



FEDERAL SILENCER LAWS

SUPPRESSOR, SILENCER, MUFFLER, MODERATOR.

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



NFA & GCA

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



FIREARM OWNERS' PROTECTION ACT

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.⁴

CRIMINALITY



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

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"
— ATF⁹

Penal Codes

¹18 U.S.C. 921(a)(24)
²26 U.S.C. Chapter 53
³18 U.S.C. Chapter 44
⁴18 U.S.C. 921(a)(24)
⁵26 U.S.C. 5861

⁶26 U.S.C. 5871
⁷18 U.S.C. 3571(b)(3)
⁸18 U.S.C. 924(c)(1)
⁹Turk R. (2017) Options to Reduce or Modify Firearms Regulations. Federal Firearms Regulations.



SILENCER REGISTRATION PROCESS

ATF Form 1 & Form 4 Registration Process



All silencers must be **registered** with the government in the NFRTR.^{9,A}

ATF^B must approve **all transfers** of a silencer before the transfer occurs.

Individuals must apply to ATF to purchase.¹⁰
Each application must include:



Fingerprints



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.¹¹

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

⁹ 26 U.S.C. 5841

¹⁰ 26 U.S.C. 5812(a)

¹¹ 26 U.S.C. 5812(b)

¹² 26 U.S.C. 5822

Terminology

^A NFRTR: National Firearms Registration and Transfer Record

^B ATF: The Bureau of Alcohol, Tobacco, Firearms and Explosives