



Protecting Public Safety through Regulation of Silencers

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For more than 80 years, silencers have been subject to robust regulatory oversight by the Bureau of Alcohol, Tobacco, Firearms, and Explosives, or ATF, to ensure that these dangerous accessories are not easily accessible for criminal use. This approach has been effective at limiting the use of silencers in the commission of crime while ensuring their availability to law-abiding individuals who seek to own them. Congress should reject efforts to weaken the federal law regarding silencers.

Silencers pose a unique risk to public safety and warrant heightened regulation:

- Silencers are designed to reduce the sound produced when a gun is fired by providing an area for gases to expand and cool before exiting the gun and being released into the air.¹
- When a shot is fired using a silencer, the shooter's exact location can be difficult to determine, creating a substantial challenge for law enforcement officers seeking to respond to a reported shooting.²
 - This also makes it less likely that bystanders will recognize the sound of gunfire and report it to law enforcement or that sounds of gunfire will be picked up by gunshot detection technology in which many U.S. cities have recently invested.³
- In addition to noise reduction, manufacturers of silencers tout other benefits of these devices that also contribute to a heightened risk to public safety if employed for criminal use, such as “disguis[ing] the location of the shooter by reducing muzzle flash and minimizing environmental disturbances” and “reduc[ing] recoil and muzzle flip allowing for more accurate and faster follow-up shots.”⁴

Removing the current regulatory oversight of the transfer of silencers would subject these dangerous accessories to the vulnerabilities and weaknesses of current federal gun laws:

- Individuals would be permitted under federal law to buy silencers from private sellers without a background check and with no questions asked.⁵
- Silencers could be more easily diverted into illegal markets through straw purchases or the negligence or malfeasance of gun dealers.⁶

Current federal law effectively balances the need to regulate silencers with the right of law-abiding gun owners to possess them:

- Current federal law does not ban the possession of silencers. The National Firearms Act—a federal law enacted in 1934—created a robust regulatory framework for the transfer of silencers that requires individuals seeking to purchase a silencer to first submit a form to the ATF and pay a \$200 tax, submit to a fingerprint-based background check, and notify local law enforcement of their intent to purchase a silencer.⁷
- This regulatory framework has been successful at minimizing the use of silencers in the commission of crime.
 - In 2015, only 125 silencers were recovered by law enforcement in the United States in connection with a crime and submitted to ATF for tracing.⁸
- The current law strikes the right balance between protecting public safety and allowing law-abiding gun owners the opportunity to own silencers and has not proven to be an undue burden on the latter.
 - Indeed, ownership of silencers has skyrocketed in the past five years, underscoring the ease with which silencers can be obtained under the current law. There were 285,087 registered silencers in 2010 and 902,805 registered silencers in 2015—a 216 percent increase.⁹

Contrary to the arguments by the gun lobby and silencer manufacturers, silencers are not necessary to protect the hearing of hunters and recreational shooters:

- There are currently a wide variety of hearing protection devices available to hunters and sport shooters, including sophisticated earpieces that simultaneously enhance and protect hearing, enabling users to listen carefully to their surroundings while maintaining a high level of protection from high impact sounds.¹⁰
- These hearing protection devices are just as effective as silencers at reducing the noise of gunshots and do not pose any risk to public safety.
 - Silencers offer noise reduction in the range of 20 decibels to 35 decibels, while many types of earplugs and ear muffs available to hunters and recreational shooters offer noise reduction in the range of 20 decibels to 37 decibels.¹¹
 - When combining methods of hearing protection, such as ear plugs and ear muffs, it is possible to have a sound reduction range even higher than that of a silencer.¹²

Law enforcement organizations that oppose weakening federal regulation of silencers:

- Hispanic American Police Command Officers Association
- International Association of Campus Law Enforcement Administrators
- Major Cities Chiefs Association
- National Association of Women Law Enforcement Executives
- National Organization of Black Law Enforcement Executives
- Police Executive Research Forum
- Police Foundation¹³

Endnotes

- 1 Bureau of Alcohol, Tobacco, Firearms, and Explosives, "Firearms - Guides - Importation & Verification of Firearms - Gun Control Act Definition - Silencer," available at <https://www.atf.gov/firearms/firearms-guides-importation-verification-firearms-gun-control-act-definition-silencer> (last accessed February 2017); Advanced Armament Corp, "Frequently Asked Questions," available at http://www.advanced-armament.com/FAQs_ep_41-1.html#35 (last accessed February 2017).
- 2 Chuck Goudie, "Are Gun Silencers a Threat to Safety?" ABC7, April 30, 2015, available at <http://abc7chicago.com/news/are-gun-silencers-a-threat-to-safety/689952/>.
- 3 ShotSpotter, "Seven New Cities Roll Out ShotSpotter Technology to Help Prevent Crime and Reduce Gun Violence," October 27, 2016, available at <http://www.shotspotter.com/press-releases/article/seven-new-cities-roll-out-shotspotter-technology-to-help-prevent-crime-and>.
- 4 Advanced Armament Corp, "Frequently Asked Questions."
- 5 Center for American Progress, "Background Checks for All Gun Sales" (2015) available at <https://cdn.americanprogress.org/wp-content/uploads/2015/02/BackgroundChecks-factsheet3.pdf>.
- 6 Law Center to Prevent Gun Violence, "Gun Trafficking & Straw Purchases," available at <http://smartgunlaws.org/gun-laws/policy-areas/investigating-gun-crimes/gun-trafficking-straw-purchases/> (last accessed February 2017).
- 7 Bureau of Alcohol, Tobacco, Firearms, and Explosives, *Chapter 9. Transfers of NFA Firearms* (U.S. Department of Justice, 2009), available at <https://www.atf.gov/firearms/docs/atf-national-firearms-act-handbook-chapter-9/download> (last accessed February 2017); Bureau of Alcohol, Tobacco, Firearms, and Explosives, "National Firearms Act (NFA)," available at <https://www.atf.gov/qa-category/national-firearms-act-nfa> (last accessed February 2017).
- 8 Bureau of Alcohol, Tobacco, Firearms, and Explosives, *Firearm Types Recovered and Traced in the United States and Territories* (U.S. Department of Justice, 2015), available at <https://www.atf.gov/about/firearms-trace-data-2015>.
- 9 Bureau of Alcohol, Tobacco, Firearms, and Explosives, *Firearms Commerce in the United States: Annual Statistical Update 2016* (U.S. Department of Justice, 2016), available at <https://www.atf.gov/resource-center/docs/2016-firearms-commerce-united-states/download>; Bureau of Alcohol, Tobacco, Firearms, and Explosives, *Firearms Commerce in the United States 2011* (U.S. Department of Justice, 2011), available at <https://www.atf.gov/firearms/docs/report/firearms-commerce-united-states-2011/download>.
- 10 Tom McHale, "Electronic Hearing Protection for Shooting," Range365, July 9, 2015, available at <http://www.range365.com/gear-test-budget-electronic-hearing-protection/>; *Whitetail Journal*, "Hunters Often Overlook Hearing Protection," January 16, 2014, available at <http://www.grandviewoutdoors.com/big-game-hunting/hunters-often-overlook-hearing-protection/>.
- 11 American Suppressor Association, "Education," available at <http://americansuppressorassociation.com/education/> (last accessed February 2017); Amazon, "Professional Safety Ear Muffs by Decibel Defense - 37dB NRR - The HIGHEST Rated & MOST COMFORTABLE Ear Protection - Firearm & Industrial Use," available at <https://www.amazon.com/Professional-Safety-Muffs-Decibel-Defense/dp/B01BEENYCC> (last accessed February 2017); NRAstore.com, "NRA ZEM Hearing Protection," available at <http://www.nrastore.com/gear/shooting-gear/nra-zem-enhanced-hearing-protection> (last accessed February 2017); ProtectEar USA, "db Blocker Grip Intercanal Non-Vented," available at <http://www.protectear.com/us/product/db-blocker-grip-intercanal-non-vented/> (last accessed February 2017).
- 12 See National Institute for Occupational Safety and Health, "Reducing Exposure to Lead and Noise at Indoor Firing Ranges" (2010), available at <https://www.cdc.gov/niosh/docs/wp-solutions/2010-113/pdfs/2010-113.pdf>; Occupational Safety and Health Administration, *Appendix E- Noise Reduction Rating* (U.S. Department of Labor, 2013), available at https://www.osha.gov/dts/osta/otm/new_noise/appendix-e.pdf.
- 13 National Law Enforcement Partnership to Prevent Gun Violence, "Releases & Statements," available at http://lepartnership.org/?page_id=39 (last accessed March 2017).