



Berks County Sheriff's Department



Firearm Laws & Safety



Sheriff Eric J. Weaknecht has been a member of the Berks County Sheriff's Department since 1984.

The Berks County Sheriff's Department is staffed with 110 full-time employees, operates a fleet of 24 vehicles and occupies two floors of the Berks County Courthouse. The Sheriff's Department is responsible not only for elements of criminal court, but elements of civil court and has a licensing issuance and enforcement function. The Sheriff's Department service area not only includes Berks County but is required to travel the Commonwealth of Pennsylvania and the entire United States. The Sheriff's Department services tens of thousands of civil customers across our counter and in the county, and it handles over 12,000 criminal defendants. The Sheriff's Department is organized into five divisions: civil, court, services/training, central booking and warrants.

Sheriff Eric J. Weaknecht

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Emergencies Dial: 911

Basic Firearms Safety

Safety must be your first concern when handling, using, or storing any firearm.

These safety rules must always be followed:

- Always treat a firearm as if it is loaded.
- Always make sure the firearm is pointed in a safe direction.
- Always keep your finger out of the trigger guard and off the trigger until you are ready to fire.
- Always keep the firearm unloaded until you are ready to use it.
- Always be aware that safety devices can (and sometimes do) fail.
- Always make sure the firearm is in safe operating condition.
- Always use ammunition designed for use in your firearm.
- Always be sure of your target and what lies behind it.
- Always wear ear and eye protection when shooting.
- Always refrain from using alcohol or drugs before or when shooting.
- Always store firearms in a locked container and separate from ammunition. Be certain that firearms are inaccessible to children and unauthorized adults.

Children & Firearms

Few accidents are as tragic, or as preventable, as those involving children and firearms. Having children in the home, whether they live there or are visiting, makes it even more important to practice safe storage of firearms:

- Do not underestimate the ability of children to find, or reach a firearm you thought was safely hidden.
- Check stored firearms periodically to be sure that security devices are still intact, and that the firearms have not been loaded by an unauthorized person. Not only will this help ensure that your firearms are stored safely, this will also allow you to inspect your firearms for dirt, corrosion, or other conditions requiring maintenance or repair.
- There are many safety programs designed for children. As soon as they are old enough to understand, educate your children about firearms safety.

Remember: Most firearms accidents are preventable.

**Protect yourself and your loved ones
by taking firearms safety seriously.**

How To Apply For a Pennsylvania License to Carry Firearms

To be in compliance with the Uniform Firearms Act of 1995, as amended, the following policy is in effect.

1. Applicants must apply in person at the Berks County Sheriff's Department. Hours of operation are 8 a.m. to 5 p.m., Mon. thru Fri. You may also apply, in person, at remote locations in Berks County.
2. Licenses will be issued while applicant waits provided approval can be obtained by the Pennsylvania State Police in a timely manner. Individuals who are not immediately approved will be contacted via telephone upon approval.
3. Applicants must be 21 years old and a Berks County resident or a resident of another state in possession of a License to Carry Firearms or similar license for that state.
4. Applicants shall completely fill-out the required form in ink, sign and date the form where applicable. ALL BLANKS ON THE FORM MUST BE COMPLETED, IF A QUESTION IS NOT APPLICABLE INDICATE WITH "N/A".
5. Applicants shall choose only one (1) reason for a license to be issued. For example: "Self Defense".
6. The address on the application must match the address on your driver's license. PO BOXES WILL NOT BE ACCEPTED.
7. Applicants who request a firearm license to be issued for "employment" purposes submit a letter from their employer, if other than themselves, indicating the employers knowledge and permission for the employee to carry a concealed firearm in the scope of their employment.
8. If applicable, a copy of your Alien Registration Card and copies of 90 days Proof of Residency listing your current address. Examples: gas bill, electric bill, or phone bill. Failure to provide the required information will result in processing delays until a completed application is submitted.
9. A file on each applicant will be completed and maintained.
10. The State mandated fee for a license to carry firearms is \$25. Accepted forms of payment are cash, check or money order. Checks and money orders shall be made payable to SHERIFF of BERKS COUNTY.
11. Disclosure of your social security number is voluntary and will be used to facilitate a background check. If you choose not to disclose your social security number, the sheriff must still accept the application and forward it to the Pennsylvania State Police for the required background check. It may take significantly longer to process the background check without your social security number. PLEASE BE ADVISED, THE SOCIAL SECURITY NUMBER NO LONGER APPEARS ON THE LICENSE.

Remote Locations, every month from 10 a.m. to 6 p.m.:

- Birdsboro Borough Hall, 200 E. Main Street, Birdsboro - 3rd Monday
- Hamburg Borough Municipal Center, 61 N. Third St., Hamburg - 3rd Tuesday
- Wernersville Borough Hall, 100 N. Reber St., Wernersville - 3rd Wednesday
- Kutztown Borough Hall, 45 Railroad St., Kutztown - 3rd Thursday
- Colebrookdale Township Building, 765 W. Philadelphia Ave., Boyertown - 3rd Friday

Possession

No license is required to possess rifles and shotguns, or to possess handguns in one's home or place of business. It is unlawful for the following to possess any firearm: any person convicted of a crime of violence (murder, rape, assault, burglary, etc.); who is a fugitive, or has been convicted of a controlled substance offense punishable by more than 2 years, adjudicated mentally incompetent or involuntarily committed to a mental institution, illegal alien, adjudicated a delinquent for an offense that would disqualify one from possessing a firearm if committed by an adult, or subject to a protection from abuse court order.

It is unlawful to possess any firearm in a court facility. At or within the building containing a court facility, lockers or similar facilities shall be available by July 1, 2002, at no charge, for the temporary checking of firearms by persons lawfully carrying same. A receipt must be issued to the individual checking a firearm. It is unlawful for a person under 18 to possess a handgun. This does not apply to (1) a minor who is under the supervision of a parent, grandparent, legal guardian or adult acting with the consent of the minor's custodial parent or legal guardian, when the minor is engaged in lawful activity including training, target shooting or competition, or the firearm is unloaded and the minor is transporting it for lawful purpose or (2) a person under the age of 18 who is lawfully hunting or trapping in accordance with the Pennsylvania Game Code.

When carrying a handgun, the licensee shall, upon demand of a law enforcement officer, produce the license for inspection. A license to carry or a Sportsman's Firearm Permit does not authorize carrying a loaded shotgun or rifle in any vehicle. A Sportsman's Firearm Permit does not authorize carrying a loaded handgun in a vehicle.

Pennsylvania Instant Check System - P.I.C.S.

The Pennsylvania State Police implemented the Pennsylvania Instant Check System (PICS) on July 1, 1998. This state of the art system provides instant access to background records on an individual to determine if the person is eligible to purchase a firearm or acquire a license to carry a firearm. Pennsylvania Firearm Dealers and County Sheriffs access the PICS program through a toll free telephone number. If an individual is eligible to acquire a firearm, the PICS background check replaces the former, mandatory five-day waiting period. Operation has shown that approximately 70% of the individuals attempting to purchase a firearm can be approved instantly.

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

A Sportsman's Firearm Permit is valid only for sporting purposes. It is obtained by applying to the county treasurer. The applicant must present his hunting or fishing license and pay a fee of \$6.00. The permit is valid for five years. It must be carried with a valid hunting or fishing license.

Carrying

It is unlawful to possess any firearm on school property but "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." It is unlawful to carry a handgun, rifle or shotgun upon the public streets or upon any public property during an emergency proclaimed by a governmental executive unless the person carrying is actively engaged in lawful self defense, is licensed to carry firearms, or is exempt from licensing requirements.

It is unlawful to carry a handgun, rifle or shotgun upon the public streets or upon any public property in Philadelphia unless the person carrying is licensed to carry firearms or is exempt from licensing requirements.

Any person carrying a handgun "in any vehicle or concealed on or about his person" is required to have a license to carry or a Sportsman's Firearm Permit (good only for hunting, fishing, trapping and dog training).

However, no license is required:

- To carry a handgun in one's home or fixed place of business.*
- When engaged in target shooting or while going to or from shooters' places of assembly or target practice, provided the firearm is unloaded and the ammunition is carried in a separate container.*
- For law enforcement personnel, including policemen, jail wardens, and sheriffs and their deputies*
- To carry an unloaded and securely wrapped firearm from place of purchase to one's home or place of business, to or from a place of repair, or in moving from one place of abode or business to another, or from one's home to a vacation or recreational home or dwelling or back, to recover stolen property, or to a location to which the person has been directed to surrender firearms or back upon return of the surrendered firearm.*
- To carry while lawfully hunting or fishing or going to the place of hunting or fishing, provided one has a hunting or fishing license and a Sportsman's Firearm Permit.*
- While carrying a firearm in any vehicle when the person possesses a valid and lawfully issued license for that firearm which has been issued under the laws of the U.S. or any other state.*
- By a person who has a lawfully issued license to carry a firearm and said license expired within six months prior to the date of arrest and that individual is otherwise eligible for renewal of that license.*
- By any person who is otherwise eligible to possess a firearm 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 to the spouse or parent owning the firearm.*

Transportation In A Vehicle

A handgun being transported in a vehicle without a license to carry must be unloaded and must be carried under one of the exceptions listed above under "Carry." Rifles and shotguns may be transported in a vehicle as long as they are unloaded. * While transporting a firearm without a license, it is up to the person carrying the firearm to demonstrate that one of the exceptions under "Carry" applies. A law enforcement officer may demand such evidence. NOTES: A firearm is loaded if the firing chamber, the non-detachable magazine or, in the case of a revolver, any of the chambers of the cylinder contain ammunition capable of being fired. If the firearm uses a detachable magazine, the term means a magazine suitable for use in the 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 as the firearm.

Commonly Asked Questions

Q. If I possess a valid license to carry a firearm, am I required to undergo a Pennsylvania Instant Check System (PICS) background check to purchase a firearm?

A. Yes. Section 6111 of the Uniform Firearms Act (UFA) requires that a dealer complete a PICS check before delivering a firearm to a buyer. The exception granted to license to carry holders and law enforcement officers applied to the waiting period that was replaced by the instant check, and no longer applies.

Q. What if I own a firearm, and I am convicted of a crime that prohibits me from possessing firearms?

A. You have 60 days from the date of the imposition of any disability (such as a conviction which prohibits ownership of a firearm) to sell or transfer any firearms you own to a person who is not a member of your household.

Q. Do I need a license to possess a firearm?

A. You do not need a license to possess a firearm; however, a license to carry is required for the purpose of carrying a firearm concealed on or about your person, or in a vehicle within this Commonwealth. Exceptions can be found in Section 6106(b) of the UFA.

Q. What do I need to do if I want to sell or transfer a firearm to a friend?

A. You must have a licensed firearm dealer or sheriff process the transaction. The \$3.00 surcharge does not apply. There will be a \$2.00 Pennsylvania Instant Check System (PICS) background check done on the intended recipient of the firearm, to ensure the individual is eligible to acquire the firearm.

Q. If I have a criminal record from many years ago, and I have not committed a prohibited offense since then, is it possible that I may be able to purchase a firearm?

A. The current Uniform Firearms Act does not exempt criminal records from a specific time period in order to acquire a firearm. Also, criminal records are not automatically expunged (deleted) after a period of time. In Pennsylvania, a court order is required to expunge non-conviction information. Conviction information may not be expunged. It is possible to obtain court ordered relief from a firearm disability, which may grant eligibility to acquire a firearm.

Q. Can I allow persons under the age of 18 to use firearms?

A. Persons under the age of 18 (minors) may only possess or transport a handgun (any pistol or revolver with a barrel length less than 15 inches, shotguns with a barrel length less than 18 inches, any rifle with a barrel length less than 16 inches, or firearms with an overall length of less than 26 inches) under the following circumstances: • The person is under the supervision of a parent, grandparent, legal guardian, or an adult acting with the expressed consent of the minor's custodial parent or legal guardian, and the minor is engaged in lawful activity, including safety training, lawful target shooting, engaging in an organized competition involving the use of a firearm, or the firearm is unloaded and the minor is transporting it for a lawful purpose; or • The person is lawfully hunting or trapping in accordance with 34 Pa. C.S. • (relating to game).

Q. What types of identification do I need to purchase a firearm?

A. Dealers may accept any one of the following documents as identification:

- A valid photo drivers license
- A valid government-issued photo identification card.

Because Pennsylvania is a point of contact (POC) for the National Instant Check System (NICS), operational November 30, 1998, we agree to do the federal firearms background check (Brady check) which requires a photo identification card. Even though the Pennsylvania law provides for non-photo ID, for members of religious sects whose tenets forbid or discourage the taking of photographs, it is now required that a photo ID be provided.

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

A. There are 35 PROHIBITED OFFENSES* (crimes) for which a conviction would prohibit a person from lawfully purchasing or possessing a firearm under the UFA. There are SEVEN CONDITIONS** which would also prohibit this. Additionally, one condition (three convictions for driving under the influence of alcohol or controlled substance, within a five-

year period) prohibits subsequent purchase or receipt by transfer, but not possession of firearms already owned. These prohibited offenses and conditions listed in the UFA

under § 6105 are as follows:

*THE 35 PROHIBITED OFFENSES ARE:

- § 908 Prohibited offensive weapons
- § 911 Corrupt organizations
- § 912 Possession of weapon on school property
- § 2502 Murder
- § 2503 Voluntary manslaughter
- § 2504 Involuntary Manslaughter, if reckless use of a firearm
- § 2702 Aggravated assault
- § 2703 Assault by prisoner
- § 2704 Assault by life prisoner
- § 2709 Harassment & stalking, if relating to stalking
- § 2901 Kidnapping
- § 2902 Unlawful restraint
- § 2910 Luring a child into a motor vehicle
- § 3121 Rape
- § 3123 Involuntary deviate intercourse
- § 3125 Aggravated indecent assault
- § 3301 Arson and related offenses
- § 3302 Causing or risking catastrophe
- § 3502 Burglary
- § 3503 Criminal trespass, if a felony of the second degree or higher
- § 3701 Robbery
- § 3702 Robbery of motor vehicle
- § 3921 Theft by unlawful taking or disposition, upon conviction of the second felony offense
- § 3923 Theft by extortion, when the offense is accompanied by threats of violence
- § 3925 Receiving stolen property, upon conviction of the second felony offense
- § 4912 Impersonating a public servant, if impersonating a law enforcement officer
- § 4952 Intimidation of witnesses or victims
- § 4953 Retaliation against witness or victim
- § 5121 Escape
- § 5122 Weapons or implements for escape
- § 5501 Riot, if the offense relates to a firearm or other deadly weapon
- § 5515 Prohibiting of paramilitary training
- § 6110 Possession of firearm by minor
- § 6301.1 Corruption of minors
- § 6302 Sale or lease of weapons and explosives

Any offense equivalent to any of the above offenses under the prior laws of this Commonwealth, or any offense equivalent to any of the above offenses under the statutes of any other state or of the United States.

**THE SEVEN CONDITIONS ARE: Are you a person who: 1. is a fugitive from justice; or 2. has been convicted of an offense under the Controlled Substance, Drug, Device and Cosmetic Act (PL 233, No. 64) punishable by imprisonment exceeding two years; or 3. has been convicted of driving under the influence of alcohol or controlled substance (75 Pa. C.S. § 3731) on three or more separate occasions within a five-year period; or 4. has been adjudicated as an incompetent or who has been involuntarily committed to a mental institution for treatment under § 302, 303, or 304 under the Mental Health Procedures Act (PL 817, No. 143); or 5. is an alien, is illegally or unlawfully in the United States; or 6. is the subject of an active protection from abuse order issued pursuant to 23 Pa. C. S. § 6108, relating to relief; or 7. was adjudicated delinquent (with conditions specified in the UFA). With the exception of crimes committed under sections 2502, 2503, 2702, 2704, 2901, 3121, 3123, 3301, 3502, 3701, and 3923, this prohibition may terminate 15 years after the last applicable delinquent adjudication, or upon the person reaching the age of 30, whichever is earlier. Because of its length, the Uniform Firearms Act cannot be included in this brochure. Your State legislator can provide you with a copy of the Uniform Firearms Act upon request.

• Federal Prohibitions

Prohibitions under federal law (as it applies in Pennsylvania) include: Under indictment for, or conviction of a misdemeanor offense for which the maximum prison term may exceed two years, or a felony, if the maximum prison term exceeds one year. Federal law, under the Lautenberg Amendment, applies prohibitions of misdemeanor convictions, if the offense involves domestic violence.