

ATF 41F Ruling should keep suppressors available to NC sportsmen

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Suppressors (silencers) remain popular and legal in North Carolina. North Carolina law allows suppressors to be used by civilians for hunting, target shooting, and home/business self-defense purposes.

But because they were associated with gangland crimes back in the 1930s, suppressors were included with the firearms and devices regulated by the 1934 National Firearms Act. Under the act, the ATF requires federal registration of suppressors, background checks, and limitations on transfer and possession. Violations carry harsh penalties, including up to \$500,000 for certain NFA tax evasion offenses and up to 10 years in federal prison for violations of the Act.

In reality, suppressors are infrequently used in crime. The National Shooting Sports Foundation reports that less than .1% of homicides tried in federal courts involve suppressors. Despite their highly-regulated status, suppressors have valuable sporting and self-defense uses. Sportsmen willing to tolerate the extra regulations report the following benefits:

TARGET SHOOTING. Suppressors protect hearing on the gun range, and allow normal conversation between range participants, because ear protection does not have to always be worn. In addition, suppressor usage can reduce the noise transmitted to neighbors from an outdoor gun range. A suppressor can improve shooting accuracy, because it can reduce recoil and decrease muzzle rise. Also because recoil is reduced and the sound is dampened, shooters have less trouble with anticipatory “flinching” before the shot;

HUNTING. Because hunting frequently requires unimpeded hearing to locate game, hunters rarely wear ear protection. But the muzzle report from the rifles, shotguns, and pistols used in hunting can permanently harm hearing. Hunting with a silencer can allow a hunter to track game normally with no ear protection, and preserve hearing when he shoots. Because of lower recoil, less muzzle rise,



and less anticipatory flinching, a hunter may get off a second or third shot more quickly, allowing him to take game more humanely. And hunting with a suppressor is less likely to bother neighbors;

SELF-DEFENSE. In an enclosed home or business, it is unlikely that the owner will use ear protection if he must fire at an intruder. However, any shots fired in an enclosed space like a home or business may permanently damage the owner’s hearing, and may distract concentration. Using a weapon with a silencer for self-defense may improve accuracy, improve concentration, and preserve hearing.

The NFA gun trust remains the preferred method for purchasing suppressors. In its January 2016 ATF 41F ruling, the ATF did add a notification regulation which requires every “responsible person” associated with a gun trust (the gun trust grantor(s) and trustee(s)) to notify his local Chief Law Enforcement Officer (CLEO; normally the county Sheriff) of the proposed suppressor purchase. In addition, each “responsible person” must undergo a background check, submit two FBI fingerprint cards, and two photographs.

But because the new regulations only require CLEO notification instead of CLEO permission when a gun trust purchases a suppressor, and because NC laws allow civilians to use suppressors legally, sportsmen, sportswomen, and self-defense practitioners who are willing to follow the NFA laws and regulations, should enjoy unimpeded access to suppressors in North Carolina.