



**PENNSYLVANIA STATE POLICE**  
**BUREAU OF RECORDS & IDENTIFICATION**  
**FIREARMS DIVISION**  
**1800 ELMERTON AVENUE**  
**HARRISBURG, PA 17110**

April 16, 2019

Dear Federal Firearms Licensed Dealer/Commercial Armory:

In October 2018, Governor Tom Wolf signed into law Act 79 of 2018, which made changes to the Pennsylvania Uniform Firearms Act (18 Pa.C.S., Chapter 61) and the Pennsylvania Protection from Abuse Act (23 Pa.C.S., Chapter 61). The Act went into effect on April 10, 2019 and modifies procedures regarding the relinquishment of firearms, ammunition, and other weapons by the defendant named in a Protection from Abuse Order (PFA), or an individual who is convicted of a Misdemeanor Crime of Domestic Violence (MCDV). Act 79 can be viewed electronically in its entirety by accessing the Pennsylvania General Assembly's website at <https://www.legis.state.pa.us/>. Some of the changes are as follows:

- Required change(s) to forms commonly used by Pennsylvania Federal Firearms Dealers (FFLs)
- State prohibitors for failing to relinquish firearms when required.
- Firearms can no longer be given to friends or family for PFA third-party safekeeping;
- Firearms, ammunition, and other weapons can be relinquished to a law enforcement agency, a sheriff's office, FFLs, or a licensed Commercial Armory;
- Firearms, ammunition, and other weapons must be relinquished **within 24 hours** of the issuance of a Final PFA or the service of a Temporary PFA, unless a court orders otherwise.

FFL's who currently utilize paper copies of form SP 4-113, Application/Record of Sale (dated 10/2008) may continue to use such forms until the revised version issued to your business is delivered. Delivery is expected to occur over the next several months. **Upon arrival of the new issued forms, you should stop using all copies of the Application/Record of Sale forms (dated 10/2008) previously in your possession and destroy them.** In the interim, a copy of the new/revised text summarizing the prohibitions under 18 Pa.C.S. § 6105 is attached for review. Effective April 10, 2019, applicants must review the updated 6105 prohibitions when completing the SP 4-113, Application/Record of Sale. The revised prohibitions can also be viewed by accessing the PSP Firearms web page at <https://www.psp.pa.gov>.

If you are a current user of the electronic Application/Record of Sale form, the changes will occur during normal system updates. If you are not a current user, or have questions regarding the electronic services to include, electronic Application/Record of Sale, electronic Surcharge Remittance, or Stolen Gun Query provided by the Pennsylvania State Police (PSP), please contact the PSP Firearms Division at 1-717-772-1896.

As a FFL or Commercial Armory, you may have individuals request that you accept their relinquishment of firearms, ammunition, or other weapons, regarding either MCDV convictions or the entry of PFAs. To facilitate the statutory mandate concerning PFA-related relinquishment and assist those FFLs or Commercial Armories which desire to participate, the PSP has developed a process within the Protection From Abuse Database (PFAD) to help record, monitor, and track these relinquishments. Participating FFLs or Commercial Armories which desire to utilize this web-based system will need to obtain access to the PFAD application. Please have at least one, but no more than three, individuals from your business access the PFAD system online at [www.pfad.pa.gov](http://www.pfad.pa.gov). Then click the "Request Account" tab at the top, complete the required information and an account request will be created and processed by the PSP Commonwealth Law Enforcement Assistance Network (CLEAN) Administrative Section. (Note: this will only be relevant for items relinquished pursuant to a PFA. It will not be usable for items relinquished because of a conviction for a MCDV.)

Training on the PFAD application is available on the PSP Public website at <https://www.psp.pa.gov>. From the home page, navigate to the training by selecting or clicking on the 'Law Enforcement Services', 'CLEAN', 'FFL and 'Third Party Training' tabs. This training will outline the process and how it needs to be completed to remain in compliance with state law. Questions regarding obtaining access to PFAD and this process can be directed to the CLEAN Administrative Section at [ra-clean@pa.gov](mailto:ra-clean@pa.gov), or via phone at 1- 717-783-5575.

Sincerely,

A handwritten signature in black ink, appearing to read 'Bryan Paulshock', written in a cursive style.

Lieutenant Bryan Paulshock  
Director, Firearms Division

**18 Pa.C.S. Section 6105(a)(1):** A person who has been convicted of an offense enumerated in subsection (b), within or without this Commonwealth, 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.

**Section 6105(a.1)(2):** A person who is the subject of an active final protection from abuse order issued pursuant to 23 Pa.C.S. § 6108, is the subject of any other active protection from abuse order issued pursuant to 23 Pa.C.S. § 6107(b) (relating to hearings), which provided for the relinquishment of firearms or other weapons or ammunition during the period of time the order is in effect, or is otherwise prohibited from possessing or acquiring a firearm under 18 U.S.C. § 922(g)(8) (relating to unlawful acts), commits a misdemeanor of the second degree if he intentionally or knowingly fails to relinquish a firearm or other weapon or ammunition.

**Section 6105(b)**

- §908 Prohibited offensive weapons
- §911 Corrupt organizations
- §912 Possession of weapon on school property
- §2502 Murder
- §2503 Voluntary manslaughter
- §2504 Involuntary manslaughter, if the offense is based on the reckless use of a firearm
- §2702 Aggravated assault
- §2703 Assault by prisoner
- §2704 Assault by life prisoner
- §2709.1 Stalking
- §2716 Weapons of mass destruction
- §2901 Kidnapping
- §2902 Unlawful restraint
- §2910 Luring a child into a motor vehicle or structure
- §3121 Rape
- §3123 Involuntary deviate sexual intercourse
- §3125 Aggravated indecent assault
- §3301 Arson and related offenses
- §3302 Causing or risking catastrophe
- §3502 Burglary
- §3503 Criminal trespass, if the offense is graded a felony of the second degree or higher
- §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
- §4906 False reports to law enforcement authorities, if the fictitious report involved the theft of a firearm as provided in 4906(c)(2)
- §4912 Impersonating a public servant if the person is impersonating a law enforcement officer
- §4952 Intimidation of witnesses or victims
- §4953 Retaliation against witness, victim or party
- §5121 Escape
- §5122 Weapons or implements for escape
- §5501(3) Riot
- §5515 Prohibiting of paramilitary training
- §5516 Facsimile weapons of mass destruction
- §6110.1 Possession of firearm by minor
- §6301 Corruption of minors
- §6302 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.

**Section 6105(c):**

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

**ARE YOU A PERSON WHO:**

1. is a fugitive from justice; or
2. has been convicted of an offense under the act of April 14, 1972 (P.L. 233, No. 64), known as The Controlled Substance, Drug, Device and Cosmetic Act, or any equivalent Federal statute or equivalent statute of any other state, that may be punishable by a term of imprisonment exceeding two years; or
3. has been convicted of driving under the influence of alcohol or controlled substance as provided in 75 Pa.C.S. § 3802 (relating to driving under influence of alcohol or controlled substance) or the former 75 Pa.C.S. § 3731, on three or more separate occasions within a five-year period. For the purposes of this paragraph only, the prohibition of Section 6105(a) shall only apply to transfers or purchases of firearms after the third conviction; or
4. has been adjudicated as an incompetent or who has been involuntarily committed to a mental institution for inpatient care and treatment under section 302, 303, or 304 of the provisions of the act of July 9, 1976 (P.L. 817, No. 143), known as the Mental Health Procedures Act; or
5. being an alien, is illegally or unlawfully in the United States; or
6. is the subject of an active final protection from abuse order issued pursuant to 23 Pa.C.S. § 6108, is the subject of any other active protection from abuse order issued pursuant to 23 Pa.C.S. § 6107(b), which provided for the relinquishment of firearms during the period of time the order is in effect or is otherwise prohibited from possessing or acquiring a firearm under 18 U.S.C. § 922(g)(8). This prohibition shall terminate upon the expiration or vacation of the order or portion thereof relating to the relinquishment of firearms; or
7. was adjudicated delinquent by a court pursuant to 42 Pa.C.S. § 6341 (relating to adjudication) or under any equivalent Federal statute or statute of any other state as a result of conduct which if committed by an adult would constitute an offense under 18 Pa.C.S. sections 2502, 2503, 2702, 2703, 2704, 2901, 3121, 3123, 3301, 3502, 3701, and 3923; or
8. was adjudicated delinquent by a court pursuant to 42 Pa.C.S. § 6341 or under any equivalent Federal statute or statute of any other state as a result of conduct which if committed by an adult would constitute an offense enumerated in 18 Pa.C.S. § 6105(b) with the exception of those crimes set forth in paragraph 7. This prohibition shall terminate 15 years after the last applicable delinquent adjudication or upon the person reaching the age of 30, whichever is earlier.
9. is prohibited from possessing or acquiring a firearm under 18 U.S.C. § 922(g)(9). 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.
10. has been convicted of an offense under subsection (a.1)(2). The prohibition shall terminate five years after the date of conviction, final release from confinement or final release from supervision, whichever is later.

**PRIVACY ACT NOTICE**

*Solicitation of this information is authorized under Title 18 Pa.C.S. § 6111. Disclosure of your social security number is voluntary. Your social security number, if provided, may be used to verify your identity and prevent misidentification. All information supplied, including your social security number, is confidential and not subject to public disclosure.*