



## **H.R. 367 Is Dangerous and Unnecessary, Would Make It Easier to Buy Silencers Illegally**

- ❑ **Bottom Line:** The gun lobby is pushing a radical bill in Congress (H.R. 367) that would remove silencers from the National Firearms Act (NFA), the federal law that has kept especially deadly weapons—like machine guns—out of the hands of dangerous people for over eighty years. Silencers pose a significant danger in the wrong hands, making it harder for bystanders or law enforcement to hear, locate, and react quickly to gunshots. The NFA has been effective in keeping silencers out of criminal hands, while allowing law-abiding citizens to access silencers. Lawmakers should reject H.R. 367 and the gun lobby’s dangerous pursuit of profit over safety.
- ❑ **H.R. 367 would undermine the NFA and enable dangerous people to buy silencers with no background check whatsoever.**
  - Passed in 1934 to fight organized crime, the NFA requires machine gun and silencer buyers to pass a criminal background check and comply with common-sense safety provisions.
    - Like machine gun buyers, silencer buyers must submit fingerprints and a photograph. Local police or sheriffs are notified of the sale. Federal law enforcement keeps a record of all purchases. Any loss or theft must be reported to law enforcement.<sup>1</sup>
  - H.R. 367 would strip all of these requirements for silencers. And—**for the first time in 80 years—felons, domestic abusers, and the dangerously mentally ill would be able to buy silencers with no background check, simply by finding an unlicensed seller.**
  - Removing silencers from the NFA would undermine the law’s success in keeping the public, and law enforcement officers, safe from crime. Research shows the use of silenced firearms in crime is rare,<sup>2</sup> demonstrating the NFA works to keep silencers out of the wrong hands.
- ❑ **Silencers in the wrong hands create serious public safety risks.**
  - The loud noise that a gun makes is one of its most important safety features: when people hear it, they realize they may need to run, hide, or protect others. In mass shootings, **being able to hear the gunshots can mean the difference between life and death.**
  - **Silencers make it harder for police and first responders to hear, locate, and react quickly to gunshots, with potentially deadly results.** In a live fire situation, the sound of gunshots gives police important information; silencers make it harder for police to respond. In addition, it’s often the sound of gunshots that prompts calls to 911. Without those calls, first responders can be delayed.<sup>3</sup>
  - **Silencers undermine city gun violence prevention efforts.** Gunfire detection tools, which help cities gather data and respond quickly to gun violence, would be significantly undermined by the widespread use of silencers.<sup>4</sup>
  - **Law enforcement officers and major law enforcement organizations have repeatedly opposed the rollback of silencer safety laws.**<sup>5</sup>
- ❑ **Silencers are not a “hearing protection” issue.** The gun lobby claims their efforts are intended to protect hunters’ hearing, but silencers are not the most effective or safe way to do so.



- **Silencers make hunting more dangerous.** Silencers put hunters—and bystanders—at risk. As a Maine Warden Service officer noted, “[g]enerally, discharge of a firearm causes a loud report that all in the immediate area can hear. This cautions those in the area, which can prevent possible safety issues.”<sup>6</sup>
- **Ear protection products are a safe, cost-effective alternative.** Widely available ear protection products work better than silencers to protect hearing and safety, muffling loud noises *and* magnifying sounds that users want to hear, such as the movement of an animal, or of another person.<sup>7</sup> **That’s why the U.S. military relies on ear protection, not silencers, to protect soldiers’ hearing.**<sup>8</sup>
- **It’s not public health that would benefit from H.R. 367, it’s the silencer market**—one of the fastest-growing sectors within the firearm industry.<sup>9</sup>
- ❑ **H.R. 367 is also a federal overreach: it would block states from replicating the NFA’s safety provisions.**
  - Under H.R. 367, state and local policymakers who have carefully crafted their own laws to keep silencers out of the wrong hands would be blocked from enforcing many of those protections, and from making new ones—putting communities at risk.

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<sup>1</sup> 26 U.S.C. § 5812(a); 27 CFR 479.86. These provisions apply not only to automatic firearms and silencers, but also to certain short-barreled firearms and other especially dangerous weapons. Note that automatic firearms manufactured after May 1986 generally may not be possessed or transferred.

<sup>2</sup> Clark, Paul A. “Criminal Use of Firearm Silencers.” *Western Criminology Review* 8, no. 2 (2007): 44–57. <http://bit.ly/2kf7emZ>.

<sup>3</sup> Goudie, Chuck. “Are Gun Silencers a Threat to Safety?” *ABC7 Chicago*, May 1, 2015. <http://abc7.ws/1JR6euw>.

<sup>4</sup> Buckley, Cara. “High-Tech ‘Ears’ Listen for Shot.” *The New York Times*, November 20, 2009. <http://nyti.ms/2lCNtTm>.

<sup>5</sup> Recent examples of groups in opposition include the Minnesota Chiefs of Police Association, the Illinois Association of Chiefs of Police, the Montana Game Warden Association, and the Maine Warden Service. Cook, Mike. “Use of Firearm Suppressors in Minnesota Gets Approval from House Committee.” *Minnesota House of Representatives*, March 12, 2015. <http://bit.ly/1FURUw3>; Jess, Steve. “Rifle Suppressor Bill Favored by Some Hunters, Opposed by Game Wardens.” *Montana Public Radio*, March 23, 2015. <http://bit.ly/2kE860z>; see also notes 3 and 6.

<sup>6</sup> Ohm, Rachel. “Maine’s New Hunting Silencer Law Draws Muted Fire as Deer Season Begins.” *Centralmaine.com*, October 31, 2015. <http://bit.ly/2lCMbaX>.

<sup>7</sup> Alberts, Kristin. “A Guide to Buying Electronic Ear Muffs.” *Guns.com*, August 22, 2013. <http://bit.ly/2lCEdi1>.

<sup>8</sup> Hodgkins, Kelly. “The US Army’s New Earbuds Give Soldiers Tunable Hearing, Protection from Loud Noises.” *Digital Trends*, June 8, 2016. <http://bit.ly/2kUyLXQ>.

<sup>9</sup> Weingarten, Dean. “SilencerCo Leads Huge Growth in USA Suppressor Market.” *Accurateshooter.com*, June 12, 2016. <http://bit.ly/2ki7Cw4>.