities as provided for in 18 U.S.C. § 925 (relating to exceptions; relief from disabilities), a full pardon from the Governor or an overturning of a conviction shall remove any corresponding disability under this subchapter except the disability under section 6105 (relating to persons not to possess, use, manufacture, control, sell or transfer firearms).

(18 Pa.C.S. § 6123)

§ 9754. Order of probation.

* * *

(c) Specific conditions.–The court may as a condition of its order [of probation] require the defendant:

* * *

(7) To have in his possession no firearm or other dangerous weapon unless granted written permission.

* * *

(42 Pa.C.S. § 9754)

§ 6137. Parole power.

(a) General criteria for parole.–

* * *

(4) Unless the inmate has served at least one year in a community corrections center or community corrections facility, the [Pennsylvania] board [of Probation and Parole] shall not act upon an application of an inmate who is granted clemency by the Governor, is subject to parole supervision and:

(i) whose term of imprisonment was commuted from life to life on parole;

(ii) who was serving a term of imprisonment for a crime of violence; or

(iii) who is serving a sentence under 42 Pa.C.S. § 9712 (relating to sentences for offenses committed with firearms).

* * *

(61 Pa.C.S. § 6137)

Section 909. Board of Pardons.–* * *

(b) Hearings relating to the granting of reprieves, commutations of sentences and pardons for prisoners serving life sentences or sentences for crimes of violence may only be granted upon approval by a vote of a majority of the members of the Board of Pardons.

* * *

(h) As used in this section, the term "crime of violence" means:

* * *

(3) An offense committed while in visible possession of a firearm for which sentencing was imposed under 42 Pa.C.S. § 9712 (relating to sentences for offenses committed with firearms).

(1929, P.L.177, No.175, § 909)

Section 25. Probationary tenancy [for drug traffickers].

(a) Temporary suspension of eviction or removal.–

(1) The court on the application of a person subject to removal may suspend the execution of an order of complete or partial eviction for a period of not more than ten days in order to refer the person to a licensed substance abuse treatment program or facility for an alcohol and other drug addiction assessment and treatment recommendation in order to determine whether the person is a suitable candidate for a stay of execution of eviction or removal under subsection (b) if all of the following apply:

(i) The person asserts that the person:

(A) is drug dependent within the meaning of [the Expedited Eviction of Drug Traffickers Act];

(B) is willing to participate in a licensed treatment and monitoring program recommended by the program or facility and approved by the court; and

(C) meets the requirements set forth in subsection (b)(4), (5) and (6).

(ii) The court is clearly convinced that the temporary suspension of execution of the order of the eviction or removal will not endanger the safety of the community or otherwise unduly jeopardize the rights or interests of other tenants and residents of the leased residential premises.

(2) Pending the filing of an application for a stay of execution under subsection (b), a temporary suspension issued under this subsection shall automatically expire on the date fixed by the court or ten days after the suspension is granted, whichever is earlier. At such time, the order of eviction or removal shall be immediately enforced unless a stay is granted in accordance with the provisions of subsection (b).

(b) Application to stay execution of eviction or removal order.–On application of a person subject to removal, the court may stay execution of an order of complete or partial eviction for a period of time as provided in subsection (f) and during which the person is participating in a court-approved and licensed alcohol and other drug treatment program if the person establishes by clear and convincing evidence all of the following:

* * *

(3) No evidence is presently proffered or has been presented that the person unlawfully used or possessed a firearm on the leased residential premises or that the person used or threatened to use violence in committing any of the acts which are the basis for the order of eviction or removal.

* * *

(1995, Sp.Sess.1, P.L.1066, No.23, § 25)

Chapter 9. Prisoners

§ 2703. Assault by prisoner.

(a) Offense defined.–A person who is confined in or committed to any local or county detention facility, jail or prison or any State penal or correctional institution or other State penal or correctional facility located in this Commonwealth is guilty of a felony of the second degree if he, while so confined or committed or while undergoing transportation to or from such an institution or facility in or to which he was confined or committed intentionally or knowingly, commits an assault upon another with a deadly weapon or instrument, or by any means or force likely to produce serious bodily injury. A person is guilty of this offense if he intentionally or knowingly causes another to come into contact with blood, seminal fluid, saliva, urine or feces by throwing, tossing, spitting or expelling such fluid or material when, at the time of the offense, the person knew, had reason to know, should have known or believed such fluid or material to have been obtained from an individual, including the person charged under this section, infected by a communicable disease, including, but not limited to, human immunodeficiency virus (HIV) or hepatitis B.

(b) Consecutive sentences.–The court shall order that any sentence imposed for a violation of subsection (a), or any sentence imposed for a violation of section 2702(a) (relating to aggravated assault) where the victim is a detention facility or correctional facility employee, be served consecutively with the person's current sentence.

(18 Pa.C.S. § 2703)

§ 2704. Assault by life prisoner.

Every person who has been sentenced to death or life imprisonment in any penal institution located in this Commonwealth, and whose sentence has not been commuted, who commits an aggravated assault with a deadly weapon or instrument upon another, or by any means of force likely to produce serious bodily injury, is guilty of a crime, the penalty for which shall be the same as the penalty for murder of the second degree. A person is guilty of this offense if he intentionally or knowingly causes another to come into contact with blood, seminal fluid, saliva, urine or feces by throwing, tossing, spitting or expelling such fluid or material when, at the time of the offense, the person knew, had reason to know, should have known or believed such fluid or material to have been obtained from an individual, including the person charged under this section, infected by a communicable disease, including, but not limited to, human immunodeficiency virus (HIV) or hepatitis B.

(18 Pa.C.S. § 2704)

§ 3513. Visitation.

* * *

(e) Official visitors and employees not exempt from prosecution.--Official visitors and their employees shall not be exempt from prosecution for any criminal offense, including, but not

limited to, a violation of 18 Pa.C.S. §§ 5121 (relating to escape), 5122 (relating to weapons or implements for escape) and 5123 (relating to contraband).

* * *

(61 Pa.C.S. § 3513)

§ 5902. Contraband prohibited.

* * *

(e) Weapons.–No weapon or other implement which may be used to injure an inmate or person or in assisting an inmate to escape from imprisonment shall:

(1) be sold, given away or furnished to an inmate in any correctional institution or any building appurtenant thereto or on the land granted to or owned or leased by the Commonwealth for the use and benefit of inmates;

(2) be brought into any correctional institution or any building appurtenant thereto or on to the land granted to or owned or leased by the Commonwealth for the use and benefit of inmates; or

(3) be sold, given away or furnished, either directly or indirectly, to an inmate, either in or anywhere outside of the correctional institution, or be disposed of in such a manner or in such a place that it may be secured by an inmate in the correctional institution.

(f) Searches.–A chief administrator may search or cause to have searched any person coming to the correctional institution as a visitor, or in any other capacity, who is suspected of having upon his person:

(1) any weapon or other implement which may be used to injure an inmate or any other person or in assisting an inmate to escape from imprisonment; or

(2) any spirituous or fermented liquor, drug, medicine, poison, opium, morphine or any other kind or character of narcotic.

(g) Penalty.–A person who violates any of the provisions of this section commits a felony and shall, upon conviction, be sentenced to pay a fine of not more than $1,000 or to imprisonment for not more than five years, or both.

(61 Pa.C.S. § 5902)

PART III
SALES

§ 6111. Sale or transfer of firearms.

(a) Time and manner of delivery.–

(1) Except as provided in paragraph (2), no seller shall deliver a firearm to the purchaser or transferee thereof until 48 hours shall have elapsed from the time of the application for the purchase thereof, and, when delivered, the firearm shall be securely wrapped and shall be unloaded.

(2) Thirty days after publication in the Pennsylvania Bulletin that the Instantaneous Criminal History Records Check System has been established in accordance with the Brady Handgun Violence Prevention Act (Public Law 103-159, 18 U.S.C. § 921 et seq.), no seller shall deliver a firearm to the purchaser thereof until the provisions of this section have been satisfied, and, when delivered, the firearm shall be securely wrapped and shall be unloaded.

(b) Duty of seller.–No licensed importer, licensed manufacturer or licensed dealer shall sell or deliver any firearm to another person, other than a licensed importer, licensed manufacturer, licensed dealer or licensed collector, until the conditions of subsection (a) have been satisfied and until he has:

(1) For purposes of a firearm as defined in section 6102 (relating to definitions), obtained a completed application/record of sale from the potential buyer or transferee to be filled out in triplicate, the original copy to be sent to the Pennsylvania State Police, postmarked via first class mail, within 14 days of the sale, one copy to be retained by the licensed importer, licensed manufacturer or licensed dealer for a period of 20 years and one copy to be provided to the purchaser or transferee. The form of this application/record of sale shall be no more than one page in length and shall be promulgated by the Pennsylvania State Police and provided by the licensed importer, licensed manufacturer or licensed dealer. The application/record of sale shall include the name, address, birthdate, gender, race, physical description and Social Security number of the purchaser or transferee, the date of the application and the caliber, length of barrel, make, model and manufacturer's number of the firearm to be purchased or transferred. The application/record of sale shall also contain the following question:

Are you the actual buyer of the firearm(s), as defined under 18 Pa.C.S. § 6102 (relating to definitions), listed on this application/record of sale? Warning: You are not the actual buyer if you are acquiring the firearm(s) on behalf of another person, unless you are legitimately acquiring the firearm as a gift for any of the following individuals who are legally eligible to own a firearm:

(1) spouse;
(2) parent;
(3) child;
(4) grandparent; or
(5) grandchild.

(1.1) On the date of publication in the Pennsylvania Bulletin of a notice by the Pennsylvania State Police that the instantaneous records check has been implemented, all of the following shall apply:

(i) In the event of an electronic failure under section 6111.1(b)(2) (relating to Pennsylvania State Police) for purposes of a firearm which exceeds the barrel and related lengths set forth in section 6102, obtained a completed application/record of sale from the potential buyer or transferee to be filled out in triplicate, the original copy to be sent to the Pennsylvania State Police, postmarked via first class mail, within 14 days of sale, one copy to be retained by the licensed importer, licensed manufacturer or licensed dealer for a period of 20 years and one copy to be provided to the purchaser or transferee.

(ii) The form of the application/record of sale shall be no more than one page in length and shall be promulgated by the Pennsylvania State Police and provided by the licensed importer, licensed manufacturer or licensed dealer.

(iii) For purposes of conducting the criminal history, juvenile delinquency and mental health records background check which shall be completed within ten days of receipt of the information from the dealer, the application/record of sale shall include the name, address, birthdate, gender, race, physical description and Social Security number of the purchaser or transferee and the date of application.

(iv) No information regarding the type of firearm need be included other than an indication that the firearm exceeds the barrel lengths set forth in section 6102.

(v) Unless it has been discovered pursuant to a criminal history, juvenile delinquency and mental health records background check that the potential purchaser or transferee is prohibited from possessing a firearm pursuant to section 6105 (relating to persons not to possess, use, manufacture, control, sell or transfer firearms), no information on the application/record of sale provided pursuant to this subsection shall be retained as precluded by section 6111.4 (relating to registration of firearms) by the Pennsylvania State Police either through retention of the application/record of sale or by entering the information onto a computer, and, further, an application/record of sale received by the Pennsylvania State Police pursuant to this subsection shall be destroyed within 72 hours of the completion of the criminal history, juvenile delinquency and mental health records background check.

(1.2) Fees collected under paragraph (3) and section 6111.2 (relating to firearm sales surcharge) shall be transmitted to the Pennsylvania State Police within 14 days of collection.

(1.3) In addition to the criminal penalty under section 6119 (relating to violation penalty), any person who knowingly and intentionally maintains or fails to destroy any information submitted to the Pennsylvania State Police for purposes of a background check pursuant to paragraphs (1.1) and (1.4) or violates section 6111.4 shall be subject to a civil penalty of $250 per violation, entry or failure to destroy.

(1.4) Following implementation of the instantaneous records check by the Pennsylvania State Police on or before December 1, 1998, no application/record of sale shall be completed for the purchase or transfer of a firearm which exceeds the barrel lengths set forth in section 6102. A statement shall be submitted by the dealer to the Pennsylvania State Police, postmarked via first class mail, within 14 days of the sale, containing the number of firearms sold which exceed the barrel and related lengths set forth in section 6102, the amount of surcharge and other fees remitted and a list of the unique approval numbers given pursuant to paragraph (4), together with a statement that the background checks have been performed on the firearms contained in the statement. The form of the statement relating to performance of background checks shall be promulgated by the Pennsylvania State Police.

(2) Inspected photoidentification of the potential purchaser or transferee, including, but not limited to, a driver's license, official Pennsylvania photoidentification card or official government photoidentification card. In the case of a potential buyer or transferee who is a member of a recognized religious sect or community whose tenets forbid or discourage the taking of photographs of members of that sect or community, a seller shall accept a valid-without-photo driver's license or a combination of documents, as prescribed by the Pennsylvania State Police, containing the applicant's name, address, date of birth and the signature of the applicant.

(3) Requested by means of a telephone call that the Pennsylvania State Police conduct a criminal history, juvenile delinquency history and a mental health record check. The purchaser and the licensed dealer shall provide such information as is necessary to accurately identify the purchaser. The requester shall be charged a fee equivalent to the cost of providing the service but not to exceed $2 per buyer or transferee.

(4) Received a unique approval number for that inquiry from the Pennsylvania State Police and recorded the date and the number on the application/record of sale form.

(5) Issued a receipt containing the information from paragraph (4), including the unique approval number of the purchaser. This receipt shall be prima facie evidence of the purchaser's or transferee's compliance with the provisions of this section.

(6) Unless it has been discovered pursuant to a criminal history, juvenile delinquency and mental health records background check that the potential purchaser or transferee is prohibited from possessing a firearm pursuant to section 6105, no information received via telephone following the implementation of the instantaneous background check system from a purchaser or transferee who has received a unique approval number shall be retained by the Pennsylvania State Police.

(7) For purposes of the enforcement of 18 U.S.C. § 922(d)(9), (g)(1) and (s)(1) (relating to unlawful acts), in the event the criminal history or juvenile delinquency background check indicates a conviction for a misdemeanor that the Pennsylvania State Police cannot determine is or is not related to an act of domestic violence, the Pennsylvania State Police shall issue a temporary delay of the approval of the purchase or transfer. During the temporary delay, the Pennsylvania State Police shall conduct a review or investigation of the conviction with courts, local police departments, district attorneys and other law enforcement or related institutions as necessary to determine whether or not the misdemeanor conviction involved an act of domestic violence. The Pennsylvania State Police shall conduct the review or investigation as expeditiously as possible. No firearm may be transferred by the dealer to the purchaser who is the subject of the investigation during the temporary delay. The Pennsylvania State Police shall notify the dealer of the termination of the temporary delay and either deny the sale or provide the unique approval number under paragraph (4).

(c) Duty of other persons.–Any person who is not a licensed importer, manufacturer or dealer and who desires to sell or transfer a firearm to another unlicensed person shall do so only upon the place of business of a licensed importer, manufacturer, dealer or county sheriff's office, the latter of whom shall follow the procedure set forth in this section as if he were the seller of the firearm. The provisions of this section shall not apply to transfers between spouses or to transfers between a parent and child or to transfers between grandparent and grandchild.

(d) Defense.–Compliance with the provisions of this section shall be a defense to any criminal complaint under the laws of this Commonwealth or other claim or cause of action under this chapter arising from the sale or transfer of any firearm.

(e) Nonapplicability of section.–This section shall not apply to the following:

(1) Any firearm manufactured on or before 1898.

(2) Any firearm with a matchlock, flintlock or percussion cap type of ignition system.

(3) Any replica of any firearm described in paragraph (1) if the replica:

(i) is not designed or redesigned to use rimfire or conventional center fire fixed ammunition; or

(ii) uses rimfire or conventional center fire fixed ammunition which is no longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade.

(f) Application of section.–

(1) For the purposes of this section only, except as provided by paragraph (2), "firearm" shall mean any weapon which is designed to or may readily be converted to expel any projectile by the action of an explosive or the frame or receiver of any such weapon.

(2) The provisions contained in subsections (a) and (c) shall only apply to pistols or revolvers with a barrel length of less than 15 inches, any shotgun with a barrel length of

less than 18 inches, any rifle with a barrel length of less than 16 inches or any firearm with an overall length of less than 26 inches.

(3) The provisions contained in subsection (a) shall not apply to any law enforcement officer whose current identification as a law enforcement officer shall be construed as a valid license to carry a firearm or any person who possesses a valid license to carry a firearm under section 6109 (relating to licenses).

(4) (i) The provisions of subsection (a) shall not apply to any person who presents to the seller or transferor a written statement issued by the official described in subparagraph (iii) during the ten-day period ending on the date of the most recent proposal of such transfer or sale by the transferee or purchaser stating that the transferee or purchaser requires access to a firearm because of a threat to the life of the transferee or purchaser or any member of the household of that transferee or purchaser.

(ii) The issuing official shall notify the applicant's local police authority that such a statement has been issued. In counties of the first class the chief of police shall notify the police station or substation closest to the applicant's residence.

(iii) The statement issued under subparagraph (ii) shall be issued by the district attorney, or his designee, of the county of residence if the transferee or purchaser resides in a municipality where there is no chief of police. Otherwise, the statement shall be issued by the chief of police in the municipality in which the purchaser or transferee resides.

(g) Penalties.–

(1) Any person, licensed dealer, licensed manufacturer or licensed importer who knowingly or intentionally sells, delivers or transfers a firearm in violation of this section commits a misdemeanor of the second degree.

(2) Any person, licensed dealer, licensed manufacturer or licensed importer who knowingly or intentionally sells, delivers or transfers a firearm under circumstances intended to provide a firearm to any person, purchaser or transferee who is unqualified or ineligible to control, possess or use a firearm under this chapter commits a felony of the third degree and shall in addition be subject to revocation of the license to sell firearms for a period of three years.

(3) Any person, licensed dealer, licensed manufacturer or licensed importer who knowingly and intentionally requests a criminal history, juvenile delinquency or mental health record check or other confidential information from the Pennsylvania State Police under this chapter for any purpose other than compliance with this chapter or knowingly and intentionally disseminates any criminal history, juvenile delinquency or mental health record or other confidential information to any person other than the subject of the information commits a felony of the third degree.

(3.1) Any person, licensed dealer, licensed manufacturer or licensed importer who knowingly and intentionally obtains or furnishes information collected or maintained pursuant to section 6109 for any purpose other than compliance with this chapter or who knowingly or intentionally disseminates, publishes or otherwise makes available such information to any person other than the subject of the information commits a felony of the third degree.

(4) Any person, purchaser or transferee commits a felony of the third degree if, in connection with the purchase, delivery or transfer of a firearm under this chapter, he knowingly and intentionally:

(i) makes any materially false oral statement;

(ii) makes any materially false written statement, including a statement on any form promulgated by Federal or State agencies; or

(iii) willfully furnishes or exhibits any false identification intended or likely to deceive the seller, licensed dealer or licensed manufacturer.

(5) Notwithstanding section 306 (relating to liability for conduct of another; complicity) or any other statute to the contrary, any person, licensed importer, licensed dealer or licensed manufacturer who knowingly and intentionally sells, delivers or transfers a firearm in violation of this chapter who has reason to believe that the firearm is intended to be used in the commission of a crime or attempt to commit a crime shall be criminally liable for such crime or attempted crime.

(6) Notwithstanding any act or statute to the contrary, any person, licensed importer, licensed manufacturer or licensed dealer who knowingly and intentionally sells or delivers a firearm in violation of this chapter who has reason to believe that the firearm is intended to be used in the commission of a crime or attempt to commit a crime shall be liable in the amount of the civil judgment for injuries suffered by any person so injured by such crime or attempted crime.

(h) Subsequent violation penalty.–

(1) A second or subsequent violation of this section shall be a felony of the second degree. A person who at the time of sentencing has been convicted of another offense under this section shall be sentenced to a mandatory minimum sentence of imprisonment of five years. A second or subsequent offense shall also result in permanent revocation of any license to sell, import or manufacture a firearm.

(2) Notice of the applicability of this subsection to the defendant and reasonable notice of the Commonwealth's intention to proceed under this section shall be provided prior to trial. The applicability of this section shall be determined at sentencing. The court shall consider evidence presented at trial, shall afford the Commonwealth and the defendant an opportunity to present necessary additional evidence and shall determine by a preponderance of the evidence if this section is applicable.

(3) There shall be no authority for a court to impose on a defendant to which this subsection is applicable a lesser sentence than provided for in paragraph (1), to place the defendant on probation or to suspend sentence. Nothing in this section shall prevent the sentencing court from imposing a sentence greater than that provided in this section. Sentencing guidelines promulgated by the Pennsylvania Commission on Sentencing shall not supersede the mandatory sentences provided in this section.

(4) If a sentencing court refuses to apply this subsection where applicable, the Commonwealth shall have the right to appellate review of the action of the sentencing court. The appellate court shall vacate the sentence and remand the case to the sentencing court for imposition of a sentence in accordance with this section if it finds that the sentence was imposed in violation of this subsection.

(5) For the purposes of this subsection, a person shall be deemed to have been convicted of another offense under this section whether or not judgement of sentence has been imposed for that violation.

(i) Confidentiality.–All information provided by the potential purchaser, transferee or applicant, including, but not limited to, the potential purchaser, transferee or applicant's name or identity, furnished by a potential purchaser or transferee under this section or any applicant for a license to carry a firearm as provided by section 6109 shall be confidential and not subject to

public disclosure. In addition to any other sanction or penalty imposed by this chapter, any person, licensed dealer, State or local governmental agency or department that violates this subsection shall be liable in civil damages in the amount of $1,000 per occurrence or three times the actual damages incurred as a result of the violation, whichever is greater, as well as reasonable attorney fees.

(j) Exemption.–

(1) The provisions of subsections (a) and (b) shall not apply to:

(i) sales between Federal firearms licensees; or

(ii) the purchase of firearms by a chief law enforcement officer or his designee, for the official use of law enforcement officers.

(2) For the purposes of this subsection, the term "chief law enforcement officer" shall include the Commissioner of the Pennsylvania State Police, the chief or head of a police department, a county sheriff or any equivalent law enforcement official.

(18 Pa.C.S. § 6111)

§ 6111.2. Firearm sales surcharge.

(a) Surcharge imposed.–There is hereby imposed on each sale of a firearm subject to tax under Article II of the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, an additional surcharge of $3. This shall be referred to as the Firearm Sale Surcharge. All moneys received from this surcharge shall be deposited in the Firearm Instant Records Check Fund.

(b) Increases or decreases.–Five years from the effective date of this subsection, and every five years thereafter, the Pennsylvania State Police shall provide such information as necessary to the Legislative Budget and Finance Committee for the purpose of reviewing the need to increase or decrease the instant check fee. The committee shall issue a report of its findings and recommendations to the General Assembly for a statutory change in the fee.

(c) Revenue sources.–Funds received under the provisions of this section and section 6111(b)(3) (relating to sale or transfer of firearms), as estimated and certified by the Secretary of Revenue, shall be deposited within five days of the end of each quarter into the fund.

(d) Definition.–As used in this section only, the term "firearm" shall mean any weapon which is designed to or may readily be converted to expel any projectile by the action of an explosion or the frame or receiver of any such weapon.

(18 Pa.C.S. § 6111.2)

§ 6111.3. Firearm Records Check Fund.

(a) Establishment.–The Firearm Records Check Fund is hereby established as a restricted account in the State Treasury, separate and apart from all other public money or funds of the Commonwealth, to be appropriated annually by the General Assembly, for use in carrying out the provisions of section 6111 (relating to firearm ownership). The moneys in the fund on June 1, 1998, are hereby appropriated to the Pennsylvania State Police.

(b) Source.–The source of the fund shall be moneys collected and transferred under section 6111.2 (relating to firearm sales surcharge) and moneys collected and transferred under section 6111(b)(3).

(18 Pa.C.S. § 6111.3)

§ 6141.1. Purchase of rifles and shotguns outside this Commonwealth.

Nothing in this chapter [18 Pa.C.S. Ch. 61 (relating to firearms and other dangerous articles)] shall be construed to prohibit a person in this Commonwealth who may lawfully purchase, possess, use, control, sell, transfer or manufacture a firearm which exceeds the barrel and related lengths set forth in section 6102 (relating to definitions) from lawfully purchasing or otherwise obtaining such a firearm in a jurisdiction outside this Commonwealth.
(18 Pa.C.S. § 6141.1)

§ 6302. Sale or lease of weapons and explosives.

(a) Offense defined.–A person is guilty of a misdemeanor of the first degree if he sells or causes to be sold or leases to any person under 18 years of age any deadly weapon, cartridge, gunpowder, or other similar dangerous explosive substance.

(b) Exception.–The provisions of subsection (a) shall not prohibit hunting by minors under 18 years of age permitted under Title 34 (relating to game).
(18 Pa.C.S. § 6302)

§ 6303. Sale of starter pistols.

(a) Offense defined.–A person is guilty of a misdemeanor of the first degree if he sells, causes to be sold, gives or furnishes to any person under the age of 18 years, or if he, being under the age of 18 years, purchases, accepts, receives or possesses, any pistol commonly referred to as "starter pistol" specially designed to receive and discharge blank cartridges only or similar pistol.

(b) Exception.–Nothing in this section shall prohibit the use of starter pistols for the purpose of starting or officiating at athletic events, use in dramatic productions, or other similar events.
(18 Pa.C.S. § 6303)

§ 6304. Sale and use of air rifles.

(a) Sale or transfer of air rifles.–

(1) It shall be unlawful for any dealer to sell, lend, rent, give, or otherwise transfer an air rifle to any person under the age of 18 years, where the dealer knows, or has reasonable cause to believe, the person to be under 18 years of age, or where such dealer has failed to make reasonable inquiry relative to the age of such person, and such person is under 18 years of age.

(2) It shall be unlawful for any person to sell, give, lend, or otherwise transfer any air rifle to any person under 18 years of age, except where the relationship of parent and child, guardian and ward or adult instructor and pupil exists between such person and the person under 18 years of age.

(b) Carrying or discharging air rifles.–

(1) It shall be unlawful for any person under 18 years of age to carry any air rifle on the highways or public lands unless accompanied by an adult, except that a person under 18 years of age may carry such rifle unloaded in a suitable case or securely wrapped.

(2) It shall be unlawful for any person to discharge any air rifle from or across any highway or public land or any public place, except on a properly constructed target range.

(c) Exceptions.–

(1) Nothing in this section shall make it unlawful for any person under 18 years of age to have in his possession any air rifle, if it is:

(i) kept within his domicile;

(ii) used by the person under 18 years of age and he is a duly enrolled member of any club, team or society organized for educational purposes and maintaining as part of its facilities or having written permission to use an indoor or outdoor rifle range under the supervision, guidance and instruction of a responsible adult, and then only, if said air rifle is actually being used in connection with the activities of said club, team or society under the supervision of a responsible adult; or

(iii) used in or on any private grounds or residence under circumstances when such air rifle can be fired, discharged or operated in such a manner as not to endanger persons or property, and then only, if it is used in such manner as to prevent the projectile from transversing any grounds or space outside the limits of such grounds or residence.

(2) Nothing in this section shall prohibit sales of air rifles:

(i) By wholesale dealers or jobbers.

(ii) To be shipped out of this Commonwealth.

(iii) To be used at a target range operated in accordance with paragraph (1) of this subsection or by members of the armed services of the United States or veterans' organizations.

(d) Seizure.–Any law enforcement officer may seize, take, remove or cause to be removed, at the expense of the owner, all air rifles used or offered for sale in violation of this section.

(e) No preemption.–The provisions of any ordinance enacted by any political subdivision which impose greater restrictions or limitations in respect to the sale and purchase, use or possession of air rifles, than is imposed by this section, shall not be invalidated or affected by this section.

(f) Grading.–Any dealer violating the provisions of paragraph (a)(1) of this section shall be guilty of a misdemeanor of the third degree. Any person violating any other provision of this section shall be guilty of a summary offense.

(g) Definitions.–As used in this section the following words and phrases shall have the meanings given to them in this subsection:

"Air rifle." Any air gun, air pistol, spring gun, spring pistol, B-B gun, or any implement that is not a firearm, which impels a pellet of any kind with a force that can reasonably be expected to cause bodily harm. The term does not include a paintball gun or paintball marker as defined in section 2707.2 (relating to paintball guns and paintball markers).

"Dealer." Any person engaged in the business of selling at retail or renting any air rifles. (18 Pa.C.S. § 6304)

Section 1. [Licensing and regulation of secondhand dealers in second class cities.] Be it enacted, &c., That a second-hand dealer, for the purpose of this act [the act of March 31, 1927 (P.L.95, No.67)], is any person, association, copartnership, or corporation, who, either wholly or in part, engages in or operates the trade or business of buying or acquiring, as forfeited pledges, any of the following articles, except from a regularly established wholesale dealer: antiques, precious stones, jewelry, watches, old gold, platinum, silver, and all other precious metals; all kinds of bricklayers', carpenters', planters', mechanics', blacksmiths', tinners', plumbers', electricians', barbers', and all other kinds, of tools; all kinds of doctors', surgeons', dentists', undertakers', draftsmen's, and all other kinds of instruments; all kinds of electrical, musical, telegraph, and telephone, and all other kinds of instruments; scales, typewriters, adding machines, cash registers, dictaphones, phonographs, and all other similar

devices; all kinds of water, electrical, and gas, fixtures, appliances, and supplies; all kinds of automobile tools and accessories; all kinds of house and office fixtures, furnishings, and appliances; pool and billiard tables; sporting goods of all kinds; bric-a-brac; clothing, shoes, and all other wearing apparel; trunks, traveling bags, and suitcases; and fire arms of all kinds; any wire cable, copper, lead, solder, iron, or brass, used by or belonging to a railroad, telephone, telegraph, gas, or electric light company.

Second-hand articles or goods, for the purposes of this act, are any of the articles of goods enumerated above, that are purchased or acquired as forfeited, pledged from anyone except from a regularly established wholesale dealer.
(1927, P.L.95, No.67, § 1)

Section 1713-K. Firearm Records Check Fund (Reserved).
(1929, P.L.343, No.176, § 1713-K)

PART IV
LICENSES

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

(a) Offense defined.–

(1) Except as provided in paragraph (2), 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 [18 Pa.C.S. Ch. 61 (relating to firearms and other dangerous articles)] commits a felony of the third degree.

(2) A person who is otherwise eligible to possess a valid license under this chapter [18 Pa.C.S. Ch. 61 (relating to firearms and other dangerous articles)] but 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 and has not committed any other criminal violation commits a misdemeanor of the first 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.

(3) The regularly enrolled members of any organization duly organized to purchase or receive such firearms from the United States or from this Commonwealth.

(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.

(5) Officers or employees of the United States duly authorized to carry a concealed firearm.

(6) Agents, messengers and other employees of common carriers, banks, or business firms, whose duties require them to protect moneys, valuables and other property in the discharge of such duties.

(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 23 Pa.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.

(10) Persons training dogs, if such persons are actually training dogs during the regular training season.

(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) Any person who possesses a valid and lawfully issued license or permit to carry a firearm which has been issued under the laws of another state, regardless of whether a reciprocity agreement exists between the Commonwealth and the state under section 6109(k), provided:

(i) The state provides a reciprocal privilege for individuals licensed to carry firearms under section 6109.

(ii) The Attorney General has determined that the firearm laws of the state are similar to the firearm laws of this Commonwealth.

(16) Any person holding a license in accordance with section 6109(f)(3).

(c) Sportsman's firearm permit.–

(1) Before any exception shall be granted under paragraph (b)(9) or (10) of this section to any person 18 years of age or older licensed to hunt, trap or fish or who has been issued a permit relating to hunting dogs, such person shall, at the time of securing his hunting, furtaking or fishing license or any time after such license has been issued, secure a sportsman's firearm permit from the county treasurer. The sportsman's firearm permit shall be issued immediately and be valid throughout this Commonwealth for a period of five years from the date of issue for any legal firearm, when carried in conjunction with a valid hunting, furtaking or fishing license or permit relating to hunting dogs. The sportsman's firearm permit shall be in triplicate on a form to be furnished by the Pennsylvania State Police. The original permit shall be delivered to the person, and the first copy thereof, within seven days, shall be forwarded to the Commissioner of the Pennsylvania State Police by the county treasurer. The second copy shall be retained by the county treasurer for a period of two years from the date of expiration. The county treasurer shall be entitled to collect a fee of not more than $6 for each such permit issued, which shall include the cost of any official form. The Pennsylvania State Police may recover from the county treasurer the cost of any such form, but may not charge more than $1 for each official permit form furnished to the county treasurer.

(2) Any person who sells or attempts to sell a sportsman's firearm permit for a fee in excess of that amount fixed under this subsection commits a summary offense.

(d) Revocation of registration.–Any registration of a firearm under subsection (c) of this section may be revoked by the county treasurer who issued it, upon written notice to the holder thereof.

(e) Definitions.–

(1) For purposes of subsection (b)(3), (4), (5), (7) and (8), the term "firearm" shall include any weapon which is designed to or may readily be converted to expel any projectile by the action of an explosive or the frame or receiver of the weapon.

(2) As used in this section, the phrase "place of instruction" shall include any hunting club, rifle club, rifle range, pistol range, shooting range, the premises of a licensed firearms dealer or a lawful gun show or meet.

(18 Pa.C.S. § 6106)

§ 6109. Licenses.

(a) Purpose of license.–A license to carry a firearm shall be for the purpose of carrying a firearm concealed on or about one's person or in a vehicle throughout this Commonwealth.

(b) Place of application.–An individual who is 21 years of age or older may apply to a sheriff for a license to carry a firearm concealed on or about his person or in a vehicle within this Commonwealth. If the applicant is a resident of this Commonwealth, he shall make application with the sheriff of the county in which he resides or, if a resident of a city of the first class, with the chief of police of that city.

(c) Form of application and content.–The application for a license to carry a firearm shall be uniform throughout this Commonwealth and shall be on a form prescribed by the

Pennsylvania State Police. The form may contain provisions, not exceeding one page, to assure compliance with this section. Issuing authorities shall use only the application form prescribed by the Pennsylvania State Police. One of the following reasons for obtaining a firearm license shall be set forth in the application: self-defense, employment, hunting and fishing, target shooting, gun collecting or another proper reason. The application form shall be dated and signed by the applicant and shall contain the following statement:

> I have never been convicted of a crime that prohibits me from possessing or acquiring a firearm under Federal or State law. I am of sound mind and have never been committed to a mental institution. I hereby certify that the statements contained herein are true and correct to the best of my knowledge and belief. I understand that, if I knowingly make any false statements herein, I am subject to penalties prescribed by law. I authorize the sheriff, or his designee, or, in the case of first class cities, the chief or head of the police department, or his designee, to inspect only those records or documents relevant to information required for this application. If I am issued a license and knowingly become ineligible to legally possess or acquire firearms, I will promptly notify the sheriff of the county in which I reside or, if I reside in a city of the first class, the chief of police of that city.

(d) Sheriff to conduct investigation.–The sheriff to whom the application is made shall:

(1) investigate the applicant's record of criminal conviction;

(2) investigate whether or not the applicant is under indictment for or has ever been convicted of a crime punishable by imprisonment exceeding one year;

(3) investigate whether the applicant's character and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety;

(4) investigate whether the applicant would be precluded from receiving a license under subsection (e)(1) or section 6105(h) (relating to persons not to possess, use, manufacture, control, sell or transfer firearms); and

(5) conduct a criminal background, juvenile delinquency and mental health check following the procedures set forth in section 6111 (relating to sale or transfer of firearms), receive a unique approval number for that inquiry and record the date and number on the application.

(e) Issuance of license.–

(1) A license to carry a firearm shall be for the purpose of carrying a firearm concealed on or about one's person or in a vehicle and shall be issued if, after an investigation not to exceed 45 days, it appears that the applicant is an individual concerning whom no good cause exists to deny the license. A license shall not be issued to any of the following:

(i) An individual whose character and reputation is such that the individual would be likely to act in a manner dangerous to public safety.

(ii) An individual who 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.

(iii) An individual convicted of a crime enumerated in section 6105.

(iv) An individual who, within the past ten years, has been adjudicated delinquent for a crime enumerated in section 6105 or for an offense under The Controlled Substance, Drug, Device and Cosmetic Act.

(v) An individual who is not of sound mind or who has ever been committed to a mental institution.

(vi) An individual who is addicted to or is an unlawful user of marijuana or a stimulant, depressant or narcotic drug.

(vii) An individual who is a habitual drunkard.

(viii) An individual who is charged with or has been convicted of a crime punishable by imprisonment for a term exceeding one year except as provided for in section 6123 (relating to waiver of disability or pardons).

(ix) A resident of another state who does not possess a current license or permit or similar document to carry a firearm issued by that state if a license is provided for by the laws of that state, as published annually in the Federal Register by the Bureau of Alcohol, Tobacco and Firearms of the Department of the Treasury under 18 U.S.C. § 921(a)(19) (relating to definitions).

(x) An alien who is illegally in the United States.

(xi) An individual who has been discharged from the armed forces of the United States under dishonorable conditions.

(xii) An individual who is a fugitive from justice. This subparagraph does not apply to an individual whose fugitive status is based upon nonmoving or moving summary offense under Title 75 (relating to vehicles).

(xiii) An individual who is otherwise prohibited from possessing, using, manufacturing, controlling, purchasing, selling or transferring a firearm as provided by section 6105.

(xiv) An individual who is prohibited from possessing or acquiring a firearm under the statutes of the United States.

(3) The license to carry a firearm shall be designed to be uniform throughout this Commonwealth and shall be in a form prescribed by the Pennsylvania State Police. The license shall bear the following:

(i) The name, address, date of birth, race, sex, citizenship, height, weight, color of hair, color of eyes and signature of the licensee.

(ii) The signature of the sheriff issuing the license.

(iii) A license number of which the first two numbers shall be a county location code followed by numbers issued in numerical sequence.

(iv) The point-of-contact telephone number designated by the Pennsylvania State Police under subsection (l).

(v) The reason for issuance.

(vi) The period of validation.

(4) The sheriff shall require a photograph of the licensee on the license. The photograph shall be in a form compatible with the Commonwealth Photo Imaging Network.

(5) The original license shall be issued to the applicant. The first copy of the license shall be forwarded to the Pennsylvania State Police within seven days of the date of issue. The second copy shall be retained by the issuing authority for a period of seven years. Except pursuant to court order, both copies and the application shall, at the end of the seven-year period, be destroyed unless the license has been renewed within the seven-year period.

(f) Term of license.–

(1) A license to carry a firearm issued under subsection (e) shall be valid throughout this Commonwealth for a period of five years unless extended under paragraph (3) or sooner revoked.

(2) At least 60 days prior to the expiration of each license, the issuing sheriff shall send to the licensee an application for renewal of license. Failure to receive a renewal application shall not relieve a licensee from the responsibility to renew the license.

(3) Notwithstanding paragraph (1) or any other provision of law to the contrary, a license to carry a firearm that is held by a member of the United States Armed Forces or the Pennsylvania National Guard on Federal active duty and deployed overseas that is scheduled to expire during the period of deployment shall be extended until 90 days after the end of the deployment.

(4) Possession of a license, together with a copy of the person's military orders showing the dates of overseas deployment, including the date that the overseas deployment ends, shall constitute, during the extension period specified in paragraph (3), a defense to any charge filed pursuant to section 6106 (relating to firearms not to be carried without a license) or 6108 (relating to carrying firearms on public streets or public property in Philadelphia).

(g) Grant or denial of license.–Upon the receipt of an application for a license to carry a firearm, the sheriff shall, within 45 days, issue or refuse to issue a license on the basis of the investigation under subsection (d) and the accuracy of the information contained in the application. If the sheriff refuses to issue a license, the sheriff shall notify the applicant in writing of the refusal and the specific reasons. The notice shall be sent by certified mail to the applicant at the address set forth in the application.

(h) Fee.–

(1) In addition to fees described in paragraphs (2)(ii) and (3), the fee for a license to carry a firearm is $19. This includes all of the following:

(i) A renewal notice processing fee of $1.50.

(ii) An administrative fee of $5 under section 14(2) of the act of July 6, 1984 (P.L.614, No.127), known as the Sheriff Fee Act.

(2) (i) The Pennsylvania Commission on Crime and Delinquency shall implement, within five years of the effective date of this paragraph, a system in conjunction with the Pennsylvania State Police and the Pennsylvania Sheriffs' Association to standardize and modernize the process of issuing licenses to carry firearms. Upon implementation of the system under this paragraph, the Pennsylvania Commission on Crime and Delinquency shall publish notice thereof in the Pennsylvania Bulletin.

(ii) An additional temporary fee of $5 shall be remitted by the sheriff to the Firearms License to Carry Modernization Account, which is hereby established as a special restricted receipt account within the General Fund of the State Treasury. Moneys and investment income in the account shall be awarded as grants to sheriffs to implement the system, including grants to reimburse sheriffs for expenses incurred prior to the effective date of this paragraph.

(iii) Moneys credited to the account and any investment income accrued are hereby appropriated on a continuing basis to the Pennsylvania Commission on Crime and Delinquency. The commission shall establish procedures related to the application process for and distribution of funds to sheriffs under this paragraph.

Notwithstanding the provisions of subparagraph (ii), the commission may withhold annually an amount not exceeding 5% of the funds credited to the account in that fiscal year for the cost to implement the system under subparagraph (i) and for administrative costs directly related to the responsibilities of the commission under this paragraph.

(iv) This paragraph shall expire five years after its effective date. Any surplus funds remaining in the account established in subparagraph (ii) at such time shall lapse into the General Fund.

(3) An additional fee of $1 shall be paid by the applicant for a license to carry a firearm and shall be remitted by the sheriff to the Firearms License Validation System Account, which is hereby established as a special restricted receipt account within the General Fund of the State Treasury. The account shall be used for purposes under subsection (l). Moneys credited to the account and any investment income accrued are hereby appropriated on a continuing basis to the Pennsylvania State Police.

(4) No fee other than that provided by this subsection or the Sheriff Fee Act may be assessed by the sheriff for the performance of any background check made pursuant to this act.

(5) The fee is payable to the sheriff to whom the application is submitted and is payable at the time of application for the license.

(6) Except for the administrative fee of $5 under section 14(2) of the Sheriff Fee Act, all other fees shall be refunded if the application is denied but shall not be refunded if a license is issued and subsequently revoked.

(7) A person who sells or attempts to sell a license to carry a firearm for a fee in excess of the amounts fixed under this subsection commits a summary offense.

(i) Revocation.–A license to carry firearms may be revoked by the issuing authority for good cause. A license to carry firearms shall be revoked by the issuing authority for any reason stated in subsection (e)(1) which occurs during the term of the permit. Notice of revocation shall be in writing and shall state the specific reason for revocation. Notice shall be sent by certified mail to the individual whose license is revoked, and, at that time, notice shall also be provided to the Pennsylvania State Police by electronic means, including e-mail or facsimile transmission, that the license is no longer valid. An individual whose license is revoked shall surrender the license to the issuing authority within five days of receipt of the notice. An individual whose license is revoked may appeal to the court of common pleas for the judicial district in which the individual resides. An individual who violates this section commits a summary offense.

(i.1) Notice to sheriff.–Notwithstanding any statute to the contrary:

(1) Upon conviction of a person for a crime specified in section 6105(a) or (b) or upon conviction of a person for a crime punishable by imprisonment exceeding one year or upon a determination that the conduct of a person meets the criteria specified in section 6105(c)(1), (2), (3), (5), (6) or (9), the court shall determine if the defendant has a license to carry firearms issued pursuant to this section. If the defendant has such a license, the court shall notify the sheriff of the county in which that person resides, on a form developed by the Pennsylvania State Police, of the identity of the person and the nature of the crime or conduct which resulted in the notification. The notification shall be transmitted by the judge within seven days of the conviction or determination.

(2) Upon adjudication that a person is incompetent or upon the involuntary commitment of a person to a mental institution for inpatient care and treatment under the act of July 9, 1976 (P.L.817, No.143), known as the Mental Health Procedures Act, or upon involuntary treatment of a person as described under section 6105(c)(4), the judge of the court of common pleas, mental health review officer or county mental health and mental retardation administrator shall notify the sheriff of the county in which that person resides, on a form developed by the Pennsylvania State Police, of the identity of the person who has been adjudicated, committed or treated and the nature of the adjudication, commitment or treatment. The notification shall be transmitted by the judge, mental health review officer or county mental health and mental retardation administrator within seven days of the adjudication, commitment or treatment.

(j) Immunity.–A sheriff who complies in good faith with this section shall be immune from liability resulting or arising from the action or misconduct with a firearm committed by any individual to whom a license to carry a firearm has been issued.

(k) Reciprocity.–

(1) The Attorney General shall have the power and duty to enter into reciprocity agreements with other states providing for the mutual recognition of a license to carry a firearm issued by the Commonwealth and a license or permit to carry a firearm issued by the other state. To carry out this duty, the Attorney General is authorized to negotiate reciprocity agreements and grant recognition of a license or permit to carry a firearm issued by another state.

(2) The Attorney General shall report to the General Assembly within 180 days of the effective date of this paragraph and annually thereafter concerning the agreements which have been consummated under this subsection.

(l) Firearms License Validation System.–

(1) The Pennsylvania State Police shall establish a nationwide toll-free telephone number, known as the Firearms License Validation System, which shall be operational seven days a week, 24 hours per day, for the purpose of responding to law enforcement inquiries regarding the validity of any Pennsylvania license to carry a firearm.

(2) Notwithstanding any other law regarding the confidentiality of information, inquiries to the Firearms License Validation System regarding the validity of any Pennsylvania license to carry a firearm may only be made by law enforcement personnel acting within the scope of their official duties.

(3) Law enforcement personnel outside this Commonwealth shall provide their originating agency identifier number and the license number of the license to carry a firearm which is the subject of the inquiry.

(4) Responses to inquiries by law enforcement personnel outside this Commonwealth shall be limited to the name of the licensee, the validity of the license and any information which may be provided to a criminal justice agency pursuant to Chapter 91 (relating to criminal history record information).

(m) Inquiries.–

(1) The Attorney General shall, not later than one year after the effective date of this subsection and not less than once annually, contact in writing the appropriate authorities in any other state which does not have a current reciprocity agreement with the Commonwealth to determine if:

(i) the state will negotiate a reciprocity agreement;

(ii) a licensee may carry a concealed firearm in the state; or

(iii) a licensee may apply for a license or permit to carry a firearm issued by the state.

(2) The Attorney General shall maintain a current list of those states which have a reciprocity agreement with the Commonwealth, those states which allow licensees to carry a concealed firearm and those states which allow licensees to apply for a license or permit to carry a firearm. This list shall be posted on the Internet, provided to the Pennsylvania State Police and made available to the public upon request.

(m.1) Temporary emergency licenses.–

(1) A person seeking a temporary emergency license to carry a concealed firearm shall submit to the sheriff of the county in which the person resides all of the following:

(i) Evidence of imminent danger to the person or the person's minor child. For purposes of this subparagraph, the term "minor" shall have the same meaning as provided in 1 Pa.C.S. § 1991 (relating to definitions).

(ii) A sworn affidavit that contains the information required on an application for a license to carry a firearm and attesting that the person is 21 years of age or older, is not prohibited from owning firearms under section 6105 (relating to persons not to possess, use, manufacture, control, sell or transfer firearms) or any other Federal or State law and is not currently subject to a protection from abuse order or a protection order issued by a court of another state.

(iii) In addition to the provisions of subsection (h), a temporary emergency license fee established by the Commissioner of the Pennsylvania State Police for an amount that does not exceed the actual cost of conducting the criminal background check or $10, whichever is less.

(iv) An application for a license to carry a firearm on the form prescribed pursuant to subsection (c).

(2) Upon receipt of the items required under paragraph (1), the sheriff immediately shall conduct a criminal history, juvenile delinquency and mental health record check of the applicant pursuant to section 6105. Immediately upon receipt of the results of the records check, the sheriff shall review the information and shall determine whether the applicant meets the criteria set forth in this subsection. If the sheriff determines that the applicant has met all of the criteria, the sheriff shall immediately issue the applicant a temporary emergency license to carry a concealed firearm.

(3) If the sheriff refuses to issue a temporary emergency license, the sheriff shall specify the grounds for the denial in a written notice to the applicant. The applicant may appeal the denial or challenge criminal records check results that were the basis of the denial, if applicable, in the same manner as a denial of a license to carry a firearm under this section.

(4) A temporary emergency license issued under this subsection shall be valid for 45 days and may not be renewed. A person who has been issued a temporary emergency license under this subsection shall not be issued another temporary emergency license unless at least five years have expired since the issuance of the prior temporary emergency license. During the 45 days the temporary emergency license is valid, the sheriff shall conduct an additional investigation of the person for the purposes of determining whether

the person may be issued a license pursuant to this section. If, during the course of this investigation, the sheriff discovers any information that would have prohibited the issuance of a license pursuant to this section, the sheriff shall be authorized to revoke the temporary emergency license as provided in subsection (i).

(5) The temporary emergency license issued pursuant to this section shall be consistent with the form prescribed in subsection (e)(3), (4) and (5). In addition to the information provided in those paragraphs, the temporary emergency license shall be clearly marked "Temporary."

(6) A person who holds a temporary emergency license to carry a firearm shall have the same rights to carry a firearm as a person issued a license to carry a firearm under this section. A licensee under this subsection shall be subject to all other duties, restrictions and penalties under this section, including revocation pursuant to subsection (i).

(7) A sheriff who issues a temporary emergency license to carry a firearm shall retain, for the entire period during which the temporary emergency license is in effect, the evidence of imminent danger that the applicant submitted to the sheriff that was the basis for the license, or a copy of the evidence, as appropriate.

(8) A person applying for a temporary emergency license shall complete the application required pursuant to subsection (c) and shall provide at the time of application the information required in paragraph (1).

(9) Prior to the expiration of a temporary emergency license, if the sheriff has determined pursuant to investigation that the person issued a temporary emergency license is not disqualified and if the temporary emergency license has not been revoked pursuant to subsection (i), the sheriff shall issue a license pursuant to this section that is effective for the balance of the five-year period from the date of the issuance of the temporary emergency license. Records and all other information, duties and obligations regarding such licenses shall be applicable as otherwise provided in this section.

(10) As used in this subsection, the term "evidence of imminent danger" means:

(i) a written document prepared by the Attorney General, a district attorney, a chief law enforcement officer, judicial officer or their designees describing the facts that give a person reasonable cause to fear a criminal attack upon the person or the person's minor child. For the purposes of this subparagraph, the term "chief law enforcement officer" shall have the same meaning as provided in 42 Pa.C.S. § 8951 (relating to definitions) and "judicial officer" shall have the same meaning as provided in 42 Pa.C.S. § 102 (relating to definitions).

(ii) a police report.

(m.2) Inconsistent provisions.–Notwithstanding the provisions of section 7506 (relating to violation of rules regarding conduct on Commonwealth property), 75 Pa.C.S. § 7727 (relating to additional limitations on operation) or the act of June 28, 1995 (P.L.89, No.18), known as the Conservation and Natural Resources Act, and regulations promulgated under that act, a firearm may be carried as provided in subsection (a) by:

(1) a law enforcement officer whose current identification as a law enforcement officer shall be construed as a valid license to carry a firearm; or

(2) any licensee.

(m.3) Construction.–Nothing in this section shall be construed to:

(1) Permit the hunting or harvesting of any wildlife with a firearm or ammunition not otherwise permitted by 34 Pa.C.S. (relating to game).

(2) Authorize any Commonwealth agency to regulate the possession of firearms in any manner inconsistent with the provisions of this title [18 Pa.C.S. (relating to crimes and offenses)].

* * *

(18 Pa.C.S. § 6109)

§ 6112. Retail dealer required to be licensed.

No retail dealer shall sell, or otherwise transfer or expose for sale or transfer, or have in his possession with intent to sell or transfer, any firearm as defined in section 6113(d) (relating to licensing of dealers) without being licensed as provided in this chapter [18 Pa.C.S. Ch. 61 (relating to firearms and other dangerous articles)].

(18 Pa.C.S. § 6112)

§ 6113. Licensing of dealers.

(a) General rule.–The chief or head of any police force or police department of a city, and, elsewhere, the sheriff of the county, shall grant to reputable applicants licenses, in form prescribed by the Pennsylvania State Police, effective for three years from date of issue, permitting the licensee to sell firearms direct to the consumer, subject to the following conditions in addition to those specified in section 6111 (relating to sale or transfer of firearms), for breach of any of which the license shall be forfeited and the licensee subject to punishment as provided in this subchapter [the Uniform Firearms Act]:

(1) The business shall be carried on only upon the premises designated in the license or at a lawful gun show or meet.

(2) The license, or a copy thereof, certified by the issuing authority, shall be displayed on the premises where it can easily be read.

(3) No firearm shall be sold in violation of any provision of this subchapter.

(4) No firearm shall be sold under any circumstances unless the purchaser is personally known to the seller or shall present clear evidence of the purchaser's identity.

(5) A true record in triplicate shall be made of every firearm sold, in a book kept for the purpose, the form of which may be prescribed by the Pennsylvania State Police, and shall be personally signed by the purchaser and by the person effecting the sale, each in the presence of the other, and shall contain the information required by section 6111. The record shall be maintained by the licensee for a period of 20 years.

(6) No firearm as defined in section 6102 (relating to definitions) shall be displayed in any part of any premises where it can readily be seen from the outside. In the event that the Commissioner of the Pennsylvania State Police shall find a clear and present danger to public safety within this Commonwealth or any area thereof, firearms shall be stored and safeguarded pursuant to regulations to be established by the Pennsylvania State Police by the licensee during the hours when the licensee is closed for business.

(7) The dealer shall possess all applicable current revenue licenses.

(b) Fee.–The fee for issuing said license shall be $30, which fee shall be paid into the county treasury.

(c) Revocation.–Any license granted under subsection (a) of this section may be revoked for cause by the person issuing the same, upon written notice to the holder thereof.

(d) Definitions.–For the purposes of this section and section 6112 (relating to retail dealer required to be licensed) only unless otherwise specifically provided, the term "firearm" shall include any weapon that is designed to or may readily be converted to expel any projectile by the action of an explosive or the frame or receiver of any such weapon.

(18 Pa.C.S. § 6113)

§ 6122. Proof of license and exception.

(a) General rule.–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.

(b) Exception.–An individual carrying a firearm on or about his person or in a vehicle and claiming an exception under section 6106(b) (relating to firearms not to be carried without a license) shall, upon lawful demand of a law enforcement officer, produce satisfactory evidence of qualification for exception.

(18 Pa.C.S. § 6122)

Section 14. Licenses.

For issuing and recording of a license, the licensee shall pay, in addition to a fee payable to the county or Commonwealth, the following fees:

(1) Issuing a license to sell firearms directly to a consumer $27.00

(2) Issuing or reissuing a license to carry a firearm on or about one's person . . 5.00

(1984, P.L.614, No.127, § 14)

PART V
PROVISIONS RELATING TO SPECIFIC SITUATIONS

Chapter 1. Children and Minors

§ 6110.1. Possession of firearm by minor.

(a) Firearm.–Except as provided in subsection (b), a person under 18 years of age shall not possess or transport a firearm anywhere in this Commonwealth.

(b) Exception.–Subsection (a) shall not apply to a person under 18 years of age:

(1) who 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

(2) who is lawfully hunting or trapping in accordance with 34 Pa.C.S. (relating to game).

(c) Responsibility of adult.–Any person who knowingly and intentionally delivers or provides to the minor a firearm in violation of subsection (a) commits a felony of the third degree.

(d) Forfeiture.–Any firearm in the possession of a person under 18 years of age in violation of this section shall be promptly seized by the arresting law enforcement officer and upon conviction or adjudication of delinquency shall be forfeited or, if stolen, returned to the lawful owner.

(18 Pa.C.S. § 6110.1)

§ 6301. Corruption of minors.

(a) Offense defined.–

* * *

(2) Any person who knowingly aids, abets, entices or encourages a minor younger than 18 years of age to commit truancy commits a summary offense. Any person who violates this paragraph within one year of the date of a first conviction under this section commits a misdemeanor of the third degree. A conviction under this paragraph shall not, however, constitute a prohibition under section 6105 (relating to persons not to possess, use, manufacture, control, sell or transfer firearms).

* * *

(18 Pa.C.S. § 6301)

§ 6304. Exclusions from child abuse.

* * *

(c) Use of force for supervision, control and safety purposes.--Subject to subsection (d), the use of reasonable force on or against a child by the child's own parent or person responsible for the child's welfare shall not be considered child abuse if any of the following conditions apply:

* * *

(2) The use of reasonable force is necessary:

* * *

(iv) to obtain possession of weapons or other dangerous objects or controlled substances or paraphernalia that are on the child or within the control of the child.

* * *

(23 Pa.C.S. § 6304)

§ 6338.1. Expunction of information of perpetrator who was under 18 years of age when child abuse was committed.

(a) General rule.--The name of a perpetrator who is the subject of an indicated report of child abuse and who was under 18 years of age when the individual committed child abuse shall be expunged from the Statewide database when the individual reaches 21 years of age or when five years have elapsed since the perpetrator's name was added to the database, whichever is later, if the individual meets all of the following:

* * *

(3) The child abuse which resulted in the inclusion of the perpetrator's name in the database did not involve the use of a deadly weapon, as defined under 18 Pa.C.S. § 2301 (relating to definitions).

* * *

(23 Pa.C.S. § 6338.1)

§ 6355. Transfer to criminal proceedings.

* * *

(g) Burden of proof.–The burden of establishing by a preponderance of evidence that the public interest is served by the transfer of the case to criminal court and that a child is not amenable to treatment, supervision or rehabilitation as a juvenile shall rest with the Commonwealth unless the following apply:

(1) (i) a deadly weapon as defined in 18 Pa.C.S. § 2301 (relating to definitions) was used and the child was 14 years of age at the time of the offense; or

(ii) the child was 15 years of age or older at the time of the offense and was previously adjudicated delinquent of a crime that would be considered a felony if committed by an adult; and

(2) there is a prima facie case that the child committed a delinquent act which, if committed by an adult, would be classified as rape, involuntary deviate sexual intercourse, aggravated assault as defined in 18 Pa.C.S. § 2702(a)(1) or (2) (relating to aggravated assault), robbery as defined in 18 Pa.C.S. § 3701(a)(1)(i), (ii) or (iii) (relating to robbery), robbery of motor vehicle, aggravated indecent assault, kidnapping, voluntary manslaughter, an attempt, conspiracy or solicitation to commit any of these crimes or an attempt to commit murder as specified in paragraph (2)(ii) of the definition of "delinquent act" in section 6302.

If either of the preceding criteria are met, the burden of establishing by a preponderance of the evidence that retaining the case under this chapter [18 Pa.C.S. Ch. 63 (relating to minors)] serves the public interest and that the child is amenable to treatment, supervision or rehabilitation as a juvenile shall rest with the child.

(42 Pa.C.S. § 6355)

Chapter 2. Domestic Relations

§ 2711. Probable cause arrests in domestic violence cases.

(a) General rule.–A police officer shall have the same right of arrest without a warrant as in a felony whenever he has probable cause to believe the defendant has violated section 2504 (relating to involuntary manslaughter), 2701 (relating to simple assault), 2702(a)(3), (4) and (5) (relating to aggravated assault), 2705 (relating to recklessly endangering another person), 2706 (relating to terroristic threats) or 2709.1 (relating to stalking) against a family or household member although the offense did not take place in the presence of the police officer. A police officer may not arrest a person pursuant to this section without first observing recent physical injury to the victim or other corroborative evidence. For the purposes of this subsection, the term "family or household member" has the meaning given that term in 23 Pa.C.S. § 6102 (relating to definitions).

(b) Seizure of weapons.–The arresting police officer shall seize all weapons used by the defendant in the commission of the alleged offense.

* * *

(18 Pa.C.S. § 2711)

§ 6102. Definitions [relating to protection from abuse].

(a) General rule.–The following words and phrases when used in this section [23 Pa.C.S. Ch. 61 (relating to protection from abuse)] shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Abuse." The occurrence of one or more of the following acts between family or household members, sexual or intimate partners or persons who share biological parenthood:

(1) Attempting to cause or intentionally, knowingly or recklessly causing bodily injury, serious bodily injury, rape, involuntary deviate sexual intercourse, sexual assault, statutory sexual assault, aggravated indecent assault, indecent assault or incest with or without a deadly weapon.

(2) Placing another in reasonable fear of imminent serious bodily injury.

(3) The infliction of false imprisonment pursuant to 18 Pa.C.S. § 2903 (relating to false imprisonment).

(4) Physically or sexually abusing minor children, including such terms as defined in Chapter 63 (relating to child protective services).

(5) Knowingly engaging in a course of conduct or repeatedly committing acts toward another person, including following the person, without proper authority, under circumstances which place the person in reasonable fear of bodily injury. The definition of this paragraph applies only to proceedings commenced under this title and is inapplicable to any criminal prosecutions commenced under Title 18 (relating to crimes and offenses).

* * *

"Firearm." Any weapon which is designed to or may readily be converted to expel any projectile by the action of an explosive or the frame or receiver of any such weapon as defined by 18 Pa.C.S. § 6105(i) (relating to persons not to possess, use, manufacture, control, sell or transfer firearms).

* * *

"Other weapon." Anything readily capable of lethal use and possessed under circumstances not manifestly appropriate for lawful uses which it may have. The term does not include a firearm.

"Safekeeping permit." A permit issued by a sheriff allowing a person to take possession of any firearm, other weapon or ammunition that a judge ordered a defendant to relinquish in a protection from abuse proceeding.

* * *

"Weapon." Anything readily capable of lethal use and possessed under circumstances not manifestly appropriate for lawful uses which it may have. The term includes a firearm which is not loaded or lacks a magazine, clip or other components to render it immediately operable and components which can readily be assembled into a weapon as defined by 18 Pa.C.S. § 907 (relating to possessing instruments of crime).

(b) Other terms.–Terms not otherwise defined in this chapter shall have the meaning given to them in 18 Pa.C.S. (relating to crimes and offenses).

* * *

(23 Pa.C.S. § 6102)

§ 6105. Responsibilities of law enforcement agencies.

* * *

(c) Mandatory report.–Each law enforcement agency shall make an incident report, on a form prescribed by the Pennsylvania State Police, consistent with the report required by the Federal National Incident-Based Reporting System (NIBRS). The mandate for incident report completion shall not be operative until the Pennsylvania State Police have implemented NIBRS. The incident report may include the following:

* * *

(5) What, if any, weapons were used or threatened to be used.

* * *

(e) Statewide registry.–

(1) The Pennsylvania State Police shall establish a Statewide registry of protection orders and shall maintain a complete and systematic record and index of all valid temporary and final court orders of protection, court-approved consent agreements and a foreign protection order filed pursuant to section 6104(d) (relating to full faith and credit and foreign protection orders). The Statewide registry shall include, but need not be limited to, the following:

* * *

(ix) Whether or not any or all firearms, other weapons or ammunition were ordered relinquished.

* * *

(23 Pa.C.S. § 6105)

§ 6106. Commencement of proceedings.

* * *

(a.2) Notification of defendant's occupation.–The plaintiff shall notify the court if the plaintiff has reason to believe that the defendant is a licensed firearms dealer, is employed by a licensed firearms dealer or manufacturer, is employed as a writer, researcher or technician in the firearms or hunting industry or is required to carry a firearm as a condition of employment.

* * *

(23 Pa.C.S. § 6106)

§ 6107. Hearings.

(a) General rule.–Within ten business days of the filing of a petition under this chapter, a hearing shall be held before the court, at which the plaintiff must prove the allegation of abuse by a preponderance of the evidence. The court shall, at the time the defendant is given notice of the hearing, advise the defendant of the right to be represented by counsel, of the possibility that any firearm, other weapon or ammunition owned and any firearm license possessed may be ordered temporarily relinquished, of the options for relinquishment of a firearm pursuant to this chapter, of the possibility that Federal law may prohibit the possession of firearms, including an explanation of 18 U.S.C. § 922(g)(8) (relating to unlawful acts), and that any protection order granted by a court may be considered in any subsequent proceedings under this title. This notice shall be printed and delivered in a manner which easily attracts attention to its content and shall specify that child custody is one of the proceedings where prior protection orders may be considered.

(b) Temporary orders.–

(1) If a plaintiff petitions for temporary order for protection from abuse and alleges immediate and present danger of abuse to the plaintiff or minor children, the court shall conduct an ex parte proceeding.

(2) The court may enter such a temporary order as it deems necessary to protect the plaintiff or minor children when it finds they are in immediate and present danger of abuse. The order shall remain in effect until modified or terminated by the court after notice and hearing.

(3) In addition to any other relief, the court may, pursuant to section 6108 (relating to relief), direct that the defendant temporarily relinquish to the sheriff any firearms, other weapons or ammunition for the duration of the temporary order if the petition demonstrates any of the following:

(i) Abuse which involves a firearm or other weapon.

(ii) An immediate and present danger of abuse. In determining whether an immediate and present danger of abuse exists, the court shall consider a number of factors, including, but not limited to:

(A) Whether the temporary order of protection from abuse is not likely to achieve its purpose in the absence of such a condition.

(B) Whether the defendant has previously violated a protection from abuse order.

(C) Whether past or present abuse to the plaintiff or any of the plaintiff's minor children resulted in injury.

(D) Whether the abuse occurred in public.

(E) Whether the abuse includes:

(I) threats of abuse or suicide;

(II) killing or threatening to kill pets;

(III) an escalation of violence;

(IV) stalking or obsessive behavior;

(V) sexual violence; or

(VI) drug or excessive alcohol use.

(4) If the court orders the defendant to temporarily relinquish any firearm, other weapon or ammunition pursuant to paragraph (3), the defendant shall decide in what manner the defendant is going to relinquish any firearm, other weapon or ammunition listed in the order. Relinquishment may be to the sheriff pursuant to section 6108(a)(7) or to a third party for safekeeping pursuant to section 6108.3 (relating to relinquishment to third party for safekeeping).

* * *

(23 Pa.C.S. § 6107)

§ 6108. Relief.

(a) General rule.–The court may grant any protection order or approve any consent agreement to bring about a cessation of abuse of the plaintiff or minor children. The order or agreement may include:

* * *

(7) Ordering the defendant to temporarily relinquish to the sheriff the defendant's other weapons and ammunition which have been used or been threatened to be used in an incident of abuse against the plaintiff or the minor children and the defendant's firearms and

prohibiting the defendant from acquiring or possessing any firearm for the duration of the order and requiring the defendant to relinquish to the sheriff any firearm license issued under section 6108.3 (relating to relinquishment to third party for safekeeping) or 18 Pa.C.S. § 6106 (relating to firearms not to be carried without a license) or 6109 (relating to licenses) the defendant may possess. A copy of the court's order shall be transmitted to the chief or head of the police force or police department of the municipality and to the sheriff of the county of which the defendant is a resident. When relinquishment is ordered, the following shall apply:

(i) (A) The court's order shall require the defendant to relinquish such firearms, other weapons, ammunition and any firearm license pursuant to the provisions of this chapter within 24 hours of service of a temporary order or the entry of a final order or the close of the next business day as necessary by closure of the sheriffs' offices, except for cause shown at the hearing, in which case the court shall specify the time for relinquishment of any or all of the defendant's firearms.

(B) A defendant subject to a temporary order requiring the relinquishment of firearms, other weapons or ammunition shall, in lieu of relinquishing specific firearms, other weapons or ammunition which cannot reasonably be retrieved within the time for relinquishment in clause (A) due to their current location, provide the sheriff with an affidavit listing the firearms, other weapons or ammunition and their current location. If the defendant, within the time for relinquishment in clause (A), fails to provide the affidavit or fails to relinquish, pursuant to this chapter, any firearms, other weapons or ammunition ordered to be relinquished which are not specified in the affidavit, the sheriff shall, at a minimum, provide immediate notice to the court, the plaintiff and appropriate law enforcement authorities. The defendant shall not possess any firearms, other weapons or ammunition specifically listed in the affidavit provided to the sheriff pursuant to this clause for the duration of the temporary order.

(C) As used in this subparagraph, the term "cause" shall be limited to facts relating to the inability of the defendant to retrieve a specific firearm within 24 hours due to the current location of the firearm.

(ii) The court's order shall contain a list of any firearm, other weapon or ammunition ordered relinquished. Upon the entry of a final order, the defendant shall inform the court in what manner the defendant is going to relinquish any firearm, other weapon or ammunition ordered relinquished. Relinquishment may occur pursuant to section 6108.2 (relating to relinquishment for consignment sale, lawful transfer or safekeeping) or 6108.3 or to the sheriff pursuant to this paragraph. Where the sheriff is designated, the sheriff shall secure custody of the defendant's firearms, other weapons or ammunition and any firearm license listed in the court's order for the duration of the order or until otherwise directed by court order. In securing custody of the defendant's relinquished firearms, the sheriff shall comply with 18 Pa.C.S. § 6105(f)(4) (relating to persons not to possess, use, manufacture, control, sell or transfer firearms). In securing custody of the defendant's other weapons and ammunition, the sheriff shall provide the defendant with a signed and dated written receipt which shall include a detailed description of the other weapon or ammunition and its condition.

(iii) The sheriff shall provide the plaintiff with the name of the person to which any firearm, other weapon or ammunition was relinquished.

(iv) Unless the defendant has complied with subparagraph (i)(B) or section 6108.2 or 6108.3, if the defendant fails to relinquish any firearm, other weapon, ammunition or firearm license within 24 hours or upon the close of the next business day due to closure of sheriffs' offices or within the time ordered by the court upon cause being shown at the hearing, the sheriff shall, at a minimum, provide immediate notice to the court, the plaintiff and appropriate law enforcement agencies.

(v) Any portion of any order or any petition or other paper which includes a list of any firearm, other weapon or ammunition ordered relinquished shall be kept in the files of the court as a permanent record thereof and withheld from public inspection except:

(A) upon an order of the court granted upon cause shown;

(B) as necessary, by law enforcement and court personnel; or

(C) after redaction of information listing any firearm, other weapon or ammunition.

(vi) As used in this paragraph, the term "defendant's firearms" shall, if the defendant is a licensed firearms dealer, only include firearms in the defendant's personal firearms collection pursuant to 27 CFR § 478.125a (relating to personal firearms collection).

(7.1) If the defendant is a licensed firearms dealer, ordering the defendant to follow such restrictions as the court may require concerning the conduct of his business, which may include ordering the defendant to relinquish any Federal or State license for the sale, manufacture or importation of firearms as well as firearms in the defendant's business inventory. In restricting the defendant pursuant to this paragraph, the court shall make a reasonable effort to preserve the financial assets of the defendant's business while fulfilling the goals of this chapter.

* * *

(23 Pa.C.S. § 6108)

§ 6108.1. Return of relinquished firearms, other weapons and ammunition and additional relief.

(a) General rule.–Any court order requiring the relinquishment of firearms, other weapons or ammunition shall provide for the return of the relinquished firearms, other weapons or ammunition to the defendant upon expiration of the order or dismissal of a petition for a protection from abuse order. The defendant may take custody of the firearms, other weapons and ammunition provided that the defendant is otherwise eligible to lawfully possess the relinquished items. The defendant shall not be required to pay any fees, costs or charges associated with the returns, whether those fees, costs or charges are imposed by the Pennsylvania State Police, any local law enforcement agency or any other entity, including a licensed importer, licensed manufacturer or licensed dealer in order to secure return of the relinquished firearms, other weapons or ammunition.

(b) Modification of court's order providing for return of relinquished firearm, other weapon or ammunition.–

(1) The defendant may petition the court to allow for the return of firearms, other weapons and ammunition to the defendant prior to the expiration of the court's order. The petition shall be served upon the plaintiff and the plaintiff shall be a party to the proceedings regarding that petition.

(2) Any other person may petition the court to allow for the return of that other person's firearms, other weapons and ammunition prior to the expiration of the court's order. The petition shall be served upon the plaintiff, and the plaintiff shall be given notice and an opportunity to be heard regarding that petition.

(c) Modification of court's order to provide for alternative means of relinquishing firearms, other weapons or ammunition.–The defendant may petition the court for modification of the order to provide for an alternative means of relinquishment in accordance with this chapter. The petition shall be served upon the plaintiff, and the plaintiff shall have an opportunity to be heard at the hearing as provided in subsection (d). Where the court orders a modification pursuant to this subsection providing for alternative means of relinquishment, the sheriff shall proceed as directed by the court.

(d) Hearing.–Within ten business days of the filing of any petition under this section, a hearing shall be held before the court.

(e) Definitions.–As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

"Other person." Any person, except the defendant, who is the lawful owner of a firearm, other weapon or ammunition relinquished pursuant to this chapter.

"Safekeeping." The secure custody of a firearm, other weapon or ammunition ordered relinquished by an active protection from abuse order.

(23 Pa.C.S. § 6108.1)

§ 6108.2. Relinquishment for consignment sale, lawful transfer or safekeeping.

(a) General rule.–Notwithstanding any other provision of law, a defendant who is the subject of a final protection from abuse order, which order provides for the relinquishment of firearms, other weapons or ammunition during the period of time the order is in effect, may, within the time frame specified in the order and in lieu of relinquishment to the sheriff, relinquish to a dealer licensed pursuant to 18 Pa.C.S. § 6113 (relating to licensing of dealers) any firearms, other weapons or ammunition for consignment sale, lawful transfer or safekeeping.

(b) Affidavit.–A defendant relinquishing firearms, other weapons or ammunition to a dealer pursuant to subsection (a) shall obtain an affidavit from the dealer on a form prescribed by the Pennsylvania State Police which shall include, at a minimum, the following:

(1) The caption of the case in which the protection from abuse order was issued.

(2) The name, address, date of birth and Social Security number of the defendant.

(3) A list of the firearms, other weapons or ammunition, including, if applicable, the manufacturer, model and serial number.

(4) The name and license number of the dealer licensed pursuant to 18 Pa.C.S. § 6113 and the address of the licensed premises.

(5) An acknowledgment that the firearms, other weapons or ammunition will not be returned to the defendant or sold or transferred to a person the dealer knows is a member of the defendant's household, while the defendant is the subject of an active protection from

abuse order pursuant to section 6108, which order provides for the relinquishment of the firearm, other weapon or ammunition being returned, sold or transferred.

(6) An acknowledgment that the firearms, other weapons or ammunition, if sold or transferred, will be sold or lawfully transferred in compliance with 18 Pa.C.S. Ch. 61 (relating to firearms and other dangerous articles).

(c) Failure to provide affidavit.–A defendant relinquishing firearms, other weapons or ammunition to a dealer pursuant to subsection (a) shall, within the time frame specified in the order for relinquishing firearms, other weapons or ammunition, provide to the sheriff the affidavit obtained pursuant to subsection (b) and relinquish to the sheriff any firearms, other weapons or ammunition ordered to be relinquished which are not specified in the affidavit, in an affidavit provided in accordance with section 6108(a)(7)(i)(B) (relating to relief) or in an acknowledgment of receipt from a third party provided to the sheriff pursuant to section 6108.3 (relating to relinquishment to third party for safekeeping). If the defendant fails to comply with this subsection, the sheriff shall, at a minimum, provide immediate notice to the court, the plaintiff and appropriate law enforcement agencies.

(d) Form.–The Pennsylvania State Police shall develop and make available a form to be used by dealers to accept possession of firearms, other weapons and ammunition for consignment sale, lawful transfer or safekeeping pursuant to this section.

(e) Transfer upon entry of final order.–Upon entry of a final protection from abuse order issued pursuant to section 6108, which order provides for the relinquishment of firearms, other weapons or ammunition during the period of time the order is in effect, a defendant who had relinquished firearms, other weapons or ammunition to the sheriff pursuant to a temporary order may request that the firearms, other weapons or ammunition be relinquished to a dealer for consignment sale, lawful transfer or safekeeping pursuant to this section. If the defendant can identify a licensed dealer willing to accept the firearms, other weapons or ammunition in compliance with this section, the court shall order the sheriff to transport the firearms, other weapons or ammunition to the licensed dealer at no cost to the defendant or the licensed dealer.

(f) Nondisclosure.–The affidavit obtained under subsection (c) shall not be subject to access under the act of June 21, 1957 (P.L.390, No.212), referred to as the Right-to-Know Law.

(g) Definitions.–As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

"Safekeeping." The secure custody of firearms, other weapons or ammunition ordered relinquished by an active protection from abuse order.

"Sale or lawful transfer." Any sale or transfer to a person other than the defendant or a member of the defendant's household which is conducted in accordance with 18 Pa.C.S. Ch. 61 (relating to firearms and other dangerous articles).

(23 Pa.C.S. § 6108.2)

§ 6108.3. Relinquishment to third party for safekeeping.

(a) General rule.–A defendant who is the subject of a protection from abuse order, which order provides for the relinquishment of firearms, other weapons or ammunition during the period of time the order is in effect, may, within the time frame specified in the order and in lieu of relinquishment to the sheriff, relinquish any firearms, other weapons or ammunition to a third party for safekeeping.

(b) Transfer to third party.–

(1) A defendant wishing to relinquish firearms, other weapons or ammunition to a third party pursuant to subsection (a) shall, within the time frame specified in the order for relinquishing firearms, other weapons and ammunition, report to the sheriff's office in the county where the order was entered along with the third party.

(2) Upon determination by the sheriff that the third party is not prohibited from possessing firearms, other weapons or ammunition pursuant to any Federal or State law and after the defendant and third party have executed the affidavits required under paragraph (3), the sheriff shall issue a safekeeping permit to the third party, which shall include, at a minimum, a list of the firearms, other weapons and ammunition which will be relinquished to the third party. The permit shall be issued at no cost to the third party or defendant. The permit shall require the third party to possess the defendant's firearms, other weapons and ammunition until the time that:

(i) the sheriff revokes the safekeeping permit pursuant to subsection (c)(1); or

(ii) the sheriff accepts return of the safekeeping permit pursuant to subsection (d).

(3) (i) A defendant wishing to relinquish firearms, other weapons or ammunition to a third party pursuant to subsection (a) shall, in the presence of the sheriff or the sheriff's designee, execute an affidavit on a form prescribed by the Pennsylvania State Police which shall include, at a minimum, the following:

(A) The caption of the case in which the protection from abuse order was issued.

(B) The name, address, date of birth and the Social Security number of the defendant.

(C) The name, address and date of birth of the third party.

(D) A list of the firearms, other weapons and ammunition which will be relinquished to the third party, including, if applicable, the manufacturer, model and serial number.

(E) An acknowledgment that the defendant will not take possession of any firearm, other weapon or ammunition relinquished to the third party until the sheriff accepts return of the safekeeping permit pursuant to subsection (d).

(F) A plain-language summary of 18 Pa.C.S. § 6105(a.1)(2) and (c)(6) (relating to persons not to possess, use, manufacture, control, sell or transfer firearms).

(G) A plain-language summary of 18 U.S.C. § 922(g)(8) (relating to unlawful acts).

(ii) A third party who will be accepting possession of firearms, other weapons and ammunition pursuant to subsection (a) shall, in the presence of the sheriff or the sheriff's designee, execute an affidavit on a form prescribed by the Pennsylvania State Police which shall include, at a minimum, the following:

(A) The caption of the case in which the protection from abuse order was issued.

(B) The name, address and date of birth of the defendant.

(C) The name, address, date of birth and the Social Security number of the third party.

(D) A list of the firearms, other weapons and ammunition which will be relinquished to the third party, including, if applicable, the manufacturer, model and serial number.

(E) An acknowledgment that no firearm, other weapon or ammunition relinquished to the third party will be returned to the defendant until the sheriff accepts return of the safekeeping permit pursuant to subsection (d).

(F) A plain-language summary of 18 Pa.C.S. §§ 6105(a.1)(5) and (c)(6), 6111(c) (relating to sale or transfer of firearms) and 6115 (relating to loans on, or lending or giving firearms prohibited).

(G) A plain-language summary of this section.

(H) An acknowledgment that the third party is not prohibited from possessing firearms, other weapons or ammunition pursuant to any Federal or State law.

(I) An acknowledgment that the third party is not subject to an active protection from abuse order.

(J) An acknowledgment that the defendant has never been the subject of a protection from abuse order issued on behalf of the third party.

(K) An acknowledgment that any firearms, other weapons and ammunition relinquished to the third party will be stored using a locking device as defined in paragraph (1) of the definition of "locking device" in 18 Pa.C.S. § 6142(f) (relating to locking device for firearms) or in a secure location to which the defendant does not have access.

(L) A detailed description of the third party liability pursuant to this section relating to civil liability.

(M) An acknowledgment that the third party shall inform the sheriff of any change of address for the third party within seven days of the change of address.

(4) The defendant shall, within the time frame specified in the order and in lieu of relinquishment to the sheriff, relinquish the firearms, other weapons and ammunition specified in the affidavits provided to the sheriff pursuant to paragraph (3) to the third party who has been issued a safekeeping permit pursuant to paragraph (2). Upon relinquishment of the firearms to the third party, the third party shall sign an acknowledgment of receipt on a form prescribed by the Pennsylvania State Police, which shall include, at a minimum, an acknowledgment that the firearms were relinquished to the third party within the time frame specified in the order.

(5) Within 24 hours of the issuance of the safekeeping permit issued to the third party pursuant to paragraph (2) or by close of the next business day as necessary due to the closure of the sheriff's office, the defendant shall return the signed acknowledgment of receipt required under paragraph (4) to the sheriff in the county where the order was entered.

(6) If the defendant fails to provide the acknowledgment of receipt to the sheriff as required under paragraph (5), an affidavit prepared in accordance with section 6108(a)(7)(i)(B) (relating to relief), an affidavit under section 6108.2 (relating to relinquishment for consignment sale, lawful transfer or safekeeping) or fails to relinquish

any firearms, other weapons or ammunition, the sheriff shall, at a minimum, provide immediate notice to the court, the plaintiff and appropriate law enforcement agencies.

(c) Revocation of safekeeping permit.–

(1) The sheriff shall revoke a third party's safekeeping permit and require the third party to relinquish to the sheriff any firearms, other weapons or ammunition which were relinquished to the third party by a defendant pursuant to subsection (a) upon determining or being notified that any of the following apply:

(i) A protection from abuse order has been entered against the third party.

(ii) The third party is prohibited from possessing firearms, other weapons or ammunition pursuant to any Federal or State law.

(iii) The defendant has been convicted of a violation of 18 Pa.C.S. Ch. 61 (relating to firearms and other dangerous articles) or any other offense involving the use of a firearm.

(iv) The defendant has been held in indirect criminal contempt for violating a provision of the protection from abuse order consistent with section 6108(a)(1), (2), (6), (7) or (9) (relating to relief).

(2) Upon revocation of a safekeeping permit, the sheriff shall seize the safekeeping permit and all of the defendant's firearms, other weapons and ammunition which were relinquished to the third party. If revocation of the safekeeping permit was:

(i) Required pursuant to paragraph (1)(i) or (ii), the sheriff shall notify the defendant that the firearms, other weapons and ammunition which were relinquished to the third party are in the sheriff's possession and that the defendant may report to the sheriff's office in order to relinquish the firearms, other weapons and ammunition to a subsequent third party pursuant to this section or to a licensed dealer pursuant to section 6108.2.

(ii) Required pursuant to paragraph (1)(iii) or (iv), the sheriff shall maintain possession of the firearms, other weapons and ammunition until the defendant is no longer prohibited from possessing firearms, other weapons and ammunition pursuant to any Federal or State law unless:

(A) the defendant has the firearms, other weapons and ammunition relinquished to a licensed dealer pursuant to section 6108.2; or

(B) the sheriff is directed to relinquish the firearms, other weapons and ammunition pursuant to a court order.

(d) Return of safekeeping permit.–

(1) Following expiration of a protection from abuse order, which order provided for the relinquishment of firearms, other weapons or ammunition, the defendant and the third party shall report to the sheriff's office to return the safekeeping permit. Upon a determination by the sheriff that the defendant is:

(i) Not prohibited from possessing firearms, other weapons and ammunition, the sheriff shall accept the return of the safekeeping permit, and the third party shall relinquish to the defendant all of the defendant's firearms, other weapons and ammunition which were relinquished to the third party pursuant to this section.

(ii) Prohibited from possessing a firearm, other weapon or ammunition pursuant to any Federal or State law, the sheriff shall accept return of the permit and seize from the third party all of the defendant's firearms, other weapons and

ammunition which were relinquished to the third party pursuant to this section. The sheriff shall return to the defendant any firearm, other weapon or ammunition which the defendant is lawfully entitled to possess.

(2) Upon issuance of a court order pursuant to 18 Pa.C.S. §§ 6105(f)(2) or 6108.1(b) (relating to return of relinquished firearms, other weapons and ammunition and additional relief) which modifies a valid protection from abuse order by allowing the defendant to take possession of a firearm, other weapon or ammunition that had previously been ordered relinquished, the defendant and the third party shall report to the sheriff's office to return the safekeeping permit. The sheriff shall proceed as directed by the court order.

(3) If a third party wishes to relinquish the defendant's firearms, other weapons and ammunition prior to return of the safekeeping permit pursuant to paragraph (1), the sheriff shall accept return of the safekeeping permit and shall seize all of the defendant's firearms, other weapons and ammunition from the third party. The sheriff shall notify the defendant that the firearms, other weapons and ammunition which were relinquished to the third party are in the sheriff's possession and that the defendant may relinquish the firearms, other weapons and ammunition to a subsequent third party pursuant to this section or to a licensed dealer pursuant to section 6108.2.

(e) Civil liability.–A third party who intentionally or knowingly violates any of the provisions of this section shall, in addition to any other penalty prescribed in this chapter or 18 Pa.C.S. Ch. 61, be civilly liable to any person for any damages caused thereby and, in addition, shall be liable to any person for punitive damages in an amount not to exceed $5,000, and the court shall award a prevailing plaintiff a reasonable attorney fee as part of the costs.

(f) Forms.–The Pennsylvania State Police shall develop and make available:

(1) Forms to be used by sheriffs to issue safekeeping permits pursuant to subsection (b)(2).

(2) Affidavit forms and receipt forms to be used by defendants and third parties as required under subsection (b)(3) and (4).

(g) Transfer upon final entry.–A defendant who has previously relinquished firearms, other weapons or ammunition to the sheriff pursuant to a temporary order shall be permitted to have the firearms, other weapons and ammunition relinquished to a third party pursuant to this section following entry of a final protection from abuse order, which order provides for the relinquishment of firearms, other weapons or ammunition during the period of time the order is in effect.

(h) Nondisclosure.–All copies of the safekeeping permit issued under subsection (b)(2) retained by the sheriff and the affidavits and forms obtained under subsection (b)(3) and (4) shall not be subject to access under the act of June 21, 1957 (P.L.390, No.212), referred to as the Right-to-Know Law.

(i) Definitions.–As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

"Safekeeping." The secure custody of firearms, other weapons or ammunition which were ordered relinquished by an active protection from abuse order.

"Third party." A person, other than the defendant, who:

(1) Is not a member of the defendant's household.

(2) Is not prohibited from possessing firearms pursuant to any Federal or State law.

(23 Pa.C.S. § 6108.3)

§ 6108.4. Registry or database of firearm ownership.

(a) Confidentiality.–Information retained to ensure compliance with this chapter [23 Pa.C.S. Ch. 61 (relating to protection from abuse)] and to document the return of firearms shall not be subject to access under the act of June 21, 1957 (P.L.390, No.212), referred to as the Right-to-Know Law.

(b) Construction.–Nothing in this chapter shall be construed to allow a government agency or law enforcement agency, or an agent or employee of either, or any other person or entity to create, maintain or operate a database or registry of firearm ownership within this Commonwealth. However, information may be retained to ensure compliance with this chapter and to document the return of firearms.

(23 Pa.C.S. § 6108.4)

§ 6108.5. Penalties for release of information.

Any person who violates section 6108(a)(7)(v) (relating to relief) by releasing information with the intent and purpose of committing such violation commits a misdemeanor of the third degree.

(23 Pa.C.S. § 6108.5)

§ 6113. Arrest for violation of order.

* * *

(b) Seizure of firearms, other weapons and ammunition.–Subsequent to an arrest, the police officer or sheriff shall seize all firearms, other weapons and ammunition used or threatened to be used during the violation of the protection order or during prior incidents of abuse and any other firearms in the defendant's possession. As soon as it is reasonably possible, the arresting officer shall deliver the confiscated firearms, other weapons and ammunition to the office of the sheriff. The sheriff shall maintain possession of the firearms, other weapons and ammunition until the court issues an order specifying the firearms, other weapons and ammunition to be relinquished and the persons to whom the firearms, other weapons and ammunition shall be relinquished.

* * *

(23 Pa.C.S. § 6113)

§ 6119. Immunity.

(a) General rule.–Law enforcement agencies and their employees, including police officers and sheriffs, shall, except as provided in subsection (b), be immune from civil liability for actions taken in good faith to carry out their duties relating to the seizure and relinquishment of firearms, other weapons and ammunition as provided for in this chapter, except for gross negligence, intentional misconduct or reckless, willful or wanton misconduct.

(b) Exception.–Law enforcement agencies and their employees, including police officers and sheriffs, shall be liable to the lawful owner of confiscated, seized or relinquished firearms in accordance with 18 Pa.C.S. § 6105(f) (relating to persons not to possess, use, manufacture, control, sell or transfer firearms) and shall be liable to the lawful owner of confiscated, seized or relinquished other weapons or ammunition for any loss, damage or substantial decrease in the value of the other weapons or ammunition that is a direct result of a lack of reasonable care by the law enforcement agency or its employees.

(23 Pa.C.S. § 6119)

§ 6121. Warrantless searches.

Except as provided in section 6113 (relating to arrest for violation of order), nothing in this chapter shall authorize a warrantless search for firearms, other weapons or ammunition.
(23 Pa.C.S. § 6121)

Chapter 3. Education

§ 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.
(18 Pa.C.S. § 912)

§ 6181. Scope of subchapter.

This subchapter [D of Chapter 61] provides for the establishment of the Straw Purchase Prevention Education Program within the Office of Attorney General.
(18 Pa.C.S. § 6181)

§ 6182. Legislative findings and declarations.

The General Assembly finds and declares that:

(1) The illegal purchase of firearms throughout this Commonwealth is a threat to public safety and security.

(2) Urban areas are experiencing increased violence as a result of criminal misuse of firearms. Stemming the flow of these illegal firearms through straw purchases will help to curb the crime rate throughout this Commonwealth and increase public safety.

(3) Educating the public that illegally purchasing a firearm for someone otherwise prohibited from possessing one is a serious crime and punishable under Federal law by ten years' imprisonment advances public safety.

(4) Committed to educating firearms dealers and the general public, the National Shooting Sports Foundation, in partnership with the Bureau of Alcohol, Tobacco, Firearms and Explosives, in July 2000 created the "Don't Lie for the Other Guy Program."

(5) The "Don't Lie for the Other Guy Program" was developed to raise public awareness that it is a serious crime to purchase a firearm for someone who cannot legally do so and to educate firearms dealers on how to better detect and deter potential straw

purchases. The campaign delivers the message that anyone attempting an illegal firearm purchase faces a stiff Federal penalty.

(6) The "Don't Lie for the Other Guy Program" is vital to educating federally licensed firearms dealers and their employees on how to recognize and deter the illegal purchase of firearms through straw purchases. This program is an important tool for the Bureau of Alcohol, Tobacco, Firearms and Explosives to pursue its mission of preventing terrorism, reducing violent crime and protecting the public.

(7) The nationally recognized "Don't Lie for the Other Guy Program" has been endorsed by United States attorneys throughout the nation, various law enforcement agencies, the Bureau of Alcohol, Tobacco, Firearms and Explosives and the Department of Justice.

(8) It is in the best interest of this Commonwealth to establish a straw purchase prevention education program within the Office of Attorney General to provide resources and direct grant money to the "Don't Lie for the Other Guy Program" and similar programs that offer straw purchase prevention education.

(18 Pa.C.S. § 6182)

§ 6183. Definitions [relating to Straw Purchase Prevention Education Program].

The following words and phrases when used in this subchapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Fund." The Straw Purchase Prevention Education Fund established in section 6186 (relating to Straw Purchase Prevention Education Fund).

"Program." The Straw Purchase Prevention Education Program established in section 6184 (relating to Straw Purchase Prevention Education Program).

(18 Pa.C.S. § 6183)

§ 6184. Straw Purchase Prevention Education Program.

(a) Establishment.–The Straw Purchase Prevention Education Program is established and shall provide resources and direct grant money to underwrite the cost of implementing an educational and public service outreach program in the community.

(b) Outreach.–The educational and public service outreach program shall inform individuals of the illegal nature of purchasing a firearm for an individual prohibited from owning firearms. The outreach program shall be developed by a not-for-profit organization which:

(1) Is a national trade association representing the shooting, hunting and firearm industry.

(2) Has a membership consisting of firearm manufacturers, firearm distributors, firearm retailers, publishers and sportsmen's organizations.

(3) Has been in existence for at least 45 years prior to the effective date of this section.

(c) Priority of grants.–Grants shall be prioritized based on the highest incidence of firearm violence in a county of this Commonwealth.

(18 Pa.C.S. § 6184)

§ 6185. Powers and duties of Attorney General.

In addition to any other powers and duties, the Attorney General of the Commonwealth shall:

(1) Establish a grant program to provide moneys from the fund pursuant to section 6184 (relating to Straw Purchase Prevention Education Program).

(2) Promulgate rules and regulations to carry out the provisions of this subchapter.

(18 Pa.C.S. § 6185)

§ 6186. Straw Purchase Prevention Education Fund.

(a) Establishment.–The Straw Purchase Prevention Education Fund is hereby established in the State Treasury as a restricted account. The fund shall consist of funds appropriated by the General Assembly.

(b) Continuing appropriation.–All moneys in the fund and the interest accruing thereon are hereby appropriated to the Office of Attorney General on a continuing basis to carry out the provisions of this subchapter.

(18 Pa.C.S. § 6186)

§ 6187. Transfer for initial funding.

The sum of $100,000 is hereby transferred from the General Fund to the Straw Purchase Prevention Education Fund for expenditure during the fiscal year July 1, 2009, to June 30, 2010, to carry out the provisions of this subchapter.

(18 Pa.C.S. § 6187)

Section 778. School Police Officers.–* * *

(b.1) Every school police officer who has been granted powers under subsection (c)(2) or (3) or has been authorized to carry a firearm must, before entering upon the duties of his office, successfully complete training as set forth in 53 Pa.C.S. Ch. 21 Subch. D or have graduated from the PennsylvaniaState Police Academy and have been employed as a State trooperwith the Pennsylvania State Police.

(c) Such school police officer so appointed shall severally possess and exercise all the following powers and duties:

(1) To enforce good order in school buildings, on school buses and on school grounds in their respective school entities or nonpublic schools. For purposes of this clause, the term "school bus" shall include vehicles leased by the school entity or nonpublic school to transport students and vehicles of mass transit used by students to go to and from school when the school police officer is responding to a report of an incident involving a breach of good order or violation of law.

(2) If authorized by the court, to exercise the same powers as are now or may hereafter be exercised under authority of law or ordinance by the police of the municipality wherein the school property is located.

(3) If authorized by the court, to issue summary citations or to detain individuals until local law enforcement is notified.

* * *

(1949, P.L.30, No.14, § 778)

Section 1317.2. Possession of Weapons [on School Property] Prohibited.–(a) Except as otherwise provided in this section, a school district or area vocational-technical school shall

expel, for a period of not less than one year, any student who is determined to have brought onto or is in possession of a weapon on any school property, any school-sponsored activity or any public conveyance providing transportation to a school or school-sponsored activity.

(b) Every school district and area vocational-technical school shall develop a written policy regarding expulsions for possession of a weapon as required under this section. Expulsions shall be conducted pursuant to all applicable regulations.

(c) The superintendent of a school district or an administrative director of an area vocational-technical school may recommend modifications of such expulsion requirements for a student on a case-by-case basis. The superintendent or other chief administrative officer of a school entity shall, in the case of an exceptional student, take all steps necessary to comply with the Individuals with Disabilities Education Act (Public Law 91-230, 20 U.S.C. § 1400 et seq.).

(d) The provisions of this section shall not apply to the following:

(1) a weapon being used as part of a program approved by a school by an individual who is participating in the program; or

(2) a weapon that is unloaded and is possessed by an individual while traversing school property for the purpose of obtaining access to public or private lands used for lawful hunting, if the entry on school premises is authorized by school authorities.

(e) Nothing in this section shall be construed as limiting the authority or duty of a school or area vocational-technical school to make an alternative assignment or provide alternative educational services during the period of expulsion.

(e.1) A school district receiving a student who transfers from a public or private school during a period of expulsion for an act or offense involving a weapon may assign that student to an alternative assignment or provide alternative education services, provided that the assignment may not exceed the period of expulsion.

(f) All school districts and area vocational-technical schools shall report all incidents involving possession of a weapon prohibited by this section as follows:

(1) The school superintendent or chief administrator shall report the discovery of any weapon prohibited by this section to local law enforcement officials.

(2) The school superintendent or chief administrator shall report to the Department of Education all incidents relating to expulsions for possession of a weapon on school grounds, school-sponsored activities or public conveyances providing transportation to a school or school-sponsored activity. Reports shall include all information as required under section 1303-A.

(g) As used in this section, the term "weapon" shall include, but not be limited to, any knife, cutting instrument, cutting tool, nunchaku, firearm, shotgun, rifle and any other tool, instrument or implement capable of inflicting serious bodily injury.

(1949, P.L.30, No.14, § 1317.2)

Section 1301-A. Definitions [relating to safe schools].–As used in this article [Article XIII-A of the Public School Code of 1949],

* * *

"Weapon" shall include, but not be limited to, any knife, cutting instrument, cutting tool, nunchaku, firearm, shotgun, rifle and any other tool, instrument or implement capable of inflicting serious bodily injury.

(1949, P.L.30, No.14, § 1301-A)

Section 1302-A. Office for Safe Schools.–(a) There is hereby established in the Department of Education an Office for Safe Schools.

(b) The office shall have the following powers and duties:

* * *

(4) To advise school entities and nonpublic schools on the development of policies to be used regarding possession of weapons by any person, acts of violence and protocols for coordination with and reporting to law enforcement officials and the Department of Education.

(5) To develop forms to be used by school entities and police departments for reporting incidents involving acts of violence and possession of weapons on school property. The form shall be reviewed on a biennial basis and revised when necessary.

* * *

(1949, P.L.30, No.14, § 1302-A)

Section 1303-A. Reporting.–(a) The office shall conduct a one-time survey of all school entities to determine the number of incidents involving acts of violence on school property and all cases involving possession of a weapon by any person on school property which occurred within the last five (5) years. The survey shall be based on the best available information provided by school entities.

(b) Each chief school administrator shall report to the office by July 31 of each year all new incidents involving acts of violence, possession of a weapon or possession, use or sale of controlled substances as defined in the act of April 14, 1972 (P.L.233, No.64), known as "The Controlled Substance, Drug, Device and Cosmetic Act," or possession, use or sale of alcohol or tobacco by any person on school property. The incidents to be reported to the office shall include all incidents involving conduct that constitutes a criminal offense listed under paragraphs (4.1) and (4.2). Reports on a form to be developed and provided by the office shall include:

(1) Age or grade of student.

(2) Name and address of school.

(3) Circumstances surrounding the incident, including, but not limited to, type of weapon, controlled substance, alcohol or tobacco, the date, time and location of the incident, if a person other than a student is involved in the incident and any relationship to the school entity.

(3.1) Race of student.

(3.2) Whether the student has an Individualized Education Plan under the Individuals with Disabilities Education Act (Public Law 91-230, 20 U.S.C. § 1400 et seq.), and if so, the type of disability.

(4) Sanction imposed by the school.

(4.1) A list of criminal offenses which shall, at a minimum, include:

(i) The following offenses under 18 Pa.C.S. (relating to crimes and offenses):

Section 908 (relating to prohibited offensive weapons).

Section 912 (relating to possession of weapon on school property).

Chapter 25 (relating to criminal homicide).

Section 2702 (relating to aggravated assault).

Section 2709.1 (relating to stalking).

Section 2901 (relating to kidnapping).

Section 2902 (relating to unlawful restraint).

Section 3121 (relating to rape).

Section 3122.1 (relating to statutory sexual assault).

Section 3123 (relating to involuntary deviate sexual intercourse).
Section 3124.1 (relating to sexual assault).
Section 3124.2 (relating to institutional sexual assault).
Section 3125 (relating to aggravated indecent assault).
Section 3126 (relating to indecent assault).
Section 3301 (relating to arson and related offenses).
Section 3307 (relating to institutional vandalism) when the penalty is a felony of the third degree.
Section 3502 (relating to burglary).
Section 3503(a) and (b)(1)(v) (relating to criminal trespass).
Section 5501 (relating to riot).
Section 6110.1 (relating to possession of firearm by minor).
(ii) The possession, use or sale of a controlled substance or drug paraphernalia as defined in "The Controlled Substance, Drug, Device and Cosmetic Act."
(iii) Attempts, solicitation or conspiracy to commit any of the offenses listed in subclauses (i) and (ii).
(iv) An offense for which registration is required under 42 Pa.C.S. § 9795.1 (relating to registration).
(4.2) The following offenses under 18 Pa.C.S., and any attempt, solicitation or conspiracy to commit any of these offenses:
Section 2701 (relating to simple assault).
Section 2705 (relating to recklessly endangering another person).
Section 2706 (relating to terroristic threats).
Section 2709 (relating to harassment).
Section 3127 (relating to indecent exposure).
Section 3307 (relating to institutional vandalism) when the penalty is a misdemeanor of the second degree.
Section 3503(b)(1)(i), (ii), (iii) and (iv), (b.1) and (b.2) (relating to criminal trespass).
Chapter 39 (relating to theft and related offenses).
Section 5502 (relating to failure of disorderly persons to disperse upon official order).
Section 5503 (relating to disorderly conduct).
Section 6305 (relating to sale of tobacco).
Section 6306.1 (relating to use of tobacco in schools prohibited).
Section 6308 (relating to purchase, consumption, possession or transportation of liquor or malt or brewed beverages).
(5) Notification of law enforcement.
(6) Remedial programs involved.
(7) Parental involvement required.
(8) Arrests, convictions and adjudications, if known.
(b.1) Prior to submitting the report required under subsection (b), each chief school administrator and each police department having jurisdiction over school property of the school entity shall do all of the following:
(1) No later than thirty (30) days prior to the deadline for submitting the report to the office required under subsection (b), the chief school administrator shall submit the report to the police department with jurisdiction over the relevant school property. The police department shall review the report and compare the data regarding criminal offenses and notification of law enforcement to determine whether the report accurately reflects police incident data.

(2) No later than fifteen (15) days prior to the deadline for the chief school administrator to submit the report required under subsection (b), the police department shall notify the chief school administrator, in writing, whether the report accurately reflects police incident data. Where the police department determines that the report accurately reflects police incident data, the chief of police shall sign the report. Where the police department determines that the report does not accurately reflect police incident data, the police department shall indicate any discrepancies between the report and police incident data.

(3) Prior to submitting the report required under subsection (b), the chief school administrator and the police department shall attempt to resolve discrepancies between the report and police incident data. Where a discrepancy remains unresolved, the police department shall notify the chief school administrator and the office in writing.

(4) Where a police department fails to take action as required under paragraph (2) or (3), the chief school administrator shall submit the report required under subsection (b) and indicate that the police department failed to take action as required under paragraph (2) or (3).

(c) Each chief school administrator shall form an advisory committee composed of relevant school staff, including, but not limited to, principals, security personnel, school resource officers, guidance counselors and special education administrators, to assist in the development of a memorandum of understanding pursuant to this section. In consultation with the advisory committee, each chief school administrator shall enter into a memorandum of understanding with police departments having jurisdiction over school property of the school entity. Each chief school administrator shall submit a copy of the memorandum of understanding to the office by June 30, 2011, and biennially update and re-execute a memorandum of understanding with local law enforcement and file such memorandum with the office on a biennial basis. The memorandum of understanding shall be signed by the chief school administrator, the chief of police of the police department with jurisdiction over the relevant school property and principals of each school building of the school entity. The memorandum of understanding shall comply with the regulations promulgated by the State Board of Education under section 1302.1-A and shall also include:

(1) The procedure for police department review of the annual report required under subsection (b) prior to the chief school administrator filing the report required under subsection (b) with the office.

(2) A procedure for the resolution of school violence data discrepancies in the report prior to filing the report required under subsection (b) with the office.

(3) Additional matters pertaining to crime prevention agreed to between the chief school administrator and the police department.

(d) Pursuant to section 615 of the Individuals with Disabilities Education Act (Public Law 91-230, 20 U.S.C. § 1415(k)(6)), nothing in section 1302.1-A or this section shall be construed to prohibit a school entity from reporting a crime committed by a child with a disability to appropriate authorities or to prevent State law enforcement and judicial authorities from exercising their responsibilities with regard to the application of Federal and State law to crimes committed by a child with a disability.

(e) (1) Notwithstanding any provision of law to the contrary, the Department of Education may initiate disciplinary action before the Professional Standards and Practices Commission pursuant to the act of December 12, 1973 (P.L.397, No.141), known as the "Professional Educator Discipline Act," against a chief school administrator or principal of a school entity who intentionally fails to submit the report as required under subsection (b) or enter into the memorandum of understanding with the police department with jurisdiction over the relevant

school property, report an incident involving an act of violence, possession of a weapon or an offense listed under subsection (b)(4.1) that occurs on school property to a police department or submit a copy of the memorandum of understanding to the office as required under subsection (c) or who intentionally falsifies a report submitted as required under this section.

(2) In addition to any other disciplinary actions set forth in the "Professional Educator Discipline Act," a chief school administrator or principal of a school entity who intentionally fails to submit the report as required under subsection (b) or enter into the memorandum of understanding with the police department with jurisdiction over the relevant school property, report an incident involving an act of violence, possession of a weapon or an offense cited under subsection (b)(4.1) that occurs on school property to a police department or submit a copy of the memorandum of understanding to the office as required under subsection (c) or who intentionally falsifies a report submitted as required under this section shall be subject to prosecution for violation of 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities). The following civil penalties may be imposed by the Professional Standards and Practices Commission for violations of this article:

(i) for a first violation, $2,500;

(ii) for a second violation, $3,500; or

(iii) for a third or subsequent violation, $5,000.

Any penalty imposed under this paragraph shall be paid to the Department of Education and used for the support of the office.

(1949, P.L.30, No.14, § 1303-A)

Section 1304-A. Sworn Statement.–(a) Prior to admission to any school entity, the parent, guardian or other person having control or charge of a student shall, upon registration, provide a sworn statement or affirmation stating whether the pupil was previously or is presently suspended or expelled from any public or private school of this Commonwealth or any other state for an act or offense involving weapons, alcohol or drugs or for the wilful infliction of injury to another person or for any act of violence committed on school property. The registration shall include the name of the school from which the student was expelled or suspended for the above-listed reasons with the dates of expulsion or suspension and shall be maintained as part of the student's disciplinary record.

(b) Any wilful false statement made under this section shall be a misdemeanor of the third degree.

(1949, P.L.30, No.14, § 1304-A)

Section 1307-A. Maintenance of Records.–All school entities and private schools within this Commonwealth shall maintain updated records of all incidents of violence, incidents involving possession of a weapon and convictions or adjudications of delinquency for acts committed on school property by students enrolled therein on both a district-wide and school-by-school basis. Records maintained under this section shall be contained in a format developed by the Pennsylvania State Police in cooperation with the office within ninety (90) days of the effective date of this section. A statistical summary of these records shall be made accessible to the public for examination by the public during regular business hours.

(1949, P.L.30, No.14, § 1307-A)

Section 1310-A. Safe Schools Advocate in School Districts of the First Class.–* * *

(b) The safe schools advocate shall have the power and its duties shall be:

(1) To monitor the school district's compliance with this article, including:

(i) the school district's reporting to the office of incidents involving acts of violence, possession of a weapon or possession, use or sale of controlled substances as defined in the act of April 14, 1972 (P.L.233, No.64), known as "The Controlled Substance, Drug, Device and Cosmetic Act," or possession, use or sale of alcohol or tobacco by any person on school property;

* * *

(iii) the school district's compliance with the procedures set forth in the memorandum of understanding with the appropriate police department regarding incidents involving acts of violence and possession of weapons; and

* * *

(c) The safe schools advocate shall, on behalf of victims of acts of violence on school property, victims of conduct that would constitute an act of violence and victims of students who have committed two or more infractions as set forth in subsection (b)(9):

* * *

(3) in cases involving the possession or use of a weapon, advise the parent or guardian of the victim whether the school district properly exercised its duty under section 1317.2;

* * *

(1949, P.L.30, No.14, § 1310-A)

Section 1311-A. Standing.–(a) If a student in a school district of the first class is a victim of an act of violence involving a weapon on school property and the student who possessed the weapon was not expelled under section 1317.2, the parent or guardian of the victim shall have standing to institute a legal proceeding to obtain expulsion of the student.

* * *

(1949, P.L.30, No.14, § 1311-A)

Section 1901-C. Definitions [relating to disruptive student programs].–For purposes of this article [Article XIX-C of the Public School Code of 1949], the following terms shall have the following meanings:

* * *

(5) "Disruptive student." A student who poses a clear threat to the safety and welfare of other students or the school staff, who creates an unsafe school environment or whose behavior materially interferes with the learning of other students or disrupts the overall educational process. The disruptive student exhibits to a marked degree any or all of the following conditions:

(i) Disregard for school authority, including persistent violation of school policy and rules.

(ii) Display or use of controlled substances on school property or during school-affiliated activities.

(iii) Violent or threatening behavior on school property or during school-affiliated activities.

(iv) Possession of a weapon on school property, as defined under 18 Pa.C.S. § 912 (relating to possession of weapon on school property).

(v) Commission of a criminal act on school property or during school-affiliated activities.

(vi) Misconduct that would merit suspension or expulsion under school policy.

(vii) Habitual truancy.

No student who is eligible for special education services pursuant to the Individuals with Disabilities Education Act (Public Law 91-230, 20 U.S.C. § 1400 et seq.) shall be deemed a

disruptive student for the purposes of [the Public School Code of 1949], except as provided for in 22 Pa. Code § 14.35 (relating to discipline).

* * *

(1949, P.L.30, No.14, § 1901-C)

Section 2009-A. Powers and Duties of Councils of Trustees [of State System of Higher Education Institutions].–In accordance with the rules and regulations adopted by the board, the council of each institution shall have the power and its duty shall be:

* * *

(13) By resolution adopted by the council to authorize campus police who have completed firearms training in accordance with 53 Pa.C.S. § 2167(a) (relating to police training) to carry firearms in the course of duty for any institution whose campus police are authorized to carry firearms on the effective date of this paragraph, the authority to carry firearms shall remain in effect unless the council by resolution dissolves such authority.

(1949, P.L.30, No.14, § 2009-A)

Section 2134. Placement of Certain Adjudicated Students.–* * *

(c) The transition plan developed under subsection (b)(2) may provide for the student's direct return to a regular classroom where the underlying offense did not involve any of the following:

(i) Possession of a weapon.

* * *

(1949, P.L.30, No.14, § 2134)

Section 303. Crime statistics and security policies and procedures.

* * *

(c) Security policies and procedures.–Each institution of higher education shall provide to every person who submits an application for admission to a main or branch campus, to every new employee at the time of employment and annually to all students and employees information regarding the institution's security policies and procedures. Institutions with a main campus and one or more branch campuses shall provide the information on a campus-by-campus basis. Such information for the most recent school year shall include, but not be limited to, the following:

* * *

(12) A statement of policy regarding the possession and use of weapons by security personnel and any other person.

* * *

(2004, P.L.1383, No.180, § 303)

Chapter 4. Private Detectives

Section 6. Issuance of Licenses; Fees; Bonds.–* * *

(b) Except as hereinafter provided in this subsection, no such license shall be issued to any person who has been convicted in this State or any other state or territory of a felony, or any of the following offenses: (1) illegally using, carrying or possessing a pistol or other dangerous weapon; (2) making or possessing burglar's instruments; (3) buying or receiving stolen property; (4) unlawful entry of a building; (5) aiding escape from prison; (6) unlawfully

possessing or distributing habit forming narcotic drugs; (7) picking pockets or attempting to do so; (8) soliciting any person to commit sodomy or other lewdness; (9) recklessly endangering another person; (10) making terroristic threats; or (11) committing simple assault.

Except as hereinafter in this subsection provided, no license shall be issued to any person whose license has been previously revoked by the court of common pleas or the authorities of any other state or territory because of conviction of any of the crimes or offenses specified in this section. The provisions of this subsection shall not prevent the issuance of a license to any person who, subsequent to his conviction, shall have received executive pardon therefor removing this disability.

* * *

(1953, P.L.1273, No.361, § 6)

Section 13. Employes.–(a) The holder of any license certificate issued pursuant to this act [The Private Detective Act of 1953] may employ to assist him in his work of private detective or investigator as described in section 2 and in the conduct of such business as many persons as he may deem necessary, and shall at all times during such employment be legally responsible for the good conduct in the business of each and every person so employed and shall be responsible for the reasonable supervision of said employes' conduct.

No holder of any unexpired license certificate issued pursuant to this act shall knowingly employ in connection with his or its business, in any capacity whatsoever, any person who has been convicted of a felony, or any of the following offenses, and who has not, subsequent to such conviction, received executive pardon therefor removing this disability: (1) illegally using, carrying or possessing a pistol or other dangerous weapon; (2) making or possessing burglar's instruments; (3) buying or receiving stolen property; (4) unlawful entry of a building; (5) aiding escape from prison; (6) unlawfully possessing or distributing habit forming narcotic drugs; (7) picking pockets or attempting to do so; (8) soliciting any person to commit sodomy or other lewdness; (9) any person whose private detective or investigator's license was revoked or application for such license was denied by the court of common pleas or by the authorities of any other state or territory because of conviction of any of the crimes or offenses specified in this section; (10) recklessly endangering another person; (11) terroristic threats; or (12) committing simple assault.

A holder of an unexpired license certificate issued pursuant to this act who knowingly employs a person who has been convicted of a felony or any of the offenses specified in this section shall be guilty of a misdemeanor and, upon conviction thereof, shall be sentenced to pay a fine of not more than five thousand dollars ($5000) or to undergo imprisonment for not more than one (1) year, or both.

A first conviction for violation of this section may subject the license holder to revocation of his license by the issuing authority.

Upon the second conviction of a license holder for knowingly hiring a person convicted of a felony or other specified offenses in this section, the license of said holder shall be revoked.

Should the holder of an unexpired license certificate falsely state or represent that a person is or has been in his employ, such false statement or misrepresentation shall be sufficient cause for the revocation of such license. Any person falsely stating or representing that he is or has been a detective or employed by a detective agency shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine of not more than five hundred dollars ($500) or to undergo imprisonment for not more than one (1) year, or both.

(b) No person shall hereafter be employed by any holder of a license certificate until he

shall have executed and furnished to such license certificate holder a verified statement to be known as "employe's statement," setting forth:

* * *

(4) That he has not been convicted of a felony, or of any offense involving moral turpitude, or of any of the misdemeanors or offenses described in subsection (a) of this section;

(5) That he holds current and valid certification under the act of October 10, 1974 (P.L.705, No.235), known as the "Lethal Weapons Training Act," if, as an incidence to employment, he will carry a lethal weapon.

* * *

(e) The holder of a license certificate shall file the other set of fingerprints with the court of common pleas. Proof of the employe's current and valid certification under the "Lethal Weapons Training Act," must also be submitted to the court if the employe will carry a lethal weapon as an incidence to employment.

* * *

(1953, P.L.1273, No.361, § 13)

Section 16. Unlawful Acts [relating to private detectives].–It is unlawful for the holder of a license issued under [The Private Detective Act of 1953], or for any employe of such licensee, knowingly to commit any of the following acts, within or without the Commonwealth of Pennsylvania: to incite, encourage, or aid in the incitement or encouragement of, any person or persons who have become a party to any strike to do unlawful acts against the person or property of any one, or to incite, stir up, create, or aid in the inciting of discontent or dissatisfaction among the employes of any person, partnership, association, or corporation with the intention of having them strike, to interfere or prevent lawful and peaceful picketing during strikes, to interfere with, restrain, or coerce employes in the exercise of their right to form, join, or assist any labor organization of their own choosing, to interfere or hinder the lawful or peaceful collective bargaining between employes and employers, to pay, offer, or give any money, gratuity, favor, consideration, or other thing of value, directly or indirectly, to any person, for any verbal or written report of the lawful activities of employes in the exercise of their right of self-organization, to form, join, or assist labor organizations, and to bargain collectively through representatives of their own choosing, to advertise for, recruit, furnish or replace, or offer to furnish or replace, for hire or reward, within or without the Commonwealth of Pennsylvania, any help or labor, skilled or unskilled, or to furnish or offer to furnish armed guards, other than armed guards theretofore regularly employed, for the protection of payrolls, property or premises, for service upon property which is being operated in anticipation of or during the course or existence of a strike, or furnish armed guards upon the highways for persons involved in labor disputes, or to furnish or offer to furnish to employers or their agents, any arms, munitions, tear gas, implements, or any other weapons, or to send letters or literature to employers offering to eliminate labor unions, or distribute or circulate any list of members of a labor organization, or to advise any person of the membership of an individual in a labor organization for the express purpose of preventing those so listed or named from obtaining or retaining employment. The violation of any of the provisions of this section shall constitute a misdemeanor, and, upon conviction thereof, shall be punishable by a fine of not less than five hundred dollars ($500) nor more than five thousand dollars ($5000), or to imprisonment for not less than six (6) months nor more than one (1) year or both. If the holder of a license shall violate any of the provisions in this section, the license holder may be subject to the revocation of his license by the issuing authority. Upon the second conviction of a license holder for

violation of any of the provisions in this section, the license of said holder shall be revoked. (1953, P.L.1273, No.361, § 16)

Chapter 5. Athletics and Sports

§ 2101. Promoter's license.

* * *

(b) Prohibition.–The commission [State Athletic] shall not issue or renew a promoter's license to a person who has been convicted of or pleaded guilty or nolo contendere to any of the following offenses during the ten years preceding the application date:

* * *

(5) Carrying a deadly weapon.

* * *

(5 Pa.C.S. § 2101)

§ 3304. Denial of [athlete agent] registration.

* * *

(c) Issuance of registration prohibited.–The commission [State Athletic] shall not issue athlete agent registration to or renew the athlete agent registration of a person who has been convicted of any of the following offenses, or any comparable offense in another jurisdiction, within ten years of the date of application:

* * *

(2) An offense under the following provisions of 18 Pa.C.S. (relating to crimes and offenses):

Section 902 (relating to criminal solicitation).
Section 908 (relating to prohibited offensive weapons).
Section 2502 (relating to murder).
Section 2709(a)(4), (5), (6) or (7) (relating to harassment).
Section 2709.1 (relating to stalking).
Section 2901 (relating to kidnapping).
Section 3121 (relating to rape).
Section 3126 (relating to indecent assault).
Section 3923 (relating to theft by extortion).
Section 4109 (relating to rigging publicly exhibited contest).
Section 4302 (relating to incest).
Section 4304 (relating to endangering welfare of children).
Section 4305 (relating to dealing in infant children).
Section 4701 (relating to bribery in official and political matters).
Section 4902 (relating to perjury).
Section 5501 (relating to riot).
Section 5512 (relating to lotteries, etc.).
Section 5513 (relating to gambling devices, gambling, etc.).
Section 5514 (relating to pool selling and bookmaking).
Section 5901 (relating to open lewdness).
Section 5902 (relating to prostitution and related offenses).
Section 5903 (relating to obscene and other sexual materials and performances).

Section 5904 (relating to public exhibition of insane or deformed person).
Section 6301 (relating to corruption of minors).
Section 6312 (relating to sexual abuse of children).
Section 7107 (relating to unlawful actions by athlete agents).

* * *

(5 Pa.C.S. § 3304)

Section 1. General immunity for noise [for shooting ranges].

All owners of rifle, pistol, silhouette, skeet, trap, blackpowder or other ranges in this Commonwealth shall be exempt and immune from any civil action or criminal prosecution in any matter relating to noise or noise pollution resulting from the normal and accepted shooting activity on ranges, provided that the owners of the ranges are in compliance with any applicable noise control laws or ordinances extant at the time construction of the range was initiated.
(1988, P.L.452, No.74, § 1)

Chapter 6. Military Affairs

§ 16. National Guard to be organized and maintained.

The citizens of this Commonwealth shall be armed, organized and disciplined for its defense when and in such manner as may be directed by law. The General Assembly shall provide for maintaining the National Guard by appropriations from the Treasury of the Commonwealth, and may exempt from State military service persons having conscientious scruples against bearing arms.
(Pennsylvania Constitution, Article III, Section 16)

§ 906. Delegating responsibility for requisitioning Federal supplies.

The responsibility of requisitioning, procurement, storage and issue of Federal property, arms and equipment for use of the Pennsylvania National Guard may be delegated to the duly appointed United States Property and Fiscal Officers and the duly appointed Assistant United States Property and Fiscal Officers for Air.
(51 Pa.C.S. § 906)

§ 3302. Uniforms, arms and equipment [for Pennsylvania Guard].

The Governor is authorized to requisition from the Department of Defense such uniforms, arms and equipment as may be available for use of the Pennsylvania Guard as may be authorized by the Congress of the United States to be made available to the Pennsylvania Guard. In the event uniforms and equipment are not available from the Federal Government for the use of the Pennsylvania Guard, the Governor shall cause to be provided such uniforms, arms and equipment as may be necessary for the efficient functioning and operation of the Pennsylvania Guard.
(51 Pa.C.S. § 3302)

§ 6014. Assaulting or willfully disobeying superior commissioned officer.

Any person subject to this part [IV relating to military justice] who:

(1) strikes his superior commissioned officer or draws or lifts up any weapon or offers any violence against him while he is in the execution of his office; or

(2) willfully disobeys a lawful command of his superior commissioned officer;

shall be punished as a court-martial may direct.
(51 Pa.C.S. § 6014)

§ 6023. Misbehavior before the enemy.

Any person subject to this part [IV relating to military justice] who before or in the presence of the enemy:

* * *

(4) casts away his arms or ammunition;

* * *

shall be punished as a court-martial may direct.
(51 Pa.C.S. § 6023)

§ 6028. Aiding the enemy.

Any person subject to this part [IV relating to military justice] who:

(1) aids, or attempts to aid, the enemy with arms, ammunition, supplies, money, or other things; or

(2) without proper authority, knowingly harbors or protects or gives intelligence to, or communicates or corresponds with or holds any intercourse with the enemy, either directly or indirectly;

shall be punished as a court-martial may direct.
(51 Pa.C.S. § 6028)

§ 7502. Retention of licenses and certifications of persons entering military service.

(a) General rule.–Any person licensed or certified by the Department of State, Department of Labor and Industry, Department of Education, Insurance Department, Department of Banking or the Municipal Police Officers' Education and Training Commission or pursuant to the act of October 10, 1974 (P.L.705, No.235), known as the Lethal Weapons Training Act, to practice any profession or to work at any trade or occupation, who heretofore has or shall thereafter enlist or be inducted or drafted into the military or naval service of the United States in time of war or preparation for national defense during a national emergency, shall not thereby forfeit his or her current license or registration and shall be exempt from any continuing educational requirements or in-service training requirements.

(b) Renewal of license or certification following discharge.--A person shall, after presentation of a discharge from service described under subsection (a) within one year from the date of discharge and payment of the fee prescribed by law for the current renewal period only, be entitled to a renewal of his or her license, certification or registration in the same manner as though:

(1) The renewal had been made prior to the expiration of his or her last preceding renewal.

(2) All intermediate renewal fees had been paid.

(3) All continuing education or in-service training requirements have been satisfied.

(51 Pa.C.S. § 7502)

Chapter 7. Emergencies

§ 6107. Prohibited conduct during emergency.

(a) General rule.–No person shall carry a firearm upon the public streets or upon any

public property during an emergency proclaimed by a State or municipal governmental executive unless that person is:

(1) Actively engaged in a defense of that person's life or property from peril or threat.

(2) Licensed to carry firearms under section 6109 (relating to licenses) or is exempt from licensing under section 6106(b) (relating to firearms not to be carried without a license).

(b) Seizure, taking and confiscation.–Except as otherwise provided under subsection (a) and notwithstanding the provisions of 35 Pa.C.S. Ch. 73 (relating to Commonwealth services) or any other provision of law to the contrary, no firearm, accessory or ammunition may be seized, taken or confiscated during an emergency unless the seizure, taking or confiscation would be authorized absent the emergency.

* * *

(18 Pa.C.S. § 6107)

§ 7301. General authority of Governor.

(a) Responsibility to meet disasters.–The Governor is responsible for meeting the dangers to this Commonwealth and people presented by disasters.

* * *

(f) Additional powers.–In addition to any other powers conferred upon the Governor by law, the Governor may:

* * *

(8) Suspend or limit the sale, dispensing or transportation of alcoholic beverages, firearms, explosives and combustibles.

(35 Pa.C.S. § 7301)

§ 1133. Definitions [relating to emergencies].

The following words and phrases when used in this subchapter [53 Pa.C.S. Ch. 11 Subch. C (relating to emergency succession of officers)] shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Attack." Any attack on the United States which causes or may cause substantial damage or injury to civilian persons or property in any manner by sabotage or by the use of bombs, missiles or shellfire or by atomic, radiological, chemical, bacteriological or biological means or other weapons or processes.

* *

(53 Pa.C.S. § 1133)

Section 2103. Appropriation to Rifle Clubs [in Second Class Counties] in Time of War.–(a) At any time a state of war exists, the board of commissioners may appropriate money to civilian rifle clubs, duly chartered by the National Rifle Association of the United States of America, for the maintenance and rental of rifle-ranges, the employment of competent instructors and necessary employes, and for the equipment and uniform for the members of such clubs who volunteer for special military duty in the county or answer any call of the Governor of the Commonwealth.

(b) No moneys shall be appropriated to any such club unless practice on such rifle-range by the members of the club shall be with the United States military rifle or arms approved by the State Adjutant General.
(1953, P.L.723, No.230, § 2103)

Section 1903. Appropriation to Rifle-Clubs [in Counties] in Time of War.–(a) At any time a state of war exists, the board of commissioners may appropriate money to civilian rifle clubs, duly chartered by the National Rifle Association of the United States of America, for the maintenance and rental of rifle-ranges, the employment of competent instructors and necessary employes, and for the equipment and uniforms for the members of such clubs, who volunteer for special military duty in their respective counties, or answer any call of the Governor of the Commonwealth.

(b) No moneys shall be appropriated to any such club, unless practice on such rifle-range by the members of the club shall be with the United States Military rifle or arms approved by the State Adjutant General.
(1955, P.L.323, No.130, § 1903)

Chapter 8. Animals

§ 5511. Cruelty to animals.

* * *

(k) Killing homing pigeons.–A person commits a summary offense if he shoots, maims or kills any antwerp or homing pigeon, either while on flight or at rest, or detains or entraps any such pigeon which carries the name of its owner.

* * *

(18 Pa.C.S. § 5511)

Section 901. Enforcement of this act [Dog Law] by the secretary [Secretary of Agriculture]; provisions for inspections.

* * *

(b.2) Limitation on the possession of firearms.–No dog warden or employee of the department [of Agriculture] shall carry, possess or use a firearm in the performance of duties.

* * *

(1982, P.L.784, No.225, § 901)

Section 302. Methods of destruction of animals and exclusive method for small domestic animals.

(a) Required method.–The required method of destruction shall be the use of a method that is approved for that purpose by the most current version of the American Veterinary Medical Association's Guidelines on Euthanasia with the exception of those agents and methods prohibited by section 301.

(b) Authorized method.--Nothing in this act shall prevent a person or animal protection organization from destroying an animal by means of firearms.

* * *

(1983, P.L.303, No.83, § 302)

Chapter 9. Fishing and Boating

§ 305. Deputy waterways conservation officers.

(a) Appointment and training.–The executive director, with the approval of the commission, may appoint deputy waterways conservation officers to act anywhere within this Commonwealth. Newly appointed deputy waterways conservation officers, excluding reappointments, shall attend such training programs as may be required by the commission, which shall include at a minimum:

(1) Successful completion of training and obtaining a certificate of qualification under the act of October 10, 1974 (P.L.705, No.235), known as the Lethal Weapons Training Act, or equivalent training as determined by the executive director, prior to appointment.

* * *

(30 Pa.C.S. § 305)

§ 901. Powers and duties of waterways conservation officers and deputies.

(a) Waterways patrolmen.–Every waterways patrolman shall have the power and duty to:

* * *

(4) Carry firearms or other weapons in the performance of their duties.

* * *

(30 Pa.C.S. § 901)

Chapter 10. Game and Wildlife

§ 102. Definitions [relating to game and wildlife].

Subject to additional definitions contained in subsequent provisions of this title which are applicable to specific provisions of this title, the following words and phrases when used in this title shall have the meanings given to them in this section unless the context clearly indicates otherwise:

* * *

"Bow." A weapon which propels an arrow, is hand-held, hand-drawn, held in the drawn position by hand or by a hand-held mechanical device and released by hand. The term includes a device held in place by a brace secured around the body of the hunter. The term also includes a crossbow which, when used for hunting deer, bear or turkey, has a draw weight of no less than 125 pounds and uses arrows tipped with broadheads of a cutting edge design.

* * *

"Contraband." Any game or wildlife, or part or product thereof, or any personal property, including, but not limited to, firearms, traps, boats, decoys, vehicles and attachments and property designed for use or used in hunting and taking game or wildlife, when the game or wildlife, or part or product thereof, or the personal property is held in possession, transported or used or taken in violation of any law, the enforcement or administration of which is vested in the [Pennsylvania Game] commission. Contraband shall be forfeited to the commission to be disposed of at the discretion of the director.

* * *

"Fine shot." Pellets which are no larger than what is commonly known as BB's. The term does not include buckshot.

"Firearm." An instrument used in the propulsion of shot, shell, bullet or any other object by the action of gunpowder exploded, explosive powder, the expansion of gas or the force of a mechanical device under tension.

(1) "Automatic." Any firearm which discharges more than once with a single pull of

the trigger.

(2) "Semiautomatic." Any firearm which reloads without aid of the shooter, but fires only once with a single pull of the trigger.

* * *

"Hunt" or "hunting." Any act or furtherance of the taking or killing of any game or wildlife, or any part or product thereof, and includes, but is not limited to, chasing, tracking, calling, pursuing, lying in wait, trapping, shooting at, including shooting at a game or wildlife facsimile, or wounding with any weapon or implement, or using any personal property, including dogs, or the property of others, of any nature, in furtherance of any of these purposes, or aiding, abetting or conspiring with another person in that purpose.

"Loaded firearm." A firearm of any kind which has a live shell or cartridge in either the chamber or magazine.

* * *

"Shooting hours." The designated periods of time, including any modification by regulation of the commission [Pennsylvania Game], for the lawful killing or taking of game or wildlife.

* * *

"Take." To harass, pursue, hunt for, shoot, wound, kill, trap, capture, possess or collect any game or wildlife, including shooting at a facsimile of game or wildlife, or attempt to harass, pursue, hunt for, shoot, wound, kill, trap, capture or collect any game or wildlife or aiding, abetting or conspiring with another person in that purpose.

* * *

(34 Pa.C.S. § 102)

§ 901. Powers and duties of enforcement officers.

(a) Powers.–Any officer whose duty it is to enforce this title or any officer investigating any alleged violation of this title shall have the power and duty to:

* * *

(4) Carry firearms or other weapons, concealed or otherwise, in the performance of the officer's duties.

* * *

(34 Pa.C.S. § 901)

§ 928. Disposition of seized property.

All guns, traps, dogs, boats, vehicles or conveyances, or any device, implement or appliance, and other shooting, hunting, trapping or furtaking paraphernalia seized under this title, where the owner thereof escapes arrest and refuses to present himself and make claim to the property, shall be held for a period of not less than 30 days, after which time the property shall be forwarded to the commission [Pennsylvania Game] and shall be disposed of at the discretion of the director. The moneys arising from the sale shall be applied to any costs of prosecution accrued and the remainder forfeited to the commission and deposited in the Game Fund.

(34 Pa.C.S. § 928)

§ 2102. Regulations.

* * *

(d) Traps, firearms, ammunition and other devices.–The commission [Pennsylvania Game] shall promulgate regulations stipulating the size and type of traps, the type of firearms and

ammunition and other devices which may be used, the manner in which and the location where the devices may be used, the species the devices may be used for and the season when the devices may be used.

* * *

(34 Pa.C.S. § 2102)

§ 2126. Unlawful activities.

(a) General rule.–It is unlawful for any person while acting under the provisions of this subchapter [34 Pa.C.S. Ch. 34 Subch. B (relating to destruction for agricultural protection)] to:

* * *

(3) Use any firearm except a center fire propelling a single all-lead, lead alloy or expanding bullet or ball to kill or attempt to kill any big game animal.

* * *

(b) Penalties.–

(1) A violation of this subchapter pertaining to big game animals is a summary offense of the fourth degree.

(2) A violation of this subchapter pertaining to any other game or wildlife, other than raccoons, is a summary offense of the seventh degree.

(3) Each bird or animal involved in a violation constitutes a separate offense.

(34 Pa.C.S. § 2126)

§ 2301. Prima facie evidence of hunting.

(a) General rule.–For the purpose of this title, any one of the following acts shall constitute prima facie evidence of hunting:

(1) Possession of any firearm, bow and arrow, raptor, trap or other device of any description usable for the purpose of hunting or taking game or wildlife.

* * *

(34 Pa.C.S. § 2301)

§ 2308. Unlawful devices and methods.

(a) General rule.–Except as otherwise provided in this title, it is unlawful for any person to hunt or aid, abet, assist or conspire to hunt any game or wildlife through the use of:

(1) An automatic firearm or similar device.

(2) A semiautomatic rifle or pistol.

* * *

(4) A semiautomatic shotgun or magazine shotgun for hunting or taking small game, furbearers, turkey or unprotected birds unless the shotgun is plugged to a two-shell capacity in the magazine.

* * *

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

(1) (i) Any archery sight or firearm's scope which contains and uses any mechanical, photoelectric, ultraviolet or solar-powered device to solely illuminate the sight or crosshairs within the scope.

(ii) Except as otherwise provided under subparagraph (iii), no archery sight or firearm's scope shall contain or use any device, no matter how powered, to project or transmit any light beam, infrared beam, ultraviolet light beam, radio beam, thermal beam, ultrasonic beam, particle beam or other beam outside the sight or scope onto

the target.

(iii) (A) A flashlight or spotlight may be mounted on a firearm to take furbearers if the sole source of power for the flashlight or spotlight is contained within the flashlight or spotlight or on the person.

(B) For the purposes of this subparagraph, a flashlight or spotlight mounted on a firearm shall not include a device that projects a beam of laser light to indicate the intended point of impact for one or more projectiles discharged from the firearm.

* * *

(c) Penalties.–

(1) A violation of subsection (a)(1), (2), (4) or (5) is a summary offense of the fifth degree.

* * *

(34 Pa.C.S. § 2308)

§ 2310. Unlawful use of lights while hunting.

(a) General rule.–Except as set forth in subsection (b), it is unlawful for any person or group of persons to engage in any of the following activities to any degree:

(1) Cast the rays of an artificial light of any kind on any game or wildlife or in an attempt to locate any game or wildlife while on foot, in any vehicle or its attachments, or any watercraft or any airborne craft while in possession of a firearm of any kind, or a bow or arrow, or any implement or device with which any game or wildlife could be killed or taken even though no game or wildlife is shot at, injured or killed.

* * *

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

(1) (i) A person on foot who uses a flashlight or spotlight held in the hand, worn on the head or mounted on a firearm to take furbearers, if the sole source of power for the flashlight or spotlight is contained within the flashlight or spotlight or on the person.

(ii) For the purposes of this paragraph, a flashlight or spotlight mounted on a firearm shall not include a device that projects a beam of laser light to indicate the intended point of impact for one or more projectiles discharged from the firearm.

* * *

(d) Contraband.–Any craft or vehicle or attachments thereto, and all artificial lights and any firearm or paraphernalia being unlawfully used, and any game or wildlife unlawfully taken, killed or possessed are contraband.

(34 Pa.C.S. § 2310)

§ 2311. Restrictions on recreational spotlighting.

(a) Unlawful acts.–It is unlawful for any person to cast or to assist any other person in casting the rays of a spotlight, vehicle headlight or any other artificial light of any kind from any vehicle, watercraft, airborne craft or any attachment to such vehicles or crafts:

* * *

(4) To search for or locate for any purpose any game or wildlife anywhere within this Commonwealth at any time during the antlered deer rifle season and during the antlerless deer rifle season.

* * *

The provisions of this subsection shall not apply if it is proven that the headlights of a vehicle or conveyance were being used while traveling on a roadway in the usual way.

(b) Penalty.–A violation of this section is a summary offense of the fifth degree.

(34 Pa.C.S. § 2311)

§ 2322. Prohibited devices and methods.

(a) General rule.–Except as otherwise provided in this title or commission [Pennsylvania Game] regulation, no person shall hunt, kill or take or attempt, aid, abet, assist or conspire to hunt, kill or take any big game, except wild turkey, with any of the following devices or methods:

(1) Any device other than a centerfire or muzzle-loading firearm or bow and arrow.

(2) Any automatic or semiautomatic firearm, except that any semiautomatic firearm modified to permit one shell in the chamber and no more than four shells in a magazine may be used by a person who suffered an amputation or lost the total use of one or both hands.

(3) Any firearm propelling more than one projectile per discharge.

* * *

(b) Penalty.–A violation of this section is a summary offense of the fifth degree.

* * *

(34 Pa.C.S. § 2322)

§ 2325. Cooperation after lawfully killing big game.

(a) General rule.–Except as provided in section 2301(b) (relating to lawful cooperation or assistance) and subsection (a.1), it is unlawful for any person who has lawfully killed any big game to hunt for or cooperate with any other person hunting for big game of the same species while carrying a loaded firearm of any kind, a bow and nocked arrow or any other device capable of killing any big game.

* * *

(b) Penalty.–A violation of this section is a summary offense of the fourth degree.

(34 Pa.C.S. § 2325)

§ 2362. Permitted acts.

Nothing contained in this subchapter [34 Pa.C.S. Ch. 23 Subch. D (relating to furtaking regulations)] shall prevent:

* * *

(2) The killing of lawfully taken furbearers with a firearm as prescribed by regulations of the [Pennsylvania Game] commission.

* * *

(34 Pa.C.S. § 2362)

§ 2382. Training dogs on small game.

(a) General rule.–Unless otherwise provided by commission [Pennsylvania Game] regulation, it is lawful to train a dog or dogs during any time of the calendar year. Persons who are solely training dogs and who comply with the provisions of this section shall not be required to have a hunting or furtaking license. The commission may, by regulation, prohibit or further restrict or relax the training period for specific breeds of dogs on game or wildlife.

(b) Restrictions.–

* * *

(2) The owner or handler or any other person shall not carry a bow and arrow or a firearm fired from the shoulder while training a dog.

* * *

(34 Pa.C.S. § 2382)

§ 2501. Hunting or furtaking prohibited while under influence of alcohol or controlled substance.

(a) General rule.–It is unlawful to hunt or take game, furbearers or wildlife or aid, abet, assist or conspire to hunt or take game, furbearers or wildlife anywhere in this Commonwealth while in possession of a firearm of any kind or a bow and arrow if:

(1) under the influence of alcohol to a degree which renders the person incapable of safe hunting or furtaking;

(2) under the influence of any controlled substance, as defined by the laws of this Commonwealth and rules and regulations promulgated thereunder, to a degree which renders the person incapable of safe hunting or furtaking;

(3) under the combined influence of alcohol and a controlled substance to a degree which renders the person incapable of safe hunting or furtaking;

(4) the amount of alcohol by weight in the blood of:

(i) an adult is 0.10% or greater; or

(ii) a minor is 0.02% or greater.

* * *

(a.3) Exception.–A person who is furtaking shall not be deemed in violation of subsection (a) if that person is not in possession of a firearm.

(b) Penalty.–A violation of the provisions of this section shall be a misdemeanor of the third degree. In addition to any penalty, the violator shall be denied the right to hunt or trap in this Commonwealth, with or without a license, for a period of one year.

* * *

(34 Pa.C.S. § 2501)

§ 2503. Loaded firearms in vehicles.

(a) General rule.–Except as otherwise provided in this title, it is unlawful for any person to have a firearm of any kind in or on or against any conveyance propelled by mechanical power or its attachments at any time whether or not the vehicle or its attachment is in motion unless the firearm is unloaded. The exceptions in this subsection do not apply when attempting to locate game or wildlife with an artificial light or when exercising any privileges granted by this title which may be exercised only when not in the possession of a firearm.

(b) Exceptions.–This section shall not be construed to apply to:

(1) A police officer engaged in the performance of his official duty.

(2) A [Pennsylvania Game] commission officer engaged in the performance of his duty.

(3) A person carrying a loaded pistol or revolver when in possession of a valid firearms license issued by the chief or head of any police force or the sheriff of a county when the license is issued for protection under 18 Pa.C.S. Ch. 61 Subch. A (relating to Uniform Firearms Act).

(4) Any person as defined in section 2121(c) (relating to killing game or wildlife to protect property) while on lands they control and when not hunting or trapping for game or wildlife.

(5) Any motorboat or other craft having a motor attached or any sailboat if the motor has been completely shut off or the sail furled and its progress therefrom has ceased.

(6) Any political subdivision, its employees or agents, which has a valid deer control permit issued under section 2902(c) (relating to general categories of permits).

The exceptions in paragraphs (1) through (5) do not apply when attempting to locate game or wildlife with an artificial light or when exercising any privileges granted by this title which may be exercised only when not in the possession of a firearm.

(c) Penalty.–A violation of this section is a summary offense of the fourth degree if the vehicle is in motion. Otherwise the violation is a summary offense of the fifth degree.

(34 Pa.C.S. § 2503)

§ 2504. Shooting on or across highways.

(a) General rule.–It is unlawful for any person to shoot at any game or wildlife while it is on a public highway or on a highway open to use or used by the public or to shoot across a public highway or a highway or roadway open to use or used by the public unless the line of fire is high enough above the elevation of the highway to preclude any danger to the users of the highway. It shall be unlawful for any person, after alighting from a motor vehicle being driven on or stopped on or along a public highway or road open to public travel, to shoot at any wild bird or wild animal while the person doing the shooting is within 25 yards of the traveled portion of the public highway or road open to public travel.

(b) Penalty.–A violation of this section is a summary offense of the fourth degree.

(34 Pa.C.S. § 2504)

§ 2505. Safety zones.

(a) General rule.–Except as otherwise provided in this title or to any political subdivision, its employees or agents, which has a valid deer control permit issued under section 2902(c) (relating to general categories of permits), it is unlawful for any person, other than the lawful occupant, while hunting game or wildlife, taking furbearers of any kind, or pursuing any other privilege granted by this title, to hunt for, take, trap, pursue, disturb or otherwise chase any game or wildlife or to discharge, for any reason, any firearm, arrow or other deadly weapon within or through a safety zone, or to shoot at any game or wildlife while it is within the safety zone without the specific advance permission of the lawful occupant thereof.

(b) Penalty.–A violation of this section is a summary offense punishable by a fine of not less than $200 nor more than $500. A second or subsequent offense within two calendar years is a summary offense punishable by a fine of not less than $500 nor more than $1,000.

* * *

(34 Pa.C.S. § 2505)

§ 2506. Prohibitions within burial grounds.

(a) General rule.–It is unlawful for any person at any time to hunt, take or trap game or wildlife of any kind or to discharge any firearm or other deadly weapon into or within, or to dress out game or wildlife within, any cemetery or other burial grounds.

(b) Penalty.–A violation of this section is a summary offense of the fourth degree.

(34 Pa.C.S. § 2506)

§ 2507. Restrictions on shooting.

(a) General rule.–It is unlawful for any person during the open season for the taking of any big game other than turkey to:

(1) Shoot at any mark or target other than legal game or wildlife with a firearm of any kind or a bow and arrow.

(2) Discharge at any time any firearm or release an arrow at random in the general direction of any game or wildlife not plainly visible for the purpose of routing or frightening them.

(3) Discharge at any time any firearm or release an arrow at random or in any other manner contrary to this section.

(b) Exceptions.–This section shall not be construed to apply in any manner to:

(1) The discharge of any firearm for the sole purpose of signaling for aid or assistance while in distress.

(2) The use of rifle, pistol or archery ranges owned, leased or maintained by a State or Federal military or police organization or by any regularly organized rifle, pistol, shotgun or archery range, shooting association or club while shooting at a regularly established and properly safeguarded range or to any public shooting exhibition properly safeguarded and conducted under the direction of any organization for the promotion of marksmanship.

(3) The discharge of a muzzle-loading firearm at a proper target for the purpose of safe transportation of the muzzle-loaded firearm.

(4) Shooting at a properly constructed target or mark or a dead tree protected by a natural or artificial barrier so that the ball, bullet or arrow cannot travel more than 15 yards beyond the target aimed at, after making due allowance for deflection in any direction not to exceed an angle of 45 degrees. Target shooting shall only be lawful when it is done:

(i) Upon property owned by the shooter or by a guest of the property owner.

(ii) Within 200 yards of the camp or other headquarters where the person shooting is quartered or is an invited guest or visitor.

(c) Penalty.–A violation of this section is a summary offense of the fourth degree.

(34 Pa.C.S. § 2507)

§ 2508. Protection of institutions, parks and resorts.

(a) General rule.–Subject to the posting requirements of subsection (b), it is unlawful for any person to hunt for or take any game or wildlife or to discharge a firearm or bow of any description into or upon any of the following areas:

(1) The lands, waters or premises of any public or private hospital or sanatorium or health care facility.

(2) The lands, waters or premises of any park or resort set aside for the use of the public where people may congregate in the open for health, recreation or pleasure.

(3) The lands, waters or premises of any publicly owned institution where people are hospitalized, quartered or incarcerated at public expense.

* * *

(c) Exceptions.–Subsection (a) shall not apply to:

(1) Any properly constructed and designated pistol, rifle, shotgun or archery range upon the lands of a hospital, sanatorium, park, resort or other institution.

(2) Any part of the lands of any hospital, sanatorium, park, resort or institution which lie outside of the posted areas and are open to the public for hunting.

(d) Penalty.–A violation of this section is a summary offense of the fourth degree.

(34 Pa.C.S. § 2508)

§ 2510. Littering and restrictions on vehicles.

(a) General rule.–It is unlawful for any person while hunting or furtaking or while on lands or waters open to hunting or furtaking to:

(1) Deposit or leave any garbage, bottles, cartons, containers, glass, paper or other rubbish or debris other than in a place or receptacle maintained for that purpose. The provisions of this paragraph shall not apply to any spent shotgun shell or spent rifle shell casing which is ejected during normal hunting activities.

* * *

(c) Definition.–As used in this section, the term "normal hunting activities" shall not include a circumstance when a person has fired more than six rounds from a stationary position.
(34 Pa.C.S. § 2510)

§ 2521. Incident reports.

(a) General rule.–Every person who causes or is involved in an incident in which a human being is injured by any firearm or bow and arrow while hunting or taking game, wildlife or furbearers or incurs a self-inflicted injury with any firearm or bow and arrow while hunting or taking game, wildlife or furbearers shall render a report to the [Pennsylvania Game] commission at Harrisburg or deliver the report to any officer of the commission on duplicate forms provided for that purpose. The report shall be delivered within 72 hours after the injury. Each 24-hour period thereafter shall constitute a separate offense. If the person is physically incapable of making the required report, it shall be the duty of the person or persons involved in the incident to designate an agent to file the report within the specified time.

(b) Penalty.–

(1) A violation of this section involving a nonfatal incident is a summary offense of the fifth degree.

(2) A violation of this section involving a fatal incident is a summary offense of the fourth degree.

(34 Pa.C.S. § 2521)

§ 2522. Shooting at or causing injury to human beings.

(a) General rule.–It is unlawful for any person while hunting or furtaking, through carelessness or negligence, to shoot at, injure or kill any human being through the use of a firearm, bow and arrow or other deadly weapon.

(b) Penalty.–The penalty to be imposed for any violation of this section shall be determined pursuant to the following classifications:

(1) To shoot at but not hit or injure or to shoot at and cause bodily injury to a human being is a summary offense of the first degree.

(2) To shoot at and cause serious bodily injury to a human being is a misdemeanor of the second degree.

(3) To kill a human being is a misdemeanor of the first degree. Fines imposed against a violator of this paragraph shall be distributed to the next of kin as an asset of the estate of the deceased, other provisions of law to the contrary notwithstanding.

(c) Denial of privileges.–In addition to the penalty imposed pursuant to subsection (b), any person who shoots at, injures or kills a human being shall be denied the privilege to hunt or take game or wildlife anywhere in this Commonwealth, with or without license, for the following

periods:

(1) To shoot at but not hit or injure or to shoot at and cause bodily injury to a human being, the denial shall be for a period of two years.

(2) To shoot at and cause serious bodily injury to a human being, the denial shall be for a period of not less than five years nor more than ten years.

(3) To kill a human being, the denial shall be for a period of 15 years.

(d) Nonpayment of fine.–In addition to any sentence imposed pursuant to subsection (b), any person who fails to pay the fine imposed by this section within 180 days shall undergo imprisonment not in excess of one year or until the fine is paid in full.

(e) Imprisonment for violation of sentence.–It is unlawful for a person to hunt or take game or wildlife or attempt to hunt or take game or wildlife, with or without license, contrary to a sentence imposed under subsection (b). Upon conviction, the person shall be sentenced to undergo imprisonment for a period of not less than three months nor more than six months.

(f) Mandatory hunter education.–Any person whose privilege to hunt or take game is suspended under subsection (c) shall, prior to obtaining a license after the period of suspension, present evidence of the successful completion of a hunter education course as prescribed in section 2704(b) (relating to eligibility for license) taken subsequent to each suspension of the license.

(g) Mandatory vision examination.–Any person whose privilege to hunt or take game is suspended under subsection (c) shall present to the commission [Pennsylvania Game], prior to obtaining a license after the period of suspension, evidence of having taken and the results of a vision examination administered by a licensed ophthalmologist or optometrist subsequent to the suspension of the license. The commission, based on the results of the vision examination, may deny a person a license or place on the license a restriction requiring the person to wear corrective lenses when the person hunts or takes game.

(h) Civil remedies preserved.–Nothing in this section shall bar the recovery of any damages in any civil action by any aggrieved party.

(34 Pa.C.S. § 2522)

§ 2523. Rendering assistance after incidents.

(a) General rule.–It is unlawful for any person who has inflicted injury or witnessed the infliction of injury to a human being with any firearm or bow and arrow, while hunting or furtaking, to flee or to fail or refuse to render immediate and full assistance to the person injured.

(b) Penalties.–

(1) A violation of this section by the person inflicting such injury where a human being is injured but not killed is a misdemeanor of the second degree. In addition to the fine imposed, the defendant forfeits the privilege to hunt or take wildlife anywhere in this Commonwealth, with or without a license, for a period of ten years.

(2) A violation of this section by the person inflicting such injury where a human being is killed is a misdemeanor of the first degree. In addition to the fine imposed, the defendant forfeits the privilege to hunt or take wildlife anywhere within this Commonwealth, with or without a license, for a period of 15 years.

(3) A violation of this section by a person witnessing such injury where a human being is injured but not killed is a summary offense of the third degree.

(4) A violation of this section by a person witnessing such injury where a human being is killed is a summary offense of the first degree.

(5) A person convicted of a second or subsequent violation of this section shall be sentenced to pay a fine of twice the amount of the penalty imposed by this section and, in addition thereto, forfeits the privilege to hunt or take wildlife anywhere in this Commonwealth, with or without a license, for an additional period of ten years.
(34 Pa.C.S. § 2523)

§ 2524. Protective material required.

(a) General rule.–Unless further restricted by regulations of the commission [Pennsylvania Game], every person hunting for or assisting to hunt for deer, bear or woodchucks shall wear either a minimum of 250 square inches of daylight fluorescent orange-colored material on the back and front combined or, in lieu thereof, a hat of the same color material. The material shall be worn so it is visible in a 360-degree arc. Unless otherwise specified by regulations of the commission, the provision of this section shall not apply to any season for using muzzle-loading firearms only or season for using bows and arrows only.

(b) Penalty.–A violation of this section is a summary offense of the fifth degree.
(34 Pa.C.S. § 2524)

§ 2525. Possession of firearm for protection of self or others.

(a) General rule.–It is lawful for a law enforcement officer or any person who possesses a valid license to carry a firearm issued under 18 Pa.C.S. § 6109 (relating to licenses) to be in possession of a loaded or unloaded firearm while engaged in any activity regulated by this title.

(b) Construction.–

(1) This section shall supersede any prohibition on the possession of a firearm or ammunition contained in any other provision of this title.

(2) This subsection shall not be construed to permit the hunting or harvesting of any wildlife with a firearm or ammunition not otherwise permitted by this title.

(c) Definitions.–As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

"Firearm." As defined in 18 Pa.C.S. § 6102 (relating to definitions).

"Law enforcement officer." As defined in 18 Pa.C.S. § 6102 (relating to definitions).
(34 Pa.C.S. § 2525)

§ 2701. License requirements.

* * *

(c) Exception.–Any person who has never held a hunting license in Pennsylvania or any other state may participate in the hunting and trapping activities authorized under this title or commission regulations without compliance with subsection (a) or section 2704 (relating to eligibility for license) if that person satisfies all of the following requirements:

(1) The person who participates in the hunting or trapping activities must always be in sight of and close enough to a licensed hunter who is at least 18 years of age to clearly hear and understand instructions communicated to the person through normal conversation without the aid of any device. The licensed hunter shall have a valid hunting license for the game or wildlife they are hunting or qualify for license and fee exemptions under section 2706 (relating to resident license and fee exemptions).

(2) The unlicensed person may not possess, convey or use any firearm, bow or any other device that may be used to harvest game or furbearers.

(3) The unlicensed person must be in compliance with section 2524 (relating to

protective material required) and with any regulations promulgated by the commission related to protective material.

(4) The unlicensed person who participates in any hunting party shall be listed on any required hunting roster and shall count as a member of the hunting party for purposes of section 2324 (relating to roster of parties hunting big game) and commission regulations relating to big game animal hunting roster and parties hunting small game.

(5) For the purposes of this section, at no time shall a licensed hunter accompany more than one unlicensed person.

(34 Pa.C.S. § 2701)

§ 2704. Eligibility for license.

* * *

(d) Duties of commission.–

* * *

(2) The commission [Pennsylvania Game] may designate any person who the commission determines to be competent to give instruction in the handling of firearms, traps or other devices to act as an instructor. The appointed person shall give the course of instruction and shall issue to each person who successfully completes the course of instruction a certificate of training in the handling of firearms, traps or other devices. No charge shall be made for the course of instruction, except as may be provided by this title or by regulations promulgated under this title.

* * *

(34 Pa.C.S. § 2704)

§ 2711. Unlawful acts concerning licenses.

(a) General rule.–Except as otherwise provided in this title, it is unlawful for any person to:

* * *

(8) Use firearms of any kind or a bow and arrow for the purpose of hunting any game or wildlife or attempting to take or kill any game or wildlife by hunting or trapping if under 12 years of age or when hunting or trapping any game or wildlife or attempting to hunt or trap any game or wildlife if between 12 and 14 years of age, unless accompanied by a parent or a person 18 years of age or older serving in loco parentis or as guardian or some other family member 18 years of age or older or when hunting if between 14 and 16 years of age, unless accompanied by a person 18 years of age or older. For the purpose of this paragraph "accompany" means close enough that verbal instructions and guidance can be easily understood. The provisions of this paragraph shall not apply to section 2363 (relating to trapping exception for certain persons).

* * *

(b) Penalties.–A violation of this subchapter [34 Pa.C.S. Ch. 27 Subch. A (relating to general provisions)] relating to:

* * *

(4) Subsection (a)(6), (7) or (8) is a summary offense of the seventh degree.

* * *

(c) Separate offenses.–Each day of violation or each illegal act constitutes a separate offense.

(34 Pa.C.S. § 2711)

§ 2741. Denial or revocation of licenses.

* * *

(b) Violations.–In addition to any penalty and costs imposed by this title, the commission [Pennsylvania Game] may revoke any hunting or furtaking license and deny any person the privilege to secure a license or to hunt or take furbearers anywhere in this Commonwealth, with or without a license, if the licensee or person:

* * *

(2) Has been accused of having violated any of the following provisions even though such person has not been convicted of a violation of these sections:

Section 2501 (relating to hunting or furtaking prohibited while under influence of alcohol or controlled substance).

Section 2505 (relating to safety zones).

Section 2509 (relating to damage to property).

Section 2522 (relating to shooting at or causing injury to human beings).

Section 2523 (relating to rendering assistance after incidents).

* * *

(34 Pa.C.S. § 2741)

§ 2923. Disabled person permits.

(a) Use of vehicle as a blind.–

* * *

(3) Permittees shall carry the permit upon their person while hunting. Any person named on this permit may hunt while using an automobile or other vehicle as a blind. The permittee shall not use the vehicle to flush or locate game. The vehicle may be used only as a blind or platform from which to shoot. The firearm shall be unloaded at all times while the vehicle is in motion.

* * *

(a.1) Use of motorized wheelchair.--

(1) Unless further restricted by commission regulation, a lifetime permit to hunt from a motorized wheelchair outside of a vehicle may be issued to a person with permanent disabilities who qualified for a hunting license under Chapter 27 or who possesses a junior resident license under section 2705(2) and who has a permanent or irreversible physical disability and is unable to ambulate and requires a wheelchair, walker, one leg brace or external prosthesis above the knee, two leg braces or external prostheses below the knees, two crutches or two canes for mobility.

(2) Permittees shall carry the permit upon their person while hunting. Any person named on this permit may hunt while using a motorized wheelchair and may use the motorized wheelchair to flush or locate game. The firearm may be loaded while the motorized wheelchair is in motion.

* * *

(34 Pa.C.S. § 2923)

§ 2928. Regulated hunting grounds permits.

* * *

(g) Dog training and trials.–Dogs may be trained or field trials may be held at any time of the year upon the premises covered by a regulated hunting grounds permit, and retriever trials may be conducted thereon. All birds killed shall be included in the reported kill. Except during

the open season for shooting, no game birds shall be killed while training dogs or conducting field trials. The special permit required in this title shall first be obtained to conduct a retriever trial thereon at any other period.

* * *

(34 Pa.C.S. § 2928)

§ 2942. Special retriever training areas.

* * *

(c) Shooting untagged birds.–Any untagged birds which are shot or injured shall immediately be delivered to an officer of the [Pennsylvania Game] commission for disposition along with the sum of $50 for each untagged bird killed. This money shall be deposited in the Game Fund.

* * *

(e) Hunter's license not required.–Every person participating in dog training or shooting birds under this section shall not be required to possess a resident or nonresident hunter's license.

* * *

(i) Unlawful acts.–It is unlawful to violate any of the provisions of this section.

(j) Penalty.–A violation of this section is a summary offense of the fifth degree.

(34 Pa.C.S. § 2942)

§ 2944. Field dog trials for retrievers.

* * *

(d) Official gun.–The person or persons designated by the committee in charge to do the shooting for the trials shall be known as the official gun or guns. No other person shall be permitted to kill, or attempt to kill, any of the birds released for the trials. Birds so released may be killed during the closed period without regard to sex or numbers.

* * *

(f) Shooting untagged birds.–Any untagged birds which are shot or injured shall immediately be delivered to an officer of the [Pennsylvania Game] commission for disposition along with the sum of $50 for each untagged bird killed. This money shall be deposited in the Game Fund.

(g) Unlawful acts.–It is unlawful to:

(1) Aid, abet, assist or participate in any trial for dogs without a permit as required in this section.

(2) Aid, abet, assist or participate in any retriever field trial in violation of any other provisions of this section.

(h) Penalty.–A violation of this section is a summary offense of the fifth degree.

(34 Pa.C.S. § 2944)

§ 2945. Fox chasing.

(a) Authorization.–It is lawful during any period designated by the commission [Pennsylvania Game] for any fox hunting club, fox hunting organization or individual owning and using an organized pack of five or more foxhounds to chase foxes for sport by riding after the hounds on horses or ponies after securing a permit from the commission.

(b) Permit.–The director may issue a permit to allow fox chasing by the use of hounds, horses and hole dogs during any period of time that dogs may be trained on foxes within the

county in which the chase is held. Persons participating in any chase authorized by this permit shall not be required to have a furtaking license pursuant to Chapter 27 (relating to hunting and furtaking licenses).

(c) Unlawful acts.–It is unlawful to:

* * *

(2) Kill or attempt to kill any fox being chased by hounds under authority of a fox chasing permit with any gun or device other than the dogs legally being used in the chase.

* * *

(d) Penalty.–A violation of this section is a summary offense of the third degree.

(34 Pa.C.S. § 2945)

§ 7727. Additional limitations on operation [of snowmobile or ATV].

Except as otherwise permitted under Title 34 (relating to game), no person shall:

(1) Operate or ride in any snowmobile or ATV with any bow and arrows or with any firearm in his possession unless it is unstrung or unloaded.

* * *

(75 Pa.C.S. § 7727)

Chapter 11. Low-Level Radioactive Waste Disposal Regional Facilities

Section 502. Content.

The disclosure statement shall include the following:

* * *

(5) A listing and explanation of any civil judgment or judgment of sentence which was rendered within the previous ten years, pursuant to any Federal or State statute, or against any person required to be listed on the disclosure form, except for any violation of 75 Pa.C.S. (relating to vehicles) or offense committed prior to the age of 18 for a natural person unless the natural person was tried as an adult, for the following offenses:

* * *

(xiv) Unlawful manufacture, purchase, use or transfer of firearms.

* * *

(1990, P.L.436, No.107, § 502)

Chapter 12. Innkeepers

Section 3. Innkeepers' rights.

(a) Refusal of accommodations.–An innkeeper shall have the right to refuse or deny any accommodations, facilities or privileges of a lodging establishment to:

* * *

(4) Any person who the innkeeper reasonably believes is bringing into the lodging establishment property which may be dangerous to other persons, such as explosives or illegal firearms.

* * *

(b) Civil liability.–The innkeeper so refusing or denying such accommodations, facilities or privileges of a lodging establishment for any of the reasons specified in subsection (a) shall not be liable in any civil action or for any fine or penalty based on such refusal or denial, except that such accommodations, facilities or privileges of a lodging establishment shall not be refused or

denied based upon the factors set forth in section 3 of the act of October 27, 1955 (P.L.744, No.222), known as the Pennsylvania Human Relations Act.
(1996, P.L.732, No.131, § 3)

Chapter 13. Mentally Ill Persons

Section 109. Mental Health Review Officer.–* * *

(d) Notwithstanding any statute to the contrary, judges of the courts of common pleas, mental health review officers and county mental health and mental retardation administrators shall notify the Pennsylvania State Police on a form developed by the Pennsylvania State Police of the identity of any individual who has been adjudicated incompetent or who has been involuntarily committed to a mental institution for inpatient care and treatment under this act [the Mental Health Procedures Act] or who has been involuntarily treated as described under 18 Pa.C.S. § 6105(c)(4) (relating to persons not to possess, use, manufacture, control, sell or transfer firearms). The notification shall be transmitted by the judge, mental health review officer or county mental health and mental retardation administrator within seven days of the adjudication, commitment or treatment. Notwithstanding any statute to the contrary, county mental health and mental retardation administrators shall notify the Pennsylvania State Police on a form developed by the Pennsylvania State Police of the identity of any individual who before the effective date of this act had been adjudicated incompetent or had been involuntarily committed to a mental institution for inpatient care treatment under this act or had been involuntarily treated as described in 18 Pa.C.S. § 6105(c)(4).
(1976, P.L.817, No.143, § 109)

Section 111. Confidentiality of Records.–* * *

(b) This section shall not restrict judges of the courts of common pleas, mental health review officers and county mental health and mental retardation administrators from disclosing information to the Pennsylvania State Police or the Pennsylvania State Police from disclosing information to any person, in accordance with the provisions of 18 Pa.C.S. § 6105(c)(4) (relating to persons not to possess, use, manufacture, control, sell or transfer firearms).
(1976, P.L.817, No.143, § 111)

Chapter 14. Retired Law Enforcement Officers

Section 2. Legislative findings.

The General Assembly finds as follows:

(1) On July 22, 2004, the President of the United States signed the Law Enforcement Officers Safety Act of 2004, 18 U.S.C. §§ 926B (relating to carrying of concealed firearms by qualified law enforcement officers) and 926C (relating to carrying of concealed firearms by qualified retired law enforcement officers), which authorized certain current and retired law enforcement officers, if they so choose, to carry a concealed firearm.

(2) Section 3 of the Law Enforcement Officers Safety Act of 2004, 18 U.S.C. § 926C, requires qualified retired law enforcement officers to have photographic identification identifying them as a retired law enforcement officer.

(3) The Law Enforcement Officers Safety Act of 2004 requires retired law enforcement officers to maintain an annual qualification with their firearm and possess either identification or a certificate which indicates such qualification.

(4) Pennsylvania law does not currently provide for photographic identification of retired law enforcement officers.

(5) Pennsylvania law does not currently provide for annual firearms qualification by retired law enforcement officers.

(6) It is in the interests of the Commonwealth to establish uniform identification cards and qualification cards for retired law enforcement officers and a method of conducting annual firearms qualifications for such individuals.

(2005, P.L.432, No.79, § 2)

Section 3. Definitions.

The following words and phrases when used in this act shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Certified law enforcement firearm instructor." Any individual who possesses a current police firearms instructor rating from the National Rifle Association, the Pennsylvania State Police, the Municipal Police Officers' Education and Training Commission, the Deputy Sheriffs' Education and Training Board, the Federal Bureau of Investigation, the Smith & Wesson Academy, the Philadelphia Police Academy or the United States Secret Service or other certification approved by the Municipal Police Officers' Education and Training Commission.

"Commission." The Municipal Police Officers' Education and Training Commission established in 53 Pa.C.S. Ch. 21 Subch. D (relating to municipal police education and training).

"Commonwealth's standards for training and qualification for active law enforcement officers to carry a firearm." The standards established by the law enforcement agency from which an officer retired or by the Municipal Police Officers' Education and Training Commission for training and qualification to carry a firearm of the same type as the concealed firearm, provided that the commission does not charge a fee to certified law enforcement firearm instructors and officers for the standards, whether access to the standards is given through the Internet or some other form of publication.

"Identification card." A retired law enforcement officer identification card authorized under section 4 (relating to retired law enforcement identification card).

"Qualification card." A valid firearm training and qualification card authorized under section 5 (relating to firearm training and qualification card). When carried with an identification card, a qualification card shall constitute a Pennsylvania license to carry a firearm.

"Retired law enforcement officer" or "officer." A qualified retired law enforcement officer as defined in 18 U.S.C. § 926C(c) (relating to carrying of concealed firearms by qualified retired law enforcement officers).

(2005, P.L.432, No.79, § 3)

Section 4. Retired law enforcement identification card.

(a) General rule.–Subject to the payment of the fee, if any, imposed under subsection (c):

(1) A law enforcement agency shall provide each officer, upon retirement, with a retired law enforcement identification card.

(2) At any time after an officer retires, upon request of the officer, a law enforcement agency shall provide the retired law enforcement officer with a retired law enforcement identification card.

(b) Contents.–Identification cards shall be uniform throughout this Commonwealth and on a form prescribed by the commission. The identification card shall bear the following:

(1) The photograph of the retired law enforcement officer.

(2) The name, address, date of birth, race, sex, height, weight, color of hair, color of eyes and signature of the retired law enforcement officer.

(3) The signature of the law enforcement officer issuing the identification card.

(4) The name, telephone number and address of the law enforcement agency issuing the card.

(5) Any other information designated by the commission.

(c) Fees.–A law enforcement agency may charge a reasonable fee, not to exceed $15, for each identification card.

(2005, P.L.432, No.79, § 4)

Section 5. Firearm training and qualification card.

(a) General rule.–A retired law enforcement officer shall be eligible for a qualification card if the law enforcement officer either:

(1) resides in this Commonwealth; or

(2) retired from a law enforcement agency of this Commonwealth or any political subdivision thereof.

(b) Contents.–Qualification cards shall be issued to indicate compliance with the Commonwealth's standards for training and qualification for active law enforcement officers to carry a firearm. The qualification cards shall be uniform throughout this Commonwealth and on a form prescribed by the commission. The qualification card shall bear the following:

(1) The name, address, date of birth, race, sex, height, weight, color of hair, color of eyes and signature of the retired law enforcement officer.

(2) The date of completion of the most recent firearms training and qualification by the retired law enforcement officer.

(3) An expiration date 12 months later than the date of completion under paragraph (2).

(4) The name and signature of the certified law enforcement firearms instructor issuing the qualification card.

(5) The name and signature of a sheriff.

(6) A confirmation number provided by the sheriff who signed the qualification card.

(7) A brief description of the duty to surrender a qualification card pursuant to section 6, including a space for the mailing address designated by the sheriff. The sheriff shall add the mailing address in the space provided.

(8) Any other information designated by the commission.

Qualification cards shall not contain a photograph of the retired law enforcement officer.

(c) Issuing authorization.–Any certified law enforcement firearms instructor may issue a qualification card to a retired law enforcement officer who has met the Commonwealth's standards for training and qualification for active law enforcement officers to carry a firearm.

(d) Confirmation number.–A qualification card shall not be valid without a confirmation number. A confirmation number shall be a unique approval number provided by the Pennsylvania State Police to the sheriff. For the purposes of obtaining a unique approval number, a sheriff shall request a criminal history record, juvenile delinquency record and mental health check of the officer from the Pennsylvania State Police each time a new qualification number is requested. For each request, the sheriff shall collect a fee equivalent to the cost of providing the service but not to exceed $5 per request. The fees collected shall be transmitted to the Pennsylvania State Police within 14 days of collection. The sheriff shall keep a copy of the unique approval number.

(e) Blank qualification cards.–The commission shall make available blank qualification cards for use by certified law enforcement firearms instructors and may charge a reasonable fee, not to exceed $2, for each blank qualification card.

(f) Immunity.–A sheriff who complies in good faith with this section shall be immune from liability resulting or arising from the action or misconduct with a firearm committed by an officer who has been provided a confirmation number from the sheriff.

(g) Definition.–For the purposes of this section, the term "sheriff" shall mean:

(1) the sheriff of a county; or

(2) in a city of the first class, the chief or head of the police department.

(2005, P.L.432, No.79, § 5)

Section 6. Return of qualification card.

(a) Duty to surrender.–

(1) If a retired law enforcement officer becomes legally ineligible to receive, possess, use, manufacture, control, sell or transfer a firearm, the individual shall surrender his qualification card within five days to the sheriff who provided the confirmation number under section 5.

(2) A qualification card shall be deemed timely mailed if it is sent by certified mail and postmarked within the five-day period.

(3) The sheriff shall designate one address for the receipt of surrendered qualification cards by mail.

(4) Within ten days of the surrender of a qualification card, the sheriff shall notify the Pennsylvania State Police by electronic mail or facsimile of the identity of the officer who has surrendered the qualification card.

(b) Violation.–An individual who knowingly and intentionally fails to surrender his qualification card as provided in subsection (a) commits an offense.

(c) Grading.–An offense under subsection (b) constitutes a summary offense.

(2005, P.L.432, No.79, § 6)

PART VI
CRIMES AND OFFENSES

(NOTE: Additional sections dealing with crimes and offenses can be found under the specific topics to which they relate.)

Chapter 1. Uniform Firearms Act Violations

§ 6103. Crimes committed with firearms.

If any person commits or attempts to commit a crime enumerated in section 6105 (relating to persons not to possess, use, manufacture, control, sell or transfer firearms) when armed with a firearm contrary to the provisions of [the Uniform Firearms Act], that person may, in addition to the punishment provided for the crime, also be punished as provided by [the Uniform Firearms Act].

(18 Pa.C.S. § 6103)

§ 6104. Evidence of intent.

In the trial of a person for committing or attempting to commit a crime enumerated in section 6105 (relating to persons not to possess, use, manufacture, control, sell or transfer firearms), the fact that that person was armed with a firearm, used or attempted to be used, and had no license to carry the same, shall be evidence of that person's intention to commit the offense.

(18 Pa.C.S. § 6104)

§ 6105. Persons not to possess, use, manufacture, control, sell or transfer firearms.

(a) Offense defined.–

(1) A person who has been convicted of an offense enumerated in subsection (b), within or without this Commonwealth, regardless of the length of sentence or whose conduct meets the criteria in subsection (c) shall not possess, use, control, sell, transfer or manufacture or obtain a license to possess, use, control, sell, transfer or manufacture a firearm in this Commonwealth.

(2) (i) A person who is prohibited from possessing, using, controlling, selling, transferring or manufacturing a firearm under paragraph (1) or subsection (b) or (c) shall have a reasonable period of time, not to exceed 60 days from the date of the imposition of the disability under this subsection, in which to sell or transfer that person's firearms to another eligible person who is not a member of the prohibited person's household.

(ii) This paragraph shall not apply to any person whose disability is imposed pursuant to subsection (c)(6).

(a.1) Penalty.

(1) A person convicted of a felony enumerated under subsection (b) or a felony 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, who violates subsection (a) commits a felony of the second degree.

(2) A person who is the subject of an active protection from abuse order issued pursuant to 23 Pa.C.S. § 6108 (relating to relief), which order provided for the relinquishment of firearms, other weapons or ammunition during the period of time the order is in effect, commits a misdemeanor of the first degree if he intentionally or knowingly fails to relinquish a firearm, other weapon or ammunition to the sheriff as required by the order unless, in lieu of relinquishment, he provides an affidavit which lists the firearms, other weapons or ammunition to the sheriff in accordance with either 23 Pa.C.S. § 6108(a)(7)(i)(B), 6108.2 (relating to relinquishment for consignment sale, lawful transfer or safekeeping) or 6108.3 (relating to relinquishment to third party for safekeeping).

(3) (i) A person commits a misdemeanor of the third degree if he intentionally or knowingly accepts possession of a firearm, other weapon or ammunition from a person he knows is the subject of an active protection from abuse order issued pursuant to 23 Pa.C.S. § 6108, which order provided for the relinquishment of the firearm, other weapon or ammunition during the period of time the order is in effect.

(ii) This paragraph shall not apply to:

(A) a third party who accepts possession of a firearm, other weapon or ammunition relinquished pursuant to 23 Pa.C.S. § 6108.3; or

(B) a dealer licensed pursuant to section 6113 (relating to licensing of dealers) or subsequent purchaser from a dealer licensed pursuant to section

6113, who accepts possession of a firearm, other weapon or ammunition relinquished pursuant to 23 Pa.C.S. § 6108.2.

(4) It shall be an affirmative defense to any prosecution under paragraph (3) that the person accepting possession of a firearm, other weapon or ammunition in violation of paragraph (3):

(i) notified the sheriff as soon as practicable that he has taken possession; and

(ii) relinquished possession of any firearm, other weapon or ammunition possessed in violation of paragraph (3) as directed by the sheriff.

(5) A person who has accepted possession of a firearm, other weapon or ammunition pursuant to 23 Pa.C.S. § 6108.3 commits a misdemeanor of the first degree if he intentionally or knowingly returns a firearm, other weapon or ammunition to a defendant or intentionally or knowingly allows a defendant to have access to the firearm, other weapon or ammunition prior to either of the following:

(i) The sheriff accepts return of the safekeeping permit issued to the party pursuant to 23 Pa.C.S. § 6108.3(d)(1)(i).

(ii) The issuance of a court order pursuant to subsection (f)(2) or 23 Pa.C.S. § 6108.1(b) (relating to return of relinquished firearms, other weapons and ammunition and additional relief) which modifies a valid protection from abuse order issued pursuant to 23 Pa.C.S. § 6108, which order provided for the relinquishment of the firearm, other weapon or ammunition by allowing the defendant to take possession of the firearm, other weapon or ammunition that had previously been ordered relinquished.

(b) Enumerated offenses.–The following offenses shall apply to subsection (a):

Section 908 (relating to prohibited offensive weapons).

Section 911 (relating to corrupt organizations).

Section 912 (relating to possession of weapon on school property).

Section 2502 (relating to murder).

Section 2503 (relating to voluntary manslaughter).

Section 2504 (relating to involuntary manslaughter) if the offense is based on the reckless use of a firearm.

Section 2702 (relating to aggravated assault).

Section 2703 (relating to assault by prisoner).

Section 2704 (relating to assault by life prisoner).

Section 2709.1 (relating to stalking).

Section 2716 (relating to weapons of mass destruction).

Section 2901 (relating to kidnapping).

Section 2902 (relating to unlawful restraint).

Section 2910 (relating to luring a child into a motor vehicle or structure).

Section 3121 (relating to rape).

Section 3123 (relating to involuntary deviate sexual intercourse).

Section 3125 (relating to aggravated indecent assault).

Section 3301 (relating to arson and related offenses).

Section 3302 (relating to causing or risking catastrophe).

Section 3502 (relating to burglary).

Section 3503 (relating to criminal trespass) if the offense is graded a felony of the second degree or higher.

Section 3701 (relating to robbery).

Section 3702 (relating to robbery of motor vehicle).

Section 3921 (relating to theft by unlawful taking or disposition) upon conviction of the second felony offense.

Section 3923 (relating to theft by extortion) when the offense is accompanied by threats of violence.

Section 3925 (relating to receiving stolen property) upon conviction of the second felony offense.

Section 4906 (relating to false reports to law enforcement authorities) if the fictitious report involved the theft of a firearm as provided in section 4906(c)(2).

Section 4912 (relating to impersonating a public servant) if the person is impersonating a law enforcement officer.

Section 4952 (relating to intimidation of witnesses or victims).

Section 4953 (relating to retaliation against witness or victim).

Section 5121 (relating to escape).

Section 5122 (relating to weapons or implements for escape).

Section 5501(3) (relating to riot).

Section 5515 (relating to prohibiting of paramilitary training).

Section 5516 (relating to facsimile weapons of mass destruction).

Section 6110.1 (relating to possession of firearm by minor).

Section 6301 (relating to corruption of minors).

Section 6302 (relating to sale or lease of weapons and explosives).

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.

(c) Other persons.–In addition to any person who has been convicted of any offense listed under subsection (b), the following persons shall be subject to the prohibition of subsection (a):

(1) A person who is a fugitive from justice. This paragraph does not apply to an individual whose fugitive status is based upon a nonmoving or moving summary offense under Title 75 (relating to vehicles).

(2) A person who 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.

(3) A person who 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 subsection (a) shall only apply to transfers or purchases of firearms after the third conviction.

(4) A person who 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. This paragraph shall not apply to any proceeding under section 302 of the Mental Health Procedures Act unless the examining physician has issued a certification that inpatient care was necessary or that the person was committable.

(5) A person who, being an alien, is illegally or unlawfully in the United States.

(6) A person who is the subject of an active protection from abuse order issued

pursuant to 23 Pa.C.S. § 6108, which order provided 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.

(7) A person who 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 sections 2502, 2503, 2702., 2703 (relating to assault by prisoner), 2704, 2901, 3121, 3123, 3301, 3502, 3701 and 3923.

(8) A person who 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 subsection (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) A person who is prohibited from possessing or acquiring a firearm under 18 U.S.C. § 922(g)(9) (relating to unlawful acts). 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.

(d) Exemption.–A person who has been convicted of a crime specified in subsection (a) or (b) or a person whose conduct meets the criteria in subsection (c)(1), (2), (5), (7) or (9) may make application to the court of common pleas of the county where the principal residence of the applicant is situated for relief from the disability imposed by this section upon the possession, transfer or control of a firearm. The court shall grant such relief if it determines that any of the following apply:

(1) The conviction has been vacated under circumstances where all appeals have been exhausted or where the right to appeal has expired.

(2) The conviction has been the subject of a full pardon by the Governor.

(3) Each of the following conditions is met:

(i) The Secretary of the Treasury of the United States has relieved the applicant of an applicable disability imposed by Federal law upon the possession, ownership or control of a firearm as a result of the applicant's prior conviction, except that the court may waive this condition if the court determines that the Congress of the United States has not appropriated sufficient funds to enable the Secretary of the Treasury to grant relief to applicants eligible for the relief.

(ii) A period of ten years, not including any time spent in incarceration, has elapsed since the most recent conviction of the applicant of a crime enumerated in subsection (b) , a felony violation of The Controlled Substance, Drug, Device and Cosmetic Act or the offense which resulted in the prohibition under 18 U.S.C. § 922(g)(9).

(e) Proceedings.–

(1) If a person convicted of an offense under subsection (a), (b) or (c)(1), (2), (5), (7) or (9) makes application to the court, a hearing shall be held in open court to determine whether the requirements of this section have been met. The commissioner and the district attorney of the county where the application is filed and any victim or survivor of a victim of the offense upon which the disability is based may be parties to the proceeding.

(2) Upon application to the court of common pleas pursuant to paragraph (1) by an applicant who is subject to the prohibition under subsection (c)(3), the court shall grant such relief if a period of ten years, not including any time spent in incarceration, has passed since the applicant's most recent conviction under subsection (c)(3).

(f) Other exemptions and proceedings.–

(1) Upon application to the court of common pleas under this subsection by an applicant subject to the prohibitions under subsection (c)(4), the court may grant such relief as it deems appropriate if the court determines that the applicant may possess a firearm without risk to the applicant or any other person.

(2) If application is made under this subsection for relief from the disability imposed under subsection (c)(6), notice of such application shall be given to the person who had petitioned for the protection from abuse order, and such person shall be a party to the proceedings. Notice of any court order or amendment to a court order restoring firearms possession or control shall be given to the person who had petitioned for the protection from abuse order, to the sheriff and to the Pennsylvania State Police. The application and any proceedings on the application shall comply with 23 Pa.C.S. Ch. 61 (relating to protection from abuse).

(3) All hearings conducted under this subsection shall be closed unless otherwise requested to be open by the applicant.

(4) (i) The owner of any seized or confiscated firearms or of any firearms ordered relinquished under 23 Pa.C.S. § 6108 shall be provided with a signed and dated written receipt by the appropriate law enforcement agency. This receipt shall include, but not limited to, a detailed identifying description indicating the serial number and condition of the firearm. In addition, the appropriate law enforcement agency shall be liable to the lawful owner of said confiscated, seized or relinquished firearm for any loss, damage or substantial decrease in value of said firearm that is a direct result of a lack of reasonable care by the appropriate law enforcement agency.

(ii) Firearms shall not be engraved or permanently marked in any manner, including, but not limited to, engraving of evidence or other identification numbers. Unless reasonable suspicion exists to believe that a particular firearm has been used in the commission of a crime, no firearm shall be test fired. Any reduction in the value of a firearm due to test firing, engraving or permanently marking in violation of this paragraph shall be considered damage, and the law enforcement agency shall be liable to the lawful owner of the firearm for the reduction in value caused by the test firing, engraving or permanently marking.

(iii) For purposes of this paragraph, the term "firearm" shall include any scope, sight, bipod, sling, light, magazine, clip, ammunition or other firearm accessory attached to or seized, confiscated or relinquished with a firearm.

(g) Other restrictions.–Nothing in this section shall exempt a person from a disability in relation to the possession or control of a firearm which is imposed as a condition of probation or parole or which is imposed pursuant to the provision of any law other than this section.

(h) License prohibition.–Any person who is prohibited from possessing, using, controlling, selling, purchasing, transferring or manufacturing any firearm under this section shall not be eligible for or permitted to obtain a license to carry a firearm under section 6109 (relating to licenses).

(i) Firearm.–As used in this section only, the term "firearm" shall include any weapons which are designed to or may readily be converted to expel any projectile by the action of an explosive or the frame or receiver of any such weapon.

(j) Copy of order to State Police.–If the court grants relief from the disabilities imposed under this section, a copy of the order shall be sent by the prothonotary within ten days of the entry of the order to the Pennsylvania State Police and shall include the name, date of birth and Social Security number of the individual.

(18 Pa.C.S. § 6105)

§ 6105.1. Restoration of firearm rights for offenses under prior laws of this Commonwealth.

(a) Restoration.–A person convicted of a disabling offense may make application to the court of common pleas in the county where the principal residence of the applicant is situated for restoration of firearms rights. The court shall grant restoration of firearms rights after a hearing in open court to determine whether the requirements of this section have been met unless:

(1) the applicant has been convicted of any other offense specified in section 6105(a) or (b) (relating to persons not to possess, use, manufacture, control, sell or transfer firearms) or the applicant's conduct meets the criteria in section 6105(c)(1), (2), (3), (4), (5), (6) or (7);

(2) the applicant has been convicted of any other crime punishable by imprisonment exceeding one year as defined in section 6102 (relating to definitions); or

(3) the applicant's character and reputation is such that the applicant would be likely to act in a manner dangerous to public safety.

(b) Notice and standing.–

(1) Notice of an application for restoration of firearms rights shall be provided to the Pennsylvania State Police, the district attorney of the county where the disabling offense occurred and the district attorney of the county where the application is filed. The district attorney of the county where the application is filed, the district attorney of the county where the disabling offense occurred and the Pennsylvania State Police may, at their option, be parties to the proceeding.

(2) Notwithstanding paragraph (1), the standing of the Pennsylvania State Police as a party to a proceeding under this section shall be limited to determinations of whether the offense meets the definition of the phrase "disabling offense" or whether the provisions of subsection (a)(1) and (2) have been satisfied.

(c) Copy of order to Pennsylvania State Police.–If the court grants restoration of firearms rights to an applicant, a copy of the order shall be sent by the prothonotary within ten days of the entry of the order to the district attorneys and the Pennsylvania State Police, Firearms Division, and shall include the name, date of birth and Social Security number of the applicant.

(d) Expungement and pardon.–A restoration of firearms rights under this section shall not result in the expungement of any criminal history record information nor will it constitute a gubernatorial pardon.

(e) Definitions.–As used in this section, the following words and phrases shall have the

meanings given to them in this subsection:

"Disabling offense." A conviction for any offense which:

(1) resulted in a Federal firearms disability and is substantially similar to either an offense currently graded as a crime punishable by a term of imprisonment for not more than two years or conduct which no longer constitutes a violation of law; and

(2) was a violation of either of the following:

(i) the former act of May 1, 1929 (P.L.905, No.403), known as The Vehicle Code, or the former act of April 29, 1959 (P.L.58, No.32), known as The Vehicle Code; or

(ii) the former act of June 24, 1939 (P.L.872, No.375), known as the Penal Code.

The definition shall not include any offense which, if committed under contemporary standards, would constitute a misdemeanor of the second degree or greater under section 2701 (relating to simple assault) and was committed by a current or former spouse, parent or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, parent or guardian or by a person similarly situated to a spouse, parent or guardian of the victim.

"Restoration of firearms rights." Relieving any and all disabilities with respect to a person's right to own, possess, use, control, sell, purchase, transfer, manufacture, receive, ship or transport firearms, including any disabilities imposed pursuant to this subchapter. The phrase shall also mean the restoration of the right to vote, to hold public office and to serve on a jury.

(18 Pa.C.S. § 6105.1)

§ 6106.1. Carrying loaded weapons other than firearms.

(a) General rule.–Except as provided in Title 34 (relating to game), no person shall carry a loaded pistol, revolver, shotgun or rifle, other than a firearm as defined in section 6102 (relating to definitions), in any vehicle. The provisions of this section shall not apply to persons excepted from the requirement of a license to carry firearms under section 6106(b)(1), (2), (5) or (6) (relating to firearms not to be carried without a license) nor shall the provisions of this section be construed to permit persons to carry firearms in a vehicle where such conduct is prohibited by section 6106.

(b) Penalty.–A person who violates the provisions of this section commits a summary offense.

(18 Pa.C.S. § 6106.1)

§ 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).

(18 Pa.C.S. § 6108)

§ 6110.2. Possession of firearm with altered manufacturer's number.

(a) General rule.–No person shall possess a firearm which has had the manufacturer's number integral to the frame or receiver altered, changed, removed or obliterated.

(b) Penalty.–A person who violates this section commits a felony of the second degree.

(c) Definition.–As used in this section, the term "firearm" shall have the same meaning as that term is defined in section 6105(i) (relating to persons not to possess, use, manufacture, control, sell or transfer firearms), except that the term shall not include antique firearms as defined in section 6118 (relating to antique firearms).
(18 Pa.C.S. § 6110.2)

§ 6115. Loans on, or lending or giving firearms prohibited.

(a) Offense defined.–No person shall make any loan secured by mortgage, deposit or pledge of a firearm, nor, except as provided in subsection (b), shall any person lend or give a firearm to another or otherwise deliver a firearm contrary to the provisions of [the Uniform Firearms Act].

(b) Exception.–

(1) Subsection (a) shall not apply if any of the following apply:

(i) The person who receives the firearm is licensed to carry a firearm under section 6109 (relating to licenses).

(ii) The person who receives the firearm is exempt from licensing.

(iii) The person who receives the firearm is engaged in a hunter safety program certified by the Pennsylvania Game Commission or a firearm training program or competition sanctioned or approved by the National Rifle Association.

(iv) The person who receives the firearm meets all of the following:

(A) Is under 18 years of age.

(B) Pursuant to section 6110.1 (relating to possession of firearm by minor) is under the supervision, guidance and instruction of a responsible individual who:

(I) is 21 years of age or older; and

(II) is not prohibited from owning or possessing a firearm under section 6105 (relating to persons not to possess, use, manufacture, control, sell or transfer firearms).

(v) The person who receives the firearm is lawfully hunting or trapping and is in compliance with the provisions of Title 34 (relating to game).

(vi) A bank or other chartered lending institution is able to adequately secure firearms in its possession.

(2) Nothing in this section shall be construed to prohibit the transfer of a firearm under 20 Pa.C.S. Ch. 21 (relating to intestate succession) or by bequest if the individual receiving the firearm is not precluded from owning or possessing a firearm under section 6105.

(3) Nothing in this section shall be construed to prohibit the loaning or giving of a firearm to another in one's dwelling or place of business if the firearm is retained within the dwelling or place of business.

(4) Nothing in this section shall prohibit the relinquishment of firearms to a third party in accordance with 23 Pa.C.S. § 6108.3 (relating to relinquishment to third party for safekeeping).

(18 Pa.C.S. § 6115)

§ 6117. Altering or obliterating marks of identification.

(a) Offense defined.–No person shall change, alter, remove, or obliterate the manufacturer's number integral to the frame or receiver of any firearm which shall have the same

meaning as provided in section 6105 (relating to persons not to possess, use, manufacture, control, sell or transfer firearms).

* * *

(c) Penalty.–A violation of this section constitutes a felony of the second degree.
(18 Pa.C.S. § 6117)

§ 6119. Violation penalty.

Except as otherwise specifically provided, an offense under this subchapter [the Uniform Firearms Act] constitutes a misdemeanor of the first degree.
(18 Pa.C.S. § 6119)

§ 6121. Certain bullets prohibited.

(a) Offense defined.–It is unlawful for any person to possess, use or attempt to use a KT. Teflon-coated bullet or other armor-piercing ammunition while committing or attempting to commit a crime of violence as defined in section 6102 (relating to definitions).

(b) Grading.–An offense under this section constitutes a felony of the third degree.

(c) Sentencing.–Any person who is convicted in any court of this Commonwealth of a crime of violence and who uses or carries, in the commission of that crime, a firearm loaded with KT. ammunition or any person who violates this section shall, in addition to the punishment provided for the commission of the crime, be sentenced to a term of imprisonment for not less than five years. Notwithstanding any other provision of law, the court shall not suspend the sentence of any person convicted of a crime subject to this subsection nor place him on probation nor shall the term of imprisonment run concurrently with any other term of imprisonment including that imposed for the crime in which the KTV ammunition was being used or carried. No person sentenced under this subsection shall be eligible for parole.

(d) Definition.–As used in this section the term "armor-piercing ammunition" means ammunition which, when or if fired from any firearm as defined in section 6102 that is used or attempted to be used in violation of subsection (a) under the test procedure of the National Institute of Law Enforcement and Criminal Justice Standard for the Ballistics Resistance of Police Body Armor promulgated December 1978, is determined to be capable of penetrating bullet-resistant apparel or body armor meeting the requirements of Type IIA of Standard NILECJ-STD-0101.01 as formulated by the United States Department of Justice and published in December of 1978.
(18 Pa.C.S. § 6121)

§ 6127. Firearm tracing.

(a) Illegal possession.–Upon recovering a firearm from the possession of anyone under 21 years of age who is not permitted by Federal or State law to possess a firearm, a local law enforcement agency shall use the best available information, including a firearms trace where necessary, to determine how and from where the person under 21 years of age gained possession of the firearm.

(b) Tracing.–Local law enforcement shall use the National Tracing Center of the Federal Bureau of Alcohol, Tobacco, Firearms and Explosives in complying with subsection (a).

(c) Notification.–Local law enforcement agencies shall advise the Pennsylvania State Police of all firearms that are recovered in accordance with this section.
(18 Pa.C.S. § 6127)

§ 6142. Locking device for firearms.

(a) Offense defined.–It shall be unlawful for any licensee to sell, deliver or transfer any firearm as defined in section 6102 (relating to definitions), other than an antique firearm as defined in section 6118 (relating to antique firearms), to any other person, other than another licensee, unless the transferee is provided with or purchases a locking device for that firearm or the design of the firearm incorporates a locking device.

(b) Exceptions.–Firearms for transfer to or possession by any law enforcement officer employed by any Federal, State or local government entity or rail police employed and certified by a rail carrier as a police officer are not subject to the provisions of this section.

(c) Penalties.–A violation of the provisions of this section shall be a summary offense.

(d) Good faith compliance.–A licensee who in good faith complies with this section shall not be civilly liable as a result of such compliance with this section, except for any acts or omissions intentionally designed to harm or for grossly negligent acts or omissions which result in harm.

(e) A transferee's purchase or receipt of a locking device in conjunction with the purchase of a firearm pursuant to this section shall not be admissible as evidence in any civil action brought against the transferee.

(f) Definitions.–As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

"Licensee." Any licensed manufacturer, importer or dealer of firearms.

"Locking device." Either of the following:

(1) a device that, when installed on a firearm, is designed to prevent the firearm from being operated without first deactivating the device; or

(2) a device that is incorporated into the design of a firearm and that is designed to prevent the operation of the firearm by anyone not having access to the device.

(18 Pa.C.S. § 6142)

Chapter 2. Crimes and Offenses Generally

§ 505. Use of force in self-protection.

* * *

(b) Limitations on justifying necessity for use of force.--

* * *

(2) The use of deadly force is not justifiable under this section unless the actor believes that such force is necessary to protect himself against death, serious bodily injury, kidnapping or sexual intercourse compelled by force or threat; nor is it justifiable if:

(i) the actor, with the intent of causing death or serious bodily injury, provoked the use of force against himself in the same encounter; or

(ii) the actor knows that he can avoid the necessity of using such force with complete safety by retreating, except the actor is not obliged to retreat from his dwelling or place of work, unless he was the initial aggressor or is assailed in his place of work by another person whose place of work the actor knows it to be.

(2.1) Except as otherwise provided in paragraph (2.2), an actor is presumed to have a reasonable belief that deadly force is immediately necessary to protect himself against death, serious bodily injury, kidnapping or sexual intercourse compelled by force or threat if both of the following conditions exist:

(i) The person against whom the force is used is in the process of unlawfully

and forcefully entering, or has unlawfully and forcefully entered and is present within, a dwelling, residence or occupied vehicle; or the person against whom the force is used is or is attempting to unlawfully and forcefully remove another against that other's will from the dwelling, residence or occupied vehicle.

(ii) The actor knows or has reason to believe that the unlawful and forceful entry or act is occurring or has occurred.

(2.3) An actor who is not engaged in a criminal activity , who is not in illegal possession of a firearm and who is attacked in any place where the actor would have a duty to retreat under paragraph (2)(ii) has no duty to retreat and has the right to stand his ground and use force, including deadly force, if:

(i) the actor has a right to be in the place where he was attacked;

(ii) the actor believes it is immediately necessary to do so to protect himself against death, serious bodily injury, kidnapping or sexual intercourse by force or threat; and

(iii) the person against whom the force is used displays or otherwise uses:

(A) a firearm or replica of a firearm as defined in 42 Pa.C.S. § 9712 (relating to sentences for offenses committed with firearms); or

(B) any other weapon readily or apparently capable of lethal use.

* * *

(18 Pa.C.S. § 505)

§ 907. Possessing instruments of crime.

* * *

(b) Possession of weapon.–A person commits a misdemeanor of the first degree if he possesses a firearm or other weapon concealed upon his person with intent to employ it criminally.

* * *

(d) Definitions.–As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

* * *

"Weapon." Anything readily capable of lethal use and possessed under circumstances not manifestly appropriate for lawful uses which it may have. The term includes a firearm which is not loaded or lacks a clip or other component to render it immediately operable, and components which can readily be assembled into a weapon.

(18 Pa.C.S. § 907)

§ 908. Prohibited offensive weapons.

(a) Offense defined.–A person commits a misdemeanor of the first degree if, except as authorized by law, he makes repairs, sells, or otherwise deals in, uses, or possesses any offensive weapon.

(b) Exceptions.–

(1) It is a defense under this section for the defendant to prove by a preponderance of evidence that he possessed or dealt with the weapon solely as a curio or in a dramatic performance, or that, with the exception of a bomb, grenade or incendiary device, he complied with the National Firearms Act (26 U.S.C. § 5801 et seq.), or that he possessed it briefly in consequence of having found it or taken it from an aggressor, or under circumstances similarly negativing any intent or likelihood that the weapon would be used

unlawfully.

(2) This section does not apply to police forensic firearms experts or police forensic firearms laboratories. Also exempt from this section are forensic firearms experts or forensic firearms laboratories operating in the ordinary course of business and engaged in lawful operation who notify in writing, on an annual basis, the chief or head of any police force or police department of a city, and, elsewhere, the sheriff of a county in which they are located, of the possession, type and use of offensive weapons.

* * *

(c) Definitions.–As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

"Firearm." Any weapon which is designed to or may readily be converted to expel any projectile by the action of an explosive or the frame or receiver of any such weapon.

"Offensive weapons." Any bomb, grenade, machine gun, sawed-off shotgun with a barrel less than 18 inches, firearm specially made or specially adapted for concealment or silent discharge, any blackjack, sandbag, metal knuckles, dagger, knife, razor or cutting instrument, the blade of which is exposed in an automatic way by switch, push-button, spring mechanism, or otherwise, any stun gun, stun baton, taser or other electronic or electric weapon or other implement for the infliction of serious bodily injury which serves no common lawful purpose.

(d) Exemptions.–The use and possession of blackjacks by the following persons in the course of their duties are exempt from this section:

(1) Police officers, as defined by and who meet the requirements of the act of June 18, 1974 (P.L.359, No.120), referred to as the Municipal Police Education and Training Law.

(2) Police officers of first class cities who have successfully completed training which is substantially equivalent to the program under the Municipal Police Education and Training Law.

(18 Pa.C.S. § 908)

§ 908.1. Use or possession of electric or electronic incapacitation device.

* * *

(c) Prohibited possession.–No person prohibited from possessing a firearm pursuant to section 6105 (relating to persons not to possess, use, manufacture, control, sell or transfer firearms) may possess or use an electric or electronic incapacitation device.

* * *

(f) Definition.–As used in this section, the term "electric or electronic incapacitation device" means a portable device which is designed or intended by the manufacturer to be used, offensively or defensively, to temporarily immobilize or incapacitate persons by means of electric pulse or current, including devices operating by means of carbon dioxide propellant. The term does not include cattle prods, electric fences or other electric devices when used in agricultural, animal husbandry or food production activities.

(18 Pa.C.S. § 908.1)

§ 913. Possession of firearm or other dangerous weapon in court facility.

(a) Offense defined.–A person commits an offense if he:

(1) knowingly possesses a firearm or other dangerous weapon in a court facility or knowingly causes a firearm or other dangerous weapon to be present in a court facility; or

(2) knowingly possesses a firearm or other dangerous weapon in a court facility with

the intent that the firearm or other dangerous weapon be used in the commission of a crime or knowingly causes a firearm or other dangerous weapon to be present in a court facility with the intent that the firearm or other dangerous weapon be used in the commission of a crime.

(b) Grading.–

(1) Except as otherwise provided in paragraph (3), an offense under subsection (a)(1) is a misdemeanor of the third degree.

(2) An offense under subsection (a)(2) is a misdemeanor of the first degree.

(3) An offense under subsection (a)(1) is a summary offense if the person was carrying a firearm under section 6106(b) (relating to firearms not to be carried without a license) or 6109 (relating to licenses) and failed to check the firearm under subsection (e) prior to entering the court facility.

(c) Exceptions.–Subsection (a) shall not apply to:

* * *

(5) The carrying of a dangerous weapon or firearm unloaded and in a secure wrapper by an attorney who seeks to employ the dangerous weapon or firearm as an exhibit or as a demonstration and who possesses written authorization from the court to bring the dangerous weapon or firearm into the court facility.

* * *

(e) Facilities for checking firearms or other dangerous weapons.–Each county shall make available at or within the building containing a court facility by July 1, 2002, lockers or similar facilities at no charge or cost for the temporary checking of firearms by persons carrying firearms under section 6106(b) or 6109 or for the checking of other dangerous weapons that are not otherwise prohibited by law. Any individual checking a firearm, dangerous weapon or an item deemed to be a dangerous weapon at a court facility must be issued a receipt. Notice of the location of the facility shall be posted as required under subsection (d).

(f) Definitions.–As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

* * *

"Dangerous weapon." A bomb, any explosive or incendiarydevice or material when possessed with intent to use or toprovide such material to commit any offense, graded as a misdemeanor of the thirddegree or higher, grenade, blackjack, sandbag, metal knuckles, dagger, knife (the blade of which is exposed in an automatic way by switch, push-button, spring mechanism or otherwise) or other implement for the infliction of serious bodily injury which serves no common lawful purpose.

"Firearm." Any weapon, including a starter gun, which will or is designed to expel a projectile or projectiles by the action of an explosion, expansion of gas or escape of gas. The term does not include any device designed or used exclusively for the firing of stud cartridges, explosive rivets or similar industrial ammunition.

(18 Pa.C.S. § 913)

§ 2701. Simple assault.

(a) Offense defined.–Except as provided under section 2702 (relating to aggravated assault), a person is guilty of assault if he:

* * *

(2) negligently causes bodily injury to another with a deadly weapon;

* * *

(b) Grading.–Simple assault is a misdemeanor of the second degree unless committed:

(1) in a fight or scuffle entered into by mutual consent, in which case it is a misdemeanor of the third degree; or

(2) against a child under 12 years of age by a person 18 years of age or older, in which case it is a misdemeanor of the first degree.

(18 Pa.C.S. § 2701)

§ 2702. Aggravated assault.

(a) Offense defined.–A person is guilty of aggravated assault if he:

* * *

(4) attempts to cause or intentionally or knowingly causes bodily injury to another with a deadly weapon;

* * *

(b) Grading.–Aggravated assault under subsection (a)(1), (2) and (9) is a felony of the first degree. Aggravated assault under subsection (a)(3), (4), (5), (6), (7) and (8) is a felony of the second degree.

* * *

(18 Pa.C.S. § 2702)

§ 2702.1. Assault of law enforcement officer.

(a) Assault of a law enforcement officer in the first degree.–A person commits a felony of the first degree who attempts to cause or intentionally or knowingly causes bodily injury to a law enforcement officer, while in the performance of duty and with knowledge that the victim is a law enforcement officer, by discharging a firearm.

(b) Penalties.–Notwithstanding section 1103(1) (relating to sentence of imprisonment for felony), a person convicted under subsection (a) shall be sentenced to a term of imprisonment fixed by the court at not more than 40 years.

* * *

(18 Pa.C.S. § 2702.1)

§ 2707.1. Discharge of a firearm into an occupied structure.

(a) Offense defined.–A person commits an offense if he knowingly, intentionally or recklessly discharges a firearm from any location into an occupied structure.

(b) Grading.–An offense under this section shall be a felony of the third degree.

(c) Defense.–It is a defense to prosecution under this section that:

(1) the person discharging the firearm was a law enforcement officer engaged in the performance of his official law enforcement duties; or

(2) the person discharging the firearm was engaged in a hunting activity; and

(i) the discharge of the firearm took place from a location where the hunting activity is lawful; and

(ii) the passage of the projectile from the firearm into the occupied structure was not intentional, knowing or reckless.

(d) Definitions.–As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

"Firearm." Any weapon which is designed to or may readily be converted to expel any projectile by the action of an explosion or the frame or receiver of any such weapon.

"Occupied structure." Any structure, vehicle or place adapted for overnight accommodation of persons or for carrying on business therein, whether or not a person is actually present.

(18 Pa.C.S. § 2707.1)

§ 2709. Harassment.

* * *

(e) Application of section.--This section shall not apply to constitutionally protected activity.

* * *

(18 Pa.C.S. § 2709)

§ 2709.1. Stalking.

* * *

(e) Application of section.--This section shall not apply to constitutionally protected activity.

* * *

(18 Pa.C.S. § 2709.1)

§ 3141. General rule [for loss of property rights for sexual offense violation].

A person:

(1) convicted under section 3121 (relating to rape), 3122.1 (relating to statutory sexual assault), 3123 (relating to involuntary deviate sexual intercourse), 3124.1 (relating to sexual assault), 3125 (relating to aggravated indecent assault) or 3126 (relating to indecent assault); or

(2) required to register with the Pennsylvania State Police under 42 Pa.C.S. Ch. 97 Subch. H (relating to registration of sexual offenders);

may be required to forfeit property rights in any property or assets used to implement or facilitate commission of the crime or crimes of which the person has been convicted. Such property may include, but is not limited to, a computer or computers, telephone equipment, firearms, licit or illicit prescription drugs or controlled substances, a motor vehicle or such other property or assets as determined by the court of common pleas to have facilitated the person's criminal misconduct.

(18 Pa.C.S. § 3141)

§ 3903. Grading of theft offenses.

(a) Felony of the second degree.–Theft constitutes a felony of the second degree if:

(1) The offense is committed during a manmade disaster, a natural disaster or a war-caused disaster and constitutes a violation of section 3921 (relating to theft by unlawful taking or disposition), 3925 (relating to receiving stolen property), 3928 (relating to unauthorized use of automobiles and other vehicles) or 3929 (relating to retail theft).

(2) The property stolen is a firearm.

(3) In the case of theft by receiving stolen property, the property received, retained or disposed of is a firearm and the receiver is in the business of buying or selling stolen property.

(4) The property stolen is any amount of anhydrous ammonia.

* * *

(a.2) Felony of the first degree.--Except as provided in subsections (a) and (a.1), theft constitutes a felony of the first degree if:

(1) in the case of theft by receiving stolen property, the property received, retained or disposed of is a firearm and the receiver is in the business of buying or selling stolen property; or

* * *

(18 Pa.C.S. § 3903)

§ 3929. Retail theft.

* * *

(b) Grading.--

(1) Retail theft constitutes a:

* * *

(v) Felony of the third degree when the amount involved exceeds $1,000 or if the merchandise involved is a firearm or a motor vehicle.

* * *

(18 Pa.C.S. § 3929)

§ 4104. Tampering with records or identification.

* * *

(b) Personal property.–A person commits a summary offense if he knowingly buys, sells or moves in commerce any personal property from which the manufacturer's name plate, serial number or any other distinguishing number or identification mark has been removed, defaced, covered, altered or destroyed unless the alterations have been customarily made or done as an established practice in the ordinary and regular conduct of business by the original manufacturer or under specific authorization and direction from the original manufacturer. Personal property as set forth in this subsection shall not include firearms, motor vehicles or insurance company salvage recoveries.

* * *

(18 Pa.C.S. § 4104)

§ 4906. False reports to law enforcement authorities.

(a) Falsely incriminating another.–Except as provided in subsection (c), a person who knowingly gives false information to any law enforcement officer with intent to implicate another commits a misdemeanor of the second degree.

(b) Fictitious reports.–Except as provided in subsection (c), a person commits a misdemeanor of the third degree if he:

(1) reports to law enforcement authorities an offense or other incident within their concern knowing that it did not occur; or

(2) pretends to furnish such authorities with information relating to an offense or incident when he knows he has no information relating to such offense or incident.

(c) Grading.–

* * *

(2) If the violation of subsection (a) or (b) relates to a false report of the theft or loss of a firearm, as defined in section 5515 (relating to prohibiting of paramilitary training), the offense shall be graded one step greater than that set forth in the applicable subsection.

(18 Pa.C.S. § 4906)

§ 5104.1. Disarming law enforcement officer.

(a) Offense defined.–A person commits the offense of disarming a law enforcement officer if he:

(1) without lawful authorization, removes or attempts to remove a firearm, rifle, shotgun or weapon from the person of a law enforcement officer or corrections officer, or deprives a law enforcement officer or corrections officer of the use of a firearm, rifle, shotgun or weapon, when the officer is acting within the scope of the officer's duties; and

(2) has reasonable cause to know or knows that the individual is a law enforcement officer or corrections officer.

(b) Grading.–A violation of this section constitutes a felony of the third degree.
(18 Pa.C.S. § 5104.1)

§ 5105. Hindering apprehension or prosecution.

(a) Offense defined.–A person commits an offense if, with intent to hinder the apprehension, prosecution, conviction or punishment of another for crime or violation of the terms of probation, parole, intermediate punishment or Accelerated Rehabilitative Disposition, he:

* * *

(2) provides or aids in providing a weapon, transportation, disguise or other means of avoiding apprehension or effecting escape;

* * *

(b) Grading.–The offense is a felony of the third degree if the conduct which the actor knows has been charged or is liable to be charged against the person aided would constitute a felony of the first or second degree. Otherwise it is a misdemeanor of the second degree.
(18 Pa.C.S. § 5105)

§ 5106. Failure to report injuries by firearm or criminal act.

(a) Offense defined.–Except as set forth in subsection (a.1), a physician, intern or resident, or any person conducting, managing or in charge of any hospital or pharmacy, or in charge of any ward or part of a hospital, to whom shall come or be brought any person:

(1) suffering from any wound or other injury inflicted by his own act or by the act of another which caused death or serious bodily injury, or inflicted by means of a deadly weapon as defined in section 2301 (relating to definitions); or

(2) upon whom injuries have been inflicted in violation of any penal law of this Commonwealth;

commits a summary offense if the reporting party fails to report such injuries immediately, both by telephone and in writing, to the chief of police or other head of the police department of the local government, or to the Pennsylvania State Police. The report shall state the name of the injured person, if known, the injured person's whereabouts and the character and extent of the person's injuries.

(a.1) Exception.–In cases of bodily injury as defined in section 2301 (relating to definitions), failure to report under subsection (a)(2) does not constitute an offense if all of the following apply:

(1) The victim is an adult and has suffered bodily injury.

(2) The injury was inflicted by an individual who:

(i) is the current or former spouse of the victim;

(ii) is a current or former sexual or intimate partner of the victim;

(iii) shares biological parenthood with the victim; or

(iv) is or has been living as a spouse of the victim.

(3) The victim has been informed:

(i) of the duty to report under subsection (a)(2); and

(ii) that the report under subsection (a)(2) cannot be made without the victim's consent.

(4) The victim does not consent to the report under subsection (a)(2).

(5) The victim has been provided with a referral to the appropriate victim service agency such as a domestic violence or sexual assault program.

(b) Immunity granted.–No physician or other person shall be subject to civil or criminal liability by reason of complying with this section.

(c) Physician-patient privilege unavailable.–In any judicial proceeding resulting from a report pursuant to this section, the physician-patient privilege shall not apply in respect to evidence regarding such injuries or the cause thereof. This subsection shall not apply where a report is not made pursuant to subsection (a.1).

(d) Reporting of crime encouraged.–Nothing in this chapter precludes a victim from reporting the crime that resulted in injury.

(e) Availability of information.–A physician or other individual may make available information concerning domestic violence or sexual assault to any individual subject to the provisions of this chapter.

(18 Pa.C.S. § 5106)

§ 5121. Escape.

(a) Escape.–A person commits an offense if he unlawfully removes himself from official detention or fails to return to official detention following temporary leave granted for a specific purpose or limited period.

* * *

(d) Grading.–

(1) An offense under this section is a felony of the third degree where:

* * *

(ii) the actor employs force, threat, deadly weapon or other dangerous instrumentality to effect the escape; or

* * *

(18 Pa.C.S. § 5121)

§ 5122. Weapons or implements for escape.

(a) Offenses defined.–

(1) A person commits a misdemeanor of the first degree if he unlawfully introduces within a detention facility, correctional institution or mental hospital, or unlawfully provides an inmate thereof with any weapon, tool, implement, or other thing which may be used for escape.

(2) An inmate commits a misdemeanor of the first degree if he unlawfully procures, makes or otherwise provides himself with, or unlawfully has in his possession or under his control, any weapon, tool, implement or other thing which may be used for escape.

(b) Definitions.–

(1) As used in this section, the word "unlawfully" means surreptitiously or contrary to law, regulation or order of the detaining authority.

(2) As used in this section, the word "weapon" means any implement readily capable of lethal use and shall include any firearm, ammunition, knife, dagger, razor, other cutting or stabbing implement or club, including any item which has been modified or adopted so that it can be used as a firearm, ammunition, knife, dagger, razor, other cutting or stabbing implement, or club. The word "firearm" includes an unloaded firearm and the unassembled components of a firearm.

(18 Pa.C.S. § 5122)

§ 5501. Riot.

A person is guilty of riot, a felony of the third degree, if he participates with two or more others in a course of disorderly conduct:

* * *

(3) when the actor or any other participant to the knowledge of the actor uses or plans to use a firearm or other deadly weapon.

(18 Pa.C.S. § 5501)

§ 5515. Prohibiting of paramilitary training.

(a) Definitions.–As used in this section the following words and phrases shall have the meanings given to them in this subsection:

* * *

"Firearm." Any weapon which is designed to or may readily be converted to expel any projectile by the action of an explosive; or the frame or receiver of any such weapon.

* * *

(b) Prohibited training.–

(1) Whoever teaches or demonstrates to any other person the use, application or making of any firearm, explosive or incendiary device or technique capable of causing injury or death to persons, knowing or having reason to know or intending that same will be unlawfully employed for use in, or in furtherance of, a civil disorder commits a misdemeanor of the first degree.

(2) Whoever assembles with one or more persons for the purpose of training with, practicing with or being instructed in the use of any firearm, explosive or incendiary device or technique capable of causing injury or death to persons, said person intending to employ unlawfully the same for use in or in furtherance of a civil disorder commits a misdemeanor of the first degree.

* * *

(d) Excluded activities.–Nothing contained in this section shall make unlawful any activity of the Game Commission, Fish and Boat Commission, or any law enforcement agency, or any hunting club, rifle club, rifle range, pistol range, shooting range or other program or individual instruction intended to teach the safe handling or use of firearms, archery equipment or other weapons or techniques employed in connection with lawful sports or other lawful activities.

(18 Pa.C.S. § 5515)

Section 22. Riotous assemblies; proclamation to disperse; penalty for failure to disperse; possession of firearms or deadly weapons

If any persons shall be unlawfully, riotously and tumultuously assembled together, to the number of twelve or more, so as to endanger the public peace of said police district, it shall be the duty of said marshal (the marshal of police.) in person, or in case of his absence or inability to command, of the officer then in command of said police, to go among the said rioters, or as near to them as he can safely go, and then and there with a loud voice make proclamation in the name of the Commonwealth, requiring and commanding all persons there so unlawfully, riotously or tumultuously assembled, and all other persons not being there on duty as police, immediately to disperse themselves and peaceably to depart to their habitations, or to their lawful business; and if such persons, notwithstanding such proclamation made, unlawfully, riotously or tumultuously remain or continue together, to the number of twelve or more after such proclamation made, then such continuing together shall be adjudged a misdemeanor, and the said offenders upon conviction thereof shall be sentenced to undergo a solitary confinement at labor in the county prison, for a period of not less than one month nor more than two years, and any person arrested upon whose person, or in whose possession shall be found firearms, or any other deadly weapon, shall be deemed guilty of an intention to riot, whether said fire-arms or deadly weapon shall be used or not, unless the contrary can be satisfactorily established, and punished accordingly.
(1850, P.L.666, No.390, § 22)

Section 605. Penalties.–The following acts are hereby declared to be crimes and any person found guilty thereof shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1,000), or to undergo imprisonment not exceeding one year, or both, except that if such acts shall be committed by a corporation, partnership or association, the officers and directors of such corporation or the members of such partnership or association, its agents and employes who knowingly participated in such acts shall also be guilty of a misdemeanor an6d upon conviction thereof, shall be punished as hereinbefore provided:

* * *

(2) It shall be unlawful for anyone to directly or indirectly, sell, give or furnish to any person admitted, committed or detained in a facility, any weapon or other instrument which may be used to inflict injury unless the instrument is a tool of the activity in which the person has permission to engage.

* * *

(1966, Sp.Sess.3, P.L.96, No.6, § 605)

PART VII
MISCELLANEOUS PROVISIONS

§ 2301. Definitions [relating to offenses involving danger to the person].

Subject to additional definitions contained in subsequent provisions of this article [18 Pa.C.S. Pt. II Subpt. B (relating to offenses involving danger to the person)] which are applicable to specific chapters or other provisions of this article, the following words and

phrases, when used in this article shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

* * *

"Deadly weapon." Any firearm, whether loaded or unloaded, or any device designed as a weapon and capable of producing death or serious bodily injury, or any other device or instrumentality which, in the manner in which it is used or intended to be used, is calculated or likely to produce death or serious bodily injury.

* * *

(18 Pa.C.S. § 2301)

§ 3901. Definitions [relating to theft and related offenses].

Subject to additional definitions contained in subsequent provisions of this chapter [18 Pa.C.S. Ch. 39 (relating to theft and related offenses)] which are applicable to specific provisions of this chapter, the following words and phrases when used in this chapter shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

* * *

"Firearm." Any weapon that is designed to or may readily be converted to expel any projectile by the action of an explosive or the frame or receiver of any such weapon.

* * *

(18 Pa.C.S. § 3901)

§ 6102. Definitions [relating to Uniform Firearms Act].

Subject to additional definitions contained in subsequent provisions of this subchapter [the Uniform Firearms Act] which are applicable to specific provisions of this subchapter, the following words and phrases, when used in this subchapter shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

* * *

"Firearm." Any pistol or revolver with a barrel length less than 15 inches, any shotgun with a barrel length less than 18 inches or any rifle with a barrel length less than 16 inches, or any pistol, revolver, rifle or shotgun with an overall length of less than 26 inches. The barrel length of a firearm shall be determined by measuring from the muzzle of the barrel to the face of the closed action, bolt or cylinder, whichever is applicable.

"Fund." The Firearm Ownership Fund established in section 6111.3 (relating to Firearm Ownership Fund).

"Law enforcement officer." Any person employed by any police department or organization of the Commonwealth or political subdivision thereof who is empowered to effect an arrest with or without warrant and who is authorized to carry a firearm in the performance of that person's duties.

"Loaded." A firearm is loaded if the firing chamber, the nondetachable magazine or, in the case of a revolver, any of the chambers of the cylinder contain ammunition capable of being fired. In the case of a firearm which utilizes a detachable magazine, the term shall mean a

magazine suitable for use in said firearm which magazine contains such ammunition and has been inserted in the firearm or is in the same container or, where the container has multiple compartments, the same compartment thereof as the firearm. If the magazine is inserted into a pouch, holder, holster or other protective device that provides for a complete and secure enclosure of the ammunition, then the pouch, holder, holster or other protective device shall be deemed to be a separate compartment.

* * *

(18 Pa.C.S. § 6102)

§ 6118. Antique firearms.

(a) General rule.–This subchapter [The Uniform Firearms Act] shall not apply to antique firearms.

(b) Exception.–Subsection (a) shall not apply to the extent that such antique firearms, reproductions or replicas of firearms are concealed weapons as provided in section 6106 (relating to firearms not to be carried without a license), nor shall it apply to the provisions of section 6105 (relating to persons not to possess, use, manufacture, control, sell or transfer firearms) if such antique firearms, reproductions or replicas of firearms are suitable for use.

(c) Definition.–As used in this section, the term "antique firearm" means:

(1) Any firearm with a matchlock, flintlock or percussion cap type of ignition system.

(2) Any firearm manufactured on or before 1898.

(3) Any replica of any firearm described in paragraph (2) if such replica:

(i) is not designed or redesigned for using rimfire or conventional center fire fixed ammunition; or

(ii) uses rimfire or conventional center fire fixed ammunition which is no longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade.

(18 Pa.C.S. § 6118)

§ 6801. Controlled substances forfeiture.

(a) Forfeitures generally.–The following shall be subject to forfeiture to the Commonwealth and no property right shall exist in them:

* * *

(7) Any firearms, including, but not limited to, rifles, shotguns, pistols, revolvers, machine guns, zip guns or any type of prohibited offensive weapon, as that term is defined in 18 Pa.C.S. (relating to crimes and offenses), which are used or intended for use to facilitate a violation of The Controlled Substance, Drug, Device and Cosmetic Act. Such operable firearms as are found in close proximity to illegally possessed controlled substances shall be rebuttably presumed to be used or intended for use to facilitate a violation of The Controlled Substance, Drug, Device and Cosmetic Act. All weapons forfeited under this section shall be immediately destroyed by the receiving law enforcement agency.

(b) Process and seizure.–Property subject to forfeiture under this subchapter [42 Pa.C.S. Ch. 68 (relating to controlled substances forfeitures)] may be seized by the law enforcement authority upon process issued by any court of common pleas having jurisdiction over the property. Seizure without process may be made if:

(1) the seizure is incident to an arrest or a search under a search warrant or inspection under an administrative inspection warrant;

(2) the property subject to seizure has been the subject of a prior judgment in favor of the Commonwealth in a criminal injunction or forfeiture proceeding under this subchapter;

(3) there is probable cause to believe that the property is dangerous to health or safety; or

(4) there is probable cause to believe that the property has been used or is intended to be used in violation of The Controlled Substance, Drug, Device and Cosmetic Act.

(c) Seizure without process.–In the event seizure without process occurs, as provided herein, proceedings for the issuance thereof shall be instituted forthwith.

(d) Custody of property.–Property taken or detained under this section shall not be subject to replevin, but is deemed to be in the custody of the law enforcement authority subject only to the orders and decrees of the court of common pleas having jurisdiction over the forfeiture proceedings and of the district attorney or the Attorney General. When property is seized under this subchapter, the law enforcement authority shall place the property under seal and either:

(1) remove the property to a place designated by it; or

(2) require that the district attorney or Attorney General take custody of the property and remove it to an appropriate location for disposition in accordance with law.

(e) Use of property held in custody.–Whenever property is forfeited under this subchapter, the property shall be transferred to the custody of the district attorney, if the law enforcement authority seizing the property has local or county jurisdiction, or the Attorney General, if the law enforcement authority seizing the property has Statewide jurisdiction. The district attorney or the Attorney General, where appropriate, may:

(1) Retain the property for official use.

(2) Sell any forfeited property which is not required to be destroyed by law and which is not harmful to the public, but the proceeds from any such sale shall be used to pay all proper expenses of the proceedings for forfeiture and sale, including expenses of seizure, maintenance of custody, advertising and court costs. The balance of the proceeds shall be dealt with in accordance with subsections (f) and (g).

(f) Use of cash or proceeds of property.–Cash or proceeds of forfeited property transferred to the custody of the district attorney pursuant to subsection (e) shall be placed in the operating fund of the county in which the district attorney is elected. The appropriate county authority shall immediately release from the operating fund, without restriction, a like amount for the use of the district attorney enforcing the provisions of The Controlled Substance, Drug, Device and Cosmetic Act. The entity having budgetary control shall not anticipate future forfeitures or proceeds therefrom in adoption and approval of the budget for the district attorney.

(g) Distribution of property among law enforcement authorities.–If both municipal and State law enforcement authorities were substantially involved in effecting the seizure, the court having jurisdiction over the forfeiture proceedings shall equitably distribute the property between the district attorney and the Attorney General.

(h) Authorization to utilize property.–The district attorney and the Attorney General shall utilize forfeited property or proceeds thereof for the purpose of enforcing the provisions of The Controlled Substance, Drug, Device and Cosmetic Act. In appropriate cases, the district attorney and the Attorney General may designate proceeds from forfeited property to be utilized

by community-based drug and crime-fighting programs and for relocation and protection of witnesses in criminal cases.

(i) Annual audit of forfeited property.–It shall be the responsibility of every county in this Commonwealth to provide, through the controller, board of auditors or other appropriate auditor and the district attorney, an annual audit of all forfeited property and proceeds obtained under this section. The audit shall not be made public but shall be submitted to the Office of Attorney General. The county shall report all forfeited property and proceeds obtained under this section and the disposition thereof to the Attorney General by September 30 of each year.

(j) Annual report; confidential information regarding property.–The Attorney General shall annually submit a report, to the Appropriations and Judiciary Committees of the Senate and to the Appropriations and Judiciary Committees of the House of Representatives, specifying the forfeited property or proceeds thereof obtained under this section. The report shall give an accounting of all proceeds derived from the sale of forfeited property and the use made of unsold forfeited property. The Attorney General shall adopt procedures and guidelines governing the release of information by the district attorney to protect the confidentiality of forfeited property or proceeds used in ongoing drug enforcement activities.

(k) Proceeds and appropriations.–The proceeds or future proceeds from forfeited property under this subchapter shall be in addition to any appropriation made to the Office of Attorney General.

(42 Pa.C.S. § 6801)

§ 8318. Terrorism action.

(a) General rule.–In addition to any other right of action and any other remedy provided by law, an action may be brought to recover damages against a terrorist, terrorist organization or person who knowingly provided material support or resources to or aided a terrorist or terrorist organization for the death of an individual or for an injury to an individual or damage to or loss of property caused by an act of terrorism.

(b) Application of section.–This section shall not apply to:

(1) A financial institution as defined by 31 U.S.C. § 5312(a)(2) (relating to definitions and application), including an operating or financial subsidiary, that complies with Federal laws and regulations relating to a financial transaction at the time the transaction occurs, including, to the extent applicable, the International Money Laundering Abatement and Anti-Terrorist Financing Act of 2001 (Title III of Public Law 107-56, 31 U.S.C. § 5301 et seq.).

(2) Conduct by a party to a labor dispute as defined in the act of June 2, 1937 (P.L.1198, No.308), known as the Labor Anti-Injunction Act, or to any constitutionally protected activity.

(c) Recovery.–The plaintiff may seek recovery for any of the following:

(1) General and special damages, including damages for emotional distress, loss of consortium, loss of filial consortium and loss of life's pleasures.

(2) Punitive damages.

(3) Reasonable attorney fees and costs.

(4) Such other relief that the court deems necessary and proper.

(d) Assets.–In making a recovery under this section, the plaintiff may enforce the judgment against the assets of the terrorist, terrorist organization or person who knowingly provided material support or resources to or aided the terrorist or terrorist organization.

(e) Definitions.–As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

"Act of terrorism." An act or acts constituting an offense under 18 Pa.C.S. Pt. II (relating to definition of specific offenses), including an attempt, conspiracy or solicitation to commit any such offense, which is punishable by imprisonment of more than one year and involves an act dangerous to human life or property, intended either to intimidate or coerce a civilian population, influence the policy of a government by intimidation or coercion or affect the conduct of a government.

"Dangerous to human life or property." A violent act which is intended to or likely to cause death, serious bodily injury or mass destruction.

"Mass destruction." An act which is intended to or likely to destroy or cause serious damage to transportation-related infrastructure or facilities, energy-related infrastructure or facilities, public or private buildings, places of public accommodation or public works under circumstances evincing depraved indifference to human life or property.

"Material support or resources." Currency or other financial securities, financial services, lodging, training, safe houses, false documentation or identification, communications equipment, facilities, weapons, lethal substances, explosives, personnel, transportation and other physical assets, except medicine or religious materials.

"Terrorist." A person who commits an act of terrorism.

"Terrorist organization." A domestic or foreign organization which directly engages in the planning, preparation, carrying out or aiding of an act of terrorism. The term includes any organization designated as a foreign terrorist organization under section 219 of the Immigration and Nationality Act (66 Stat. 163, 8 U.S.C. § 1189) (relating to designation of foreign terrorist organizations).

(42 Pa.C.S. § 8318)

§ 8384. Complaint.

(a) Adverse impact.–The complaint or an affidavit attached thereto shall describe the adverse impact associated with the drug nuisance upon the surrounding neighborhood. Adverse impact includes, without limitation, the presence of any one or more of the following conditions:

* * *

(5) The display of dangerous weapons on or near the property.

(6) The discharge of firearms on or near the property.

* * *

(b) Attempts to notify owner.–The complaint shall contain a description of what attempts, if any, have been made by the plaintiff or any other person or entity to notify the owner of the property of the drug-related nuisance or resulting adverse impact.

(42 Pa.C.S. § 8384)

§ 9911. Definitions [relating to county probation officers].

The following words and phrases when used in this subchapter [42 Pa.C.S. Ch. 99 Subch. A (relating to county probation officers)] shall have the meanings given in this section unless the context clearly indicates otherwise:

* * *

"Exigent circumstances." The term includes, but is not limited to, suspicion that contraband

or other evidence of violations of the conditions of supervision might be destroyed or suspicion that a weapon might be used. Exigent circumstances always exist with respect to a vehicle.

* * *

(42 Pa.C.S. § 9911)

§ 3903. Definitions [relating to motivational boot camps].

The following words and phrases when used in this chapter [61 Pa.C.S. Ch. 39 (relating to motivational boot camps)] shall have the meanings given to them in this section unless the context clearly indicates otherwise:

* * *

"Eligible inmate." A person sentenced to a term of confinement under the jurisdiction of the Department of Corrections who is serving a term of confinement, the minimum of which is not more than two years and the maximum of which is five years or less, or an inmate who is serving a term of confinement, the minimum of which is not more than three years where that inmate is within two years of completing his minimum term, and who has not reached 35 years of age at the time he is approved for participation in the motivational boot camp program. The term shall not include any inmate who is subject to a sentence the calculation of which included an enhancement for the use of a deadly weapon as defined pursuant to the sentencing guidelines promulgated by the Pennsylvania Commission on Sentencing or any inmate serving a sentence for any violation of one or more of the following provisions:

18 Pa.C.S. § 2502 (relating to murder).
18 Pa.C.S. § 2503 (relating to voluntary manslaughter).
18 Pa.C.S. § 2506 (relating to drug delivery resulting in death).
18 Pa.C.S. § 2901 (relating to kidnapping).
18 Pa.C.S. § 3121 (relating to rape).
18 Pa.C.S. § 3123 (relating to involuntary deviate sexual intercourse).
18 Pa.C.S. § 3124.1 (relating to sexual assault).
18 Pa.C.S. § 3125 (relating to aggravated indecent assault).
18 Pa.C.S. § 3301(a)(1)(i) (relating to arson and related offenses).
18 Pa.C.S. § 3502 (relating to burglary) in the case of burglary of a structure adapted for overnight accommodation in which at the time of the offense any person is present.
18 Pa.C.S. § 3701(a)(1)(i), (ii) or (iii) (relating to robbery).
18 Pa.C.S. § 3702 (relating to robbery of motor vehicle).
18 Pa.C.S. § 7508 (a)(1)(iii), (2)(iii), (3)(iii) or (4)(iii) (relating to drug trafficking sentencing and penalties).

(61 Pa.C.S. § 3903)

§ 4103. Definitions [relating to State intermediate punishment].

The following words and phrases when used in this chapter [61 Pa.C.S. Ch. 41 (relating to State intermediate punishment)] shall have the meanings given to them in this section unless the context clearly indicates otherwise:

* * *

"Eligible offender." Subject to 42 Pa.C.S. § 9721(a.1) (relating to sentencing generally), a defendant designated by the sentencing court as a person convicted of a drug-related offense who:

(1) Has undergone an assessment performed by the Department of Corrections, which assessment has concluded that the defendant is in need of drug and alcohol addiction treatment and would benefit from commitment to a drug offender treatment program and that placement in a drug offender treatment program would be appropriate.

(2) Does not demonstrate a history of present or past violent behavior.

(3) Would be placed in the custody of the department if not sentenced to State intermediate punishment.

(4) Provides written consent permitting release of information pertaining to the defendant's participation in a drug offender treatment program.

The term shall not include a defendant who is subject to a sentence the calculation of which includes an enhancement for the use of a deadly weapon, as defined pursuant to law or the sentencing guidelines promulgated by the Pennsylvania Commission on Sentencing, a defendant who has been convicted or adjudicated delinquent of any crime requiring registration under 42 Pa.C.S. Ch. 97 Subch. H (relating to registration of sexual offenders) or a defendant with a current conviction or a prior conviction within the past ten years for any of the following offenses:

18 Pa.C.S. § 2502 (relating to murder).

18 Pa.C.S. § 2503 (relating to voluntary manslaughter).

18 Pa.C.S. § 2506 (relating to drug delivery resulting in death).

18 Pa.C.S. § 2901(a) (relating to kidnapping).

18 Pa.C.S. § 3301(a)(1)(i) (relating to arson and related offenses).

18 Pa.C.S. § 3502 (relating to burglary), in the case of burglary of a structure adapted for overnight accommodation in which at the time of the offense any person is present.

18 Pa.C.S. § 3701(a)(1)(i), (ii) or (iii) (relating to robbery).

18 Pa.C.S. § 3702 (relating to robbery of motor vehicle).

18 Pa.C.S. § 7508 (a)(1)(iii), (2)(iii), (3)(iii) or (4)(iii) (relating to drug trafficking sentencing and penalties).

* * *

(61 Pa.C.S. § 4103)

§ 4503. Definitions [relating to recidivism risk reduction].

The following words and phrases when used in this chapter [61 Pa.C.S. Ch. 45 (relating to recidivism risk reduction)] shall have the meanings given to them in this section unless the context clearly indicates otherwise:

* * *

"Eligible offender." A defendant or inmate convicted of a criminal offense who will be committed to the custody of the department and who meets all of the following eligibility requirements:

(1) Does not demonstrate a history of present or past violent behavior.

(2) Has not been subject to a sentence the calculation of which includes an enhancement for the use of a deadly weapon as defined under law or the sentencing guidelines promulgated by the Pennsylvania Commission on Sentencing or the attorney for the Commonwealth has not demonstrated that the defendant has been found guilty of or was convicted of an offense involving a deadly weapon or offense under 18 Pa.C.S. Ch. 61

(relating to firearms and other dangerous articles) or the equivalent offense under the laws of the United States or one of its territories or possessions, another state, the District of Columbia, the Commonwealth of Puerto Rico or a foreign nation.

(3) Has not been found guilty of or previously convicted of or adjudicated delinquent for or an attempt or conspiracy to commit a personal injury crime as defined under section 103 of the act of November 24, 1998 (P.L.882, No.111), known as the Crime Victims Act, except for an offense under 18 Pa.C.S. § 2701 (relating to simple assault) when the offense is a misdemeanor of the third degree, or an equivalent offense under the laws of the United States or one of its territories or possessions, another state, the District of Columbia, the Commonwealth of Puerto Rico or a foreign nation.

(4) Has not been found guilty or previously convicted or adjudicated delinquent for violating any of the following provisions or an equivalent offense under the laws of the United States or one of its territories or possessions, another state, the District of Columbia, the Commonwealth of Puerto Rico or a foreign nation:

18 Pa.C.S. § 4302(a) (relating to incest).

18 Pa.C.S. § 5901 (relating to open lewdness).

18 Pa.C.S. Ch. 76 Subch. C (relating to Internet child pornography).

Received a criminal sentence pursuant to 42 Pa.C.S. § 9712.1 (relating to sentences for certain drug offenses committed with firearms).

Any offense for which registration is required under 42 Pa.C.S. Ch. 97 Subch. H (relating to registration of sexual offenders).

(5) Is not awaiting trial or sentencing for additional criminal charges, if a conviction or sentence on the additional charges would cause the defendant to become ineligible under this definition.

(6) Has not been found guilty or previously convicted of violating section 13(a)(14), (30) or (37) of the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act, where the sentence was imposed pursuant to 18 Pa.C.S. § 7508(a)(1)(iii), (2)(iii), (3)(iii), (4)(iii), (7)(iii) or (8)(iii) (relating to drug trafficking sentencing and penalties).

* * *

(61 Pa.C.S. § 4503)

§ 4601. Definitions [relating to Nonnarcotic Medication Assisted Substance Abuse Treatment Grant Pilot Program].

The following words and phrases when used in this chapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Eligible offender." A defendant or inmate convicted of a criminal offense who will be committed to the custody of the county and who meets all of the following eligibility requirements:

(1) Does not demonstrate a history of present or past violent behavior.

(2) Has not been subject to a sentence the calculation of which includes an enhancement for the use of a deadly weapon as defined under law or the sentencing guidelines promulgated by the Pennsylvania Commission on Sentencing or the attorney for the Commonwealth has not demonstrated that the defendant has been found guilty of or was convicted of an offense involving a deadly weapon or offense under 18 Pa.C.S. Ch. 61

(relating to firearms and other dangerous articles) or the equivalent offense under the laws of the United States or one of its territories or possessions, another state, the District of Columbia, the Commonwealth of Puerto Rico or a foreign nation.

(3) Has not been found guilty of or previously convicted of or adjudicated delinquent for or an attempt or conspiracy to commit a personal injury crime as defined under section 103 of the act of November 24, 1998 (P.L.882, No.111), known as the Crime Victims Act, except for an offense under 18 Pa.C.S. § 2701 (relating to simple assault) when the offense is a misdemeanor of the third degree, or an equivalent offense under the laws of the United States or one of its territories or possessions, another state, the District of Columbia, the Commonwealth of Puerto Rico or a foreign nation.

(4) Has not been found guilty or previously convicted or adjudicated delinquent for violating any of the following provisions or an equivalent offense under the laws of the United States or one of its territories or possessions, another state, the District of Columbia, the Commonwealth of Puerto Rico or a foreign nation:

18 Pa.C.S. § 4302(a) (relating to incest).

18 Pa.C.S. § 5901 (relating to open lewdness).

18 Pa.C.S. Ch. 76 Subch. C (relating to Internet child pornography).

Received a criminal sentence pursuant to 42 Pa.C.S. § 9712.1 (relating to sentences for certain drug offenses committed with firearms).

Any offense for which registration is required under 42 Pa.C.S. Ch. 97 Subch. H (relating to registration of sexual offenders).

(5) Is not awaiting trial or sentencing for additional criminal charges, if a conviction or sentence on the additional charges would cause the defendant to become ineligible under this definition.

* * *

(61 Pa.C.S. § 4601)

§ 4602. Establishment of pilot program.

The Nonnarcotic Medication Assisted Substance Abuse Treatment Grant Pilot Program is established in the department to increase opportunities for counties to provide long-acting nonnarcotic, nonaddictive medication combined with comprehensive substance abuse treatment to eligible offenders upon release from county correctional institutions. Grants shall be limited to fiscal year 2015-2016 and awarded to counties eligible to participate in the pilot program within six months of the effective date of this section.

(61 Pa.C.S. § 4602)

§ 4604. Use of grant funding.

(a) County.--A county awarded a grant under the pilot program shall contract with an entity, provider or organization that shall:

(1) Assess each offender, prior to reentry into the community, and determine if the offender is a candidate to whom should be administered medication that prevents relapse to drug dependence or alcohol dependence, or both.

(2) Create an individualized program for each offender identified under paragraph (1).

(3) Provide access to and administer long-acting nonnarcotic, nonaddictive medication assisted treatment.

(4) Provide clinically appropriate inpatient or outpatient services determined as necessary to support each individual's treatment plan.

(5) Cooperate with the county probation and parole office as to the use of any drug under paragraph (1) by any eligible offender.

(6) Create a discharge plan for each offender under paragraph (1).

* * *

(61 Pa.C.S. § 4604)

§ 4606. Prior authorization.

Long-acting injectable naltrexone shall be approved as part of a prior authorization process by any Medicaid managed care plan operating under contract with the Commonwealth for eligible offenders enrolled in the pilot program and receiving comprehensive substance abuse treatment which includes the monitoring of medication adherence upon their release from county correctional institutions. Within 90 days of the effective date of this section, the Department of Human Services shall issue a bulletin notice to instruct Medicaid managed care plans that approval for the use of long-acting injectable naltrexone must be granted if the eligible offenders are enrolled in the pilot program upon their release from county correctional institutions.

(61 Pa.C.S. § 4606)

§ 4607. Report to General Assembly.

Within 18 months of the effective date of this section, the department shall issue a report to the Judiciary Committee of the Senate and the Appropriations Committee of the Senate and the Judiciary Committee of the House of Representatives and the Appropriations Committee of the House of Representatives evaluating the effectiveness of the pilot program. The report shall include:

(1) The number of eligible offenders to whom long-acting nonnarcotic, nonaddictive medication assisted treatment was administered.

(2) The number of eligible offenders who completed the program of long-acting nonnarcotic, nonaddictive medication assisted treatment.

(3) Recidivism rates of eligible offenders to whom long-acting nonnarcotic, nonaddictive medication assisted treatment was administered.

(4) The average amount of grants awarded to counties.

(5) The number of providers available to meet the requirements provided in section 4603 (relating to county participation requirements) on a county-by-county basis.

(6) The impact of the use of long-acting nonnarcotic, nonaddictive medication assisted treatment on treatment outcomes and any potential cost savings.

(61 Pa.C.S. § 4607)

§ 6151. Definitions [relating to State parole agents].

The following words and phrases when used in this subchapter [61 Pa.C.S. Ch. 61 Subch. D (relating to State parole agents)] shall have the meanings given to them in this section unless the context clearly indicates otherwise:

* * *

"Exigent circumstances." The term includes, but is not limited to, suspicion that contraband or other evidence of violations of the conditions of supervision might be destroyed or suspicion that a weapon might be used. Exigent circumstances always exist with respect to a vehicle.

* * *

(61 Pa.C.S. § 6151)

§ 3750. Reports by garages.

The person in charge of any garage or repair shop to which is brought a vehicle which shows evidence of having been struck by any bullet shall report to the nearest office of a duly authorized police department within 24 hours after the vehicle is received by the garage or repair shop, giving the year, make and model name of the vehicle, the vehicle identification number, the registration plate number and address of the owner or driver of the vehicle.

(75 Pa.C.S. § 3750)

PENNSYLVANIA LAWS RELATING TO FIREARMS

TABLE OF STATUTES

Unconsolidated Statutes

1850, P.L.666, No.390, § 22 117

1901, P.L.20, No.14, § 1903 20

1921, P.L.430, No.204, § 1 21

1927, P.L.95, No.67, § 1 36

1929, P.L.177, No.175, § 616-A 4

1929, P.L.177, No.175, § 712 4

1929, P.L.177, No.175, § 909 25

1929, P.L.343, No.176, § 1713-K 36

1937, P.L.799, No.221, § 1 17

1937, P.L.1595, No.324, § 5 15

1941, P.L.137, No.74, § 1 17

1949, P.L.30, No.14, § 778 65

1949, P.L.30, No.14, § 1317.2 66

1949, P.L.30, No.14, § 1301-A 66

1949, P.L.30, No.14, § 1302-A 66

1949, P.L.30, No.14, § 1303-A 69

1949, P.L.30, No.14, § 1304-A 69

1949, P.L.30, No.14, § 1307-A 70

1949, P.L.30, No.14, § 1310-A 70

1949, P.L.30, No.14, § 1311-A 70

1949, P.L.30, No.14, § 1901-C 71

1949, P.L.30, No.14, § 2009-A 71

1949, P.L.30, No.14, § 2134 71

1953, P.L.723, No.230, § 1210 15

1953, P.L.723, No.230, § 2103 78

1953, P.L.723, No.230, § 3107-C 21

1953, P.L.1273, No.361, § 6 72

1953, P.L.1273, No.361, § 13 73

1953, P.L.1273, No.361, § 16 74

1955, P.L.323, No.130, § 1210 16

1955, P.L.323, No.130, § 1903 78

1957, P.L.61, No.34, § 1 18

1957, P.L.61, No.34, § 1.1 18

1966, Sp.Sess.3, P.L.96, No.6, § 605 118

1972, P.L.233, No.64, § 34 18

1974, P.L.705, No.235, § 2 12

1974, P.L.705, No.235, § 3 12

1974, P.L.705, No.235, § 4 12

1974, P.L.705, No.235, § 5 13

1974, P.L.705, No.235, § 6 13

1974, P.L.705, No.235, § 7 14

1974, P.L.705, No.235, § 8 14

1974, P.L.705, No.235, § 8.1 14

1974, P.L.705, No.235, § 9 14

1974, P.L.705, No.235, § 10 14

1974, P.L.705, No.235, § 10.1 15

1976, P.L.817, No.143, § 109 94

1976, P.L.817, No.143, § 111 94

1982, P.L.784, No.225, § 901 78

1983, P.L.303, No.83, § 302 79

1984, P.L.614, No.127, § 14 47

1988, P.L.452, No.74, § 1 75

1990, P.L.436, No.107, § 502 93

1995, Sp.Sess.1, P.L.1066, No.23, § 25 26

1996, P.L.732, No.131, § 3 94

2004, P.L.1383, No.180, § 303 72

2005, P.L.432, No.79, § 2 95

2005, P.L.432, No.79, § 3 95

2005, P.L.432, No.79, § 4 96

2005, P.L.432, No.79, § 5 97

2005, P.L.432, No.79, § 6 97

Consolidated Statutes

5 Pa.C.S. § 2101 74

5 Pa.C.S. § 3304 75

11 Pa.C.S. § 12423 21

11 Pa.C.S. § 144A22 21

PENNSYLVANIA LAWS RELATING TO FIREARMS

18 Pa.C.S. § 505 108

18 Pa.C.S. § 508 6

18 Pa.C.S. § 907 108

18 Pa.C.S. § 908 109

18 Pa.C.S. § 908.1 110

18 Pa.C.S. § 912 62

18 Pa.C.S. § 913 111

18 Pa.C.S. § 2301 118

18 Pa.C.S. § 2701 111

18 Pa.C.S. § 2702 111

18 Pa.C.S. § 2702.1 111

18 Pa.C.S. § 2703 26

18 Pa.C.S. § 2704 26

18 Pa.C.S. § 2707.1 112

18 Pa.C.S. § 2709 112

18 Pa.C.S. § 2709.1 112

18 Pa.C.S. § 2711 50

18 Pa.C.S. § 3141 112

18 Pa.C.S. § 3901 118

18 Pa.C.S. § 3903 113

18 Pa.C.S. § 3929 113

18 Pa.C.S. § 4104 113

18 Pa.C.S. § 4906 114

18 Pa.C.S. § 5104.1 114
18 Pa.C.S. § 5105 114
18 Pa.C.S. § 5106 115
18 Pa.C.S. § 5121 116
18 Pa.C.S. § 5122 116
18 Pa.C.S. § 5501 116
18 Pa.C.S. § 5511 78
18 Pa.C.S. § 5515 117
18 Pa.C.S. § 5704 6
18 Pa.C.S. § 5713.1 7
18 Pa.C.S. § 6102 119
18 Pa.C.S. § 6103 98
18 Pa.C.S. § 6104 98
18 Pa.C.S. § 6105 103
18 Pa.C.S. § 6105.1 104
18 Pa.C.S. § 6106 38
18 Pa.C.S. § 6106.1 104
18 Pa.C.S. § 6107 77
18 Pa.C.S. § 6108 105
18 Pa.C.S. § 6109 46
18 Pa.C.S. § 6110.1 48
18 Pa.C.S. § 6110.2 105
18 Pa.C.S. § 6111 33

PENNSYLVANIA LAWS RELATING TO FIREARMS

18 Pa.C.S. § 6111.1 3

18 Pa.C.S. § 6111.2 33

18 Pa.C.S. § 6111.3 34

18 Pa.C.S. § 6111.4 8

18 Pa.C.S. § 6111.5 4

18 Pa.C.S. § 6112 46

18 Pa.C.S. § 6113 47

18 Pa.C.S. § 6115 106

18 Pa.C.S. § 6117 106

18 Pa.C.S. § 6118 119

18 Pa.C.S. § 6119 106

18 Pa.C.S. § 6120 19

18 Pa.C.S. § 6121 106

18 Pa.C.S. § 6122 47

18 Pa.C.S. § 6123 24

18 Pa.C.S. § 6124 4

18 Pa.C.S. § 6125 4

18 Pa.C.S. § 6127 107

18 Pa.C.S. § 6141.1 34

18 Pa.C.S. § 6142 107

18 Pa.C.S. § 6181 62

18 Pa.C.S. § 6182 63

18 Pa.C.S. § 6183 63

18 Pa.C.S. § 6184 64
18 Pa.C.S. § 6185 64
18 Pa.C.S. § 6186 64
18 Pa.C.S. § 6187 64
18 Pa.C.S. § 6301 48
18 Pa.C.S. § 6302 34
18 Pa.C.S. § 6303 34
18 Pa.C.S. § 6304 35
22 Pa.C.S. § 3706 16
22 Pa.C.S. § 3711 16
23 Pa.C.S. § 6102 51
23 Pa.C.S. § 6105 51
23 Pa.C.S. § 6106 51
23 Pa.C.S. § 6107 52
23 Pa.C.S. § 6108 54
23 Pa.C.S. § 6108.1 55
23 Pa.C.S. § 6108.2 56
23 Pa.C.S. § 6108.3 61
23 Pa.C.S. § 6108.4 61
23 Pa.C.S. § 6108.5 61
23 Pa.C.S. § 6113 61
23 Pa.C.S. § 6119 62
23 Pa.C.S. § 6121 62

23 Pa.C.S. § 6304 48
23 Pa.C.S. § 6338.1 49
30 Pa.C.S. § 305 79
30 Pa.C.S. § 901 79
34 Pa.C.S. § 102 80
34 Pa.C.S. § 901 80
34 Pa.C.S. § 928 81
34 Pa.C.S. § 2102 81
34 Pa.C.S. § 2126 81
34 Pa.C.S. § 2301 81
34 Pa.C.S. § 2308 82
34 Pa.C.S. § 2310 82
34 Pa.C.S. § 2311 83
34 Pa.C.S. § 2322 83
34 Pa.C.S. § 2325 83
34 Pa.C.S. § 2362 83
34 Pa.C.S. § 2382 84
34 Pa.C.S. § 2501 84
34 Pa.C.S. § 2503 85
34 Pa.C.S. § 2504 85
34 Pa.C.S. § 2505 85
34 Pa.C.S. § 2506 86
34 Pa.C.S. § 2507 86

34 Pa.C.S. § 2508 87
34 Pa.C.S. § 2510 87
34 Pa.C.S. § 2521 87
34 Pa.C.S. § 2522 88
34 Pa.C.S. § 2523 89
34 Pa.C.S. § 2524 89
34 Pa.C.S. § 2525 89
34 Pa.C.S. § 2701 90
34 Pa.C.S. § 2704 90
34 Pa.C.S. § 2711 91
34 Pa.C.S. § 2741 91
34 Pa.C.S. § 2923 91
34 Pa.C.S. § 2928 92
34 Pa.C.S. § 2942 92
34 Pa.C.S. § 2944 92
34 Pa.C.S. § 2945 93
35 Pa.C.S. § 7301 77
35 Pa.C.S. § 7435 17
42 Pa.C.S. § 2154 21
42 Pa.C.S. § 5552 22
42 Pa.C.S. § 6355 49
42 Pa.C.S. § 6801 121
42 Pa.C.S. § 8318 122

42 Pa.C.S. § 8384 123
42 Pa.C.S. § 8542 20
42 Pa.C.S. § 9712 22
42 Pa.C.S. § 9712.1 23
42 Pa.C.S. § 9715 23
42 Pa.C.S. § 9754 24
42 Pa.C.S. § 9758 24
42 Pa.C.S. § 9763 24
42 Pa.C.S. § 9911 123
44 Pa.C.S. § 7148 8
51 Pa.C.S. § 906 75
51 Pa.C.S. § 3302 76
51 Pa.C.S. § 6014 76
51 Pa.C.S. § 6023 76
51 Pa.C.S. § 6028 76
51 Pa.C.S. § 7502 77
53 Pa.C.S. § 1133 77
53 Pa.C.S. § 2167 8
53 Pa.C.S. § 2962 20
61 Pa.C.S. § 3513 27
61 Pa.C.S. § 3903 124
61 Pa.C.S. § 4103 125
61 Pa.C.S. § 4503 126

PENNSYLVANIA LAWS RELATING TO FIREARMS

61 Pa.C.S. § 4601 126

61 Pa.C.S. § 4602 127

61 Pa.C.S. § 4604 124

61 Pa.C.S. § 4606 127

61 Pa.C.S. § 4607 128

61 Pa.C.S. § 5902 27

61 Pa.C.S. § 6137 25

61 Pa.C.S. § 6151 128

61 Pa.C.S. § 6301 8

61 Pa.C.S. § 6302 9

61 Pa.C.S. § 6303 9

61 Pa.C.S. § 6304 9

61 Pa.C.S. § 6305 10

61 Pa.C.S. § 6306 10

61 Pa.C.S. § 6307 11

61 Pa.C.S. § 6308 11

75 Pa.C.S. § 3750 128

75 Pa.C.S. § 7727 93

Pennsylvania Constitution, Article I, Section 21 1

Pennsylvania Constitution, Article III, Section 16 75