

SENATE BILL REPORT

SB 5112

As Reported by Senate Committee On:
Judiciary, February 8, 2011

Title: An act relating to firearm noise suppressors.

Brief Description: Changing restrictions on firearm noise suppressors.

Sponsors: Senators Hatfield, Honeyford, Sheldon and Schoesler.

Brief History:

Committee Activity: Judiciary: 1/26/11, 2/08/11 [DP].

SENATE COMMITTEE ON JUDICIARY

Majority Report: Do pass.

Signed by Senators Kline, Chair; Harper, Vice Chair; Pflug, Ranking Minority Member; Carrell, Hargrove, Kohl-Welles, Regala and Roach.

Staff: Lidia Mori (786-7755)

Background: Washington law does not regulate the possession of firearm suppressors. However, it is a gross misdemeanor crime in Washington for any person to use any device or contrivance for suppressing the noise of any firearm.

Federal law defines the term firearm silencer or firearm muffler as "any device for silencing, muffling, or diminishing the report of a portable firearm, including any combination of parts, designed or redesigned, and intended for the use in assembling or fabricating a firearm silencer or firearm muffler, and any part intended only for use in such assembly or fabrication."

Under federal law, the National Firearms Act (NFA) regulates the manufacture, importation, and transfer of firearm silencers and mufflers, as well as certain other weapons. Items regulated under the NFA are referred to as NFA firearms. The NFA firearms must be registered in a database maintained by the National Firearms Act Branch of the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF). Only the manufacturer, importer, or maker of the NFA firearm may register it with the ATF.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

A person wishing to obtain a firearm silencer or other NFA firearm has to obtain a certification from the local chief law enforcement officer, undergo a background check, obtain prior approval for the transfer, and pay a \$200 tax on the transaction. Under the NFA, a person is allowed to make his or her own silencer or other NFA firearm by applying to the ATF and meeting certain requirements. These requirements include: obtaining prior approval and registration of the item, obtaining a certification from the chief of the local law enforcement agency, undergoing a background check, and paying a \$200 tax on the item.

Summary of Bill: The crime of using a contrivance or device for suppressing the noise of a firearm is amended to exempt the use of a suppressor that is legally registered and possessed in accordance with federal law.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: According to the federal government, these items are legal and there are fees associated with owning a noise suppressor. This bill will help people who live near firearm ranges. Thirty-eight states allow the purchase of a suppressor; Washington is the only one that prohibits their use. Even law enforcement can't use one. Problems with noise complaints are solved with this bill. A person has to hold a license to have one and the license is to the person; plus you have to have a background check, even if the person has a concealed pistol license. This bill will greatly help firearm retailers to be able to become familiar with their inventory. Millions of dollars are spent on suppressors that are made in other states. Washington should join with the other states that allow people who are federally registered to use firearm noise suppressors. This bill makes gun ranges safer and it will not make it easier for criminals to own or use suppressors.

Persons Testifying: PRO: Senator Hatfield, prime sponsor; Brian Wurts, WA Council of Police & Sheriffs; Ed Owens, Hunters Heritage Council; Thomas Liemohn; Caleb Mason; Brian Schilt.