# FEDERAL SILENCER LAWS





Suppressors (also known as silencers, mufflers, or moderators), and their component parts, are defined as firearms under federal law.<sup>1</sup>



## NFA & GCA

Suppressors are regulated by the National Firearms Act of 1934 (NFA)<sup>2</sup>, and Title II of the Gun Control Act of 1968 (GCA).<sup>3</sup>



The Firearm Owners' Protection Act of 1986 (FOPA) further amended the definition of "silencer" by making combinations of silencer parts, and any part intended for use in the assembly or fabrication of a silencer, also, by itself, a silencer that requires registration.<sup>4</sup>

# **CRIMINALITY**



It is illegal for individuals to possess unregistered suppressors or even **suppressor parts.**<sup>5</sup>

Possession of an unregistered suppressor is illegal under federal law and punishable by 10 years in prison and a

\$250.000 fine. 6,7

The mere possession of a silencer during the commission of a crime is punishable under Federal Law by a minimum sentence of **30 years in prison.** 

A second offense is punishable by life imprisonment.8



"[SUPPRESSORS] **should not** be viewed as a threat to public safety" — ATF<sup>9</sup>



<sup>1</sup>18 U.S.C. 921(a)(24) <sup>2</sup>26 U.S.C. Chapter 53 <sup>3</sup>18 U.S.C. Chapter 44 <sup>4</sup>18 U.S.C. 921(a)(24) <sup>5</sup>26 U.S.C. 5861 <sup>6</sup>26 U.S.C. 5871 <sup>7</sup>18 U.S.C. 3571(b)(3) <sup>8</sup>18 U.S.C. 924(c)(1) <sup>9</sup> Turk B. (2017) Options to Reduce

 818 U.S.C. 924(c)(1)
 9 Turk R. (2017) Options to Reduce or Modify Firearms Regulations. Federal Firearms Regulations.



# SILENCER REGISTRATION PROCESS

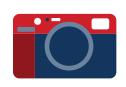
ATF Form 1 & Form 4 Registraion Process

All silencers must be registered with the government in the NFRTR.<sup>9A</sup>

ATF<sup>®</sup> must approve **all transfers** of a silencer before the transfer occurs.

# Individuals must apply to ATF to purchase.<sup>10</sup> Each application must include:





**Passport Photos** 



\$200 Transfer Tax



Notify local law enforcement



## **WAIT TIME: 9+ MONTHS**

Buyer must wait until ATF approval to take possession of their silencer.<sup>11</sup>

### **PRIVATE SALE**

An individual owner may sell their silencer to a resident of the same state BUT, the buyer must complete the same application process, and background check with ATF and receive approval BEFORE the seller may deliver the suppressor to the buyer.

### **SELF-MADE**

A person can make their own silencer BUT they must FIRST file an ATF Form 1. Unlike other personally made firearms, the silencer MUST be registered first with ATF and it MUST have a serial number. 12

#### Penal Codes

<sup>9</sup> 26 U.S.C. 5841 <sup>10</sup> 26 U.S.C. 5812(a) <sup>11</sup> 26 U.S.C. 5812(b) <sup>12</sup> 26 U.S.C. 5822

#### Terminology

A NFRTR: National Firearms Registration and Transfer Record

<sup>B</sup> ATF: The Bureau of Alcohol, Tobacco, Firearms and Explosives