

2013 HOUSE ENERGY AND NATURAL RESOURCES

HB 1282

2013 HOUSE STANDING COMMITTEE MINUTES

House Energy and Natural Resources

Pioneer Room, State Capital

HB 1282
Jan 25, 2013
17728

Conference Committee

Imireth

Relating to using a suppresser for hunting.

Minutes:

2 "attached testimony."

Rep. Porter: We will open the meeting on HB 1282.

Rep. Heilman: This was something that was brought to me as something that we should bring up to code, game and fish already allows the use of suppressers for hunting. Since there is some confusion about a suppresser is we do a little bit of education for the committee (See testimony 1-2)

Rep. Hunskor: If I want to buy a suppresser do I need to meet federal guidelines or are there state regulations? If that is true who do I go to get the necessary forms?

Rep. Heilman: As far as I know you work with the person that is selling you the suppresser, fill out the tax forms or go through the ATF there is generally a 4-6 month waiting period to get approved by the ATF to have the suppresser.

Rep. Silbernagel: The current North Dakota laws for hunting using suppressers can you articulate more on that?

Rep. Heilman: There is nothing in the books that addresses hunting with the suppresser although game and fish allows the use all this does is put it in the state statute that it is allowed that way it needs to be changed later it has to come through the legislative process.

Rep. Silbernagel: So I go deer hunting with one of these and not violate any North Dakota law?

Rep. Heilman: I will qualify in saying as long as you have legally obtained and got the proper permits for use of the suppresser then yes if it is allowed for the weapon.

Rep. Porter: You have to go to an ATF licensed dealer not just any ATF retail dealer can sell suppressers. They have to have a special license to start with. You would buy the

suppressers they then keep the suppresser in their possession while you fill out that paper work and to the county sheriff do your finger prints; the back ground check gets mailed in with a \$200.00 fee to the ATF. This takes about 8 months to get that tax stamp back which is the same stamp that you need to own 2 different things in the U.S; Suppressers and fully automatic pre 1985 weapons. That stamp is only good for that serial numbered suppresser. You cannot cross state lines unless you notify law enforcement that you have crossed state lines.

Rep. Nathe: If I am hunting with a suppresser do I need that paper with me at all times?

Rep. Porte: Yes that paper has to be and I can't give it to you and say do you want to go hunting; it has to be with me at all times.

Rep. Anderson: Is that easily removed and put on another gun?

Rep. Porter: When I went to purchase mine the guy that was selling said buy the 308 caliber so you can use that for everything from a 17 HMR up to a 308.

Rep. Silbernag: Would this be adapted to a black power 50 caliber?

Rep. Porter: I suppose but I don't know that you would as long as the end is the right caliber.

Rep. Mock: How long have we allowed suppressers in North Dakota?

Rep. Porter: Forever; they have never been non-allowed. We will close the hearing on HB1282.

2013 HOUSE STANDING COMMITTEE MINUTES

House Energy and Natural Resources

Pioneer Room, State Capital

HB 1282

Jan 25, 2013

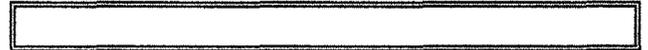
17765

Conference Committee



Relating to using a suppresser for hunting.

Minutes:



Rep. Porter: We HB 1282 in front of us.

Rep. Mock: I move a do pass on HB 1282

Rep. Porter: I have a motion on HB 1282 for a do pass seconded by Rep. Nathe

Rep. Slibernagel: My concern is that this allows this be adopted to any and all weapons and concerns about the ability to do that to black power muscle loaders for one. The other question I have how this would inhabit or magnate the land owners from being able to know and identify when there are hunters, safety and precautions in the field.

Rep. Porter: I would answer that as a no what we are doing is codifying what is already existing practice. There hasn't been any concerns raised, game and fish hasn't had the need to restrict or say that there are restrictions on using this device for any type of hunting. The clerk will call the roll on a do pass on HB 1282. Motion carried. Carrier Rep. Mock

Yes 13 No 0 absent 0 Carrier Rep. Mock

Date: 1-25-13
Roll Call Vote #: 1

2013 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 1282

House Natural Resources Committee

Check here for Conference Committee

Legislative Council Amendment Number Do Pass

Action Taken Rep. Mock

Motion Made By Rep. Mock Seconded By Rep. Nathe

Representatives	Yes	No	Representatives	Yes	No
Chairman Todd Porter	✓		Rep. Bob Hunsakor	✓	
Vice Chairman Chuck Damschen	✓		Rep. Scot Kelsh	✓	
Rep. Jim Schmidt	✓		Rep. Corey Mock	✓	
Rep. Glen Froseth	✓				
Rep. Curt Hofstad	✓				
Rep. Dick Anderson	✓				
Rep. Peter Silbernagel	✓				
Rep. Mike Nathe	✓				
Rep. Roger Brabandt	✓				
Rep. George Keiser	✓				

Total (Yes) 13 No 0

Absent 0

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:

Do Pass

REPORT OF STANDING COMMITTEE

HB 1282: Energy and Natural Resources Committee (Rep. Porter, Chairman)
recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING).
HB 1282 was placed on the Eleventh order on the calendar.

2013 SENATE NATURAL RESOURCES

HB 1282

2013 SENATE STANDING COMMITTEE MINUTES

Senate Natural Resources Committee
Fort Lincoln Room, State Capitol

HB 1282
March 15, 2013
20004

Conference Committee

Monica Spaulding

Explanation or reason for introduction of bill/resolution:

Relating to using a suppressor for hunting

Minutes:

attachments

Chairman Lyson opened the hearing for HB 1282.

Representative Joe Heilman, District 45, introduced the bill with a slide presentation that illustrated what a firearm suppressor is and how it works. See attachment #1 and #2. (Ends at 05:10) The main reason for using a suppressor is to avoid damage to hearing. It can also reduce the amount of recoil when firing a weapon. There can be an improvement in subsequent shots because of the decrease in distraction. Game and Fish already allows the use of suppressors, but this bill just codifies it. (Ends at 8:50)

There was discussion about why the bill was even necessary. Some federal regulations may be coming and some people felt this might be helpful to have in place. Some hunters may also be trying to protect their investment in the suppressors they already own.

There was discussion about the advantages and disadvantages realized by the hunter when using a suppressor on their firearm. The hunter experiences less recoil so he can be more accurate with subsequent shots, but the suppressor itself adds more weight to the firearm which adds to the fatigue for the hunter and can even throw off his center of balance. The suppressors can even shorten the range of the bullet.

There was discussion about the amount of decibel reduction and whether it would increase the danger of hunting because the other hunters may not know where a hunting partner is, etc. The sound is only decreased by about 50% so that is not really an issue.

Foster Ray Hager, Cass County Wildlife, stood in support of the bill.

Others in Favor: None

Opposition: None

Neutral: None

Senator Triplett asked Mr. Timian whether suppressors would introduce an additional danger for hunters.

Mr. Timian did not feel it would add danger in the field. (16:40 to 17:10)

There was discussion about whether this bill is necessary and whether suppressors have caused any problems in the field. There was also a short discussion about use of subsonic bullets.

Vice Chairman Burckhard closed the hearing for HB 1282.

Senator Triplett: Do Not Pass. She feels it is not a necessary bill.

Senator Unruh: Second

Roll Call Vote: 5, 2, 0

Carrier: Senator Triplett

Date: 3-15-13
Roll Call Vote #: 1

2013 SENATE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 1282

Senate Natural Resources Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken: Do Pass Do Not Pass Amended Adopt Amendment
 Rerefer to Appropriations Reconsider

Motion Made By Triplett Seconded By Unruh

Senators	Yes	No	Senators	Yes	No
Senator Lyson	✓		Senator Triplett	✓	
Senator Burckhard	✓		Senator Murphy		✓
Senator Hogue	✓				
Senator Laffen		✓			
Senator Unruh	✓				

Total (Yes) 5 No 2

Absent 0

Floor Assignment Triplett

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

HB 1282: Natural Resources Committee (Sen. Lyson, Chairman) recommends DO NOT PASS (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1282 was placed on the Fourteenth order on the calendar.

2013 TESTIMONY

HB 1282



INFORMATION CURRENT AS OF AUGUST, 2012

COMPLIED STATE LAWS CONCERNING OWNERSHIP AND HUNTING WITH USE OF FIREARMS-MOUNTED HEARING PROTECTION (SOUND SUPPRESSORS)

- AK All game animals legal
- AL *Reg. 220-2-.02 Legal Arms, Ammunition, and Methods for Hunting*
(1) GENERAL PROHIBITIONS: (e) It shall be unlawful to possess fully automatic firearms or silenced firearms while hunting any species of wildlife.
- AR All game animals legal
- AZ All game animals legal
As of August 1, 2012, after Arizona Governor Jan Brewer signed House Bill 2728 into law, suppressors are now legal for hunters in Arizona to use lawfully-possessed suppressors on firearms for hunting, modifying the previous prohibitions listed in *R12-4-303. Unlawful Devices, Methods, and Ammunition.*
- CA Ownership Prohibited, no further hunting regulations
CALIFORNIA PENAL CODE SECTION 33410. Any person, firm, or corporation who within this state possesses a **silencer** is guilty of a felony and upon conviction thereof shall be punished by imprisonment in the state prison or by a fine not to exceed ten thousand dollars (\$10,000), or by both that fine and imprisonment. 33415. Section 33410 shall not apply to, or affect, any of the following: (a) The sale to, purchase by, or possession of silencers by agencies listed in Section 830.1, or the military or naval forces of this state or of the United States, for use in the discharge of their official duties. (b) The possession of silencers by regular, salaried, full-time peace officers who are employed by an agency listed in Section 830.1, or by the military or naval forces of this state or of the United States, when on duty and when the use of silencers is authorized by the agency and is within the course and scope of their duties. (c) The manufacture, possession, transportation, or sale or other transfer of silencers to an entity described in subdivision (a) by dealers or manufacturers registered under Chapter 53 (commencing with Section 5801) of Title 26 of the United States Code and the regulations issued pursuant thereto.
- CO All game animals legal
- CT *c. 26-75. Silencer on firearms. No person shall use any silencer on any firearm when hunting.* (1949 Rev., S. 4893.) See Sec. 53a- 217e re negligent hunting offenses.
- DE *§ 710. Use of silencer on gun; penalty.*
Whoever uses a silencer or noise-reducing contrivance on any gun, rifle or firearm when hunting for game or fowl, shall be guilty of a class C environmental misdemeanor.
- FL *Florida Fish and Wildlife Conservation Commission Code: Prohibited methods and equipment for taking game: Fully automatic or silencer-equipped firearms*

- GA O.C.G.A. 27-3-4 (2010) 27-3-4. *Legal weapons for hunting wildlife generally*
(9) The use of silencers for hunting within this state is prohibited.
- HI Ownership Prohibited *§134-8 Ownership, etc., of automatic firearms, silencers, etc., prohibited; penalties. (a) The manufacture, possession, sale, barter, trade, gift, transfer, or acquisition of any of the following is prohibited: assault pistols, except as provided by section 134-4(e); automatic firearms; rifle with barrel lengths less than sixteen inches; shotguns with barrel lengths less than eighteen inches; cannons; mufflers, silencers, or devices for deadening or muffling the sound of discharged firearms;*
- 134-11 Exemptions. (a) Sections 134-7 to 134-9 and 134-21 to 134-27, except section 134-7(f), shall not apply: (1) To state and county law enforcement officers; provided that such persons are not convicted of an offense involving abuse of a family or household member under section 709-906; (2) To members of the armed forces of the State and of the United States and mail carriers while in the performance of their respective duties if those duties require them to be armed; (3) To regularly enrolled members of any organization duly authorized to purchase or receive the weapons from the United States or from the State; provided the members are either at, or going to or from, their places of assembly or target practice; (4) To persons employed by the State, or subdivisions thereof, or the United States while in the performance of their respective duties or while going to and from their respective places of duty if those duties require them to be armed; (5) To aliens employed by the State, or subdivisions thereof, or the United States while in the performance of their respective duties or while going to and from their respective places of duty if those duties require them to be armed; and (6) To police officers on official assignment in Hawaii from any state which by compact permits police officers from Hawaii while on official assignment in that state to carry firearms without registration. The governor of the State or the governor's duly authorized representative may enter into compacts with other states to carry out this paragraph. (b) Sections 134-2 & 134-3 shall not apply to such firearms or ammunition that are a part of the official equipment of any federal agency. (c) Sections 134-8, 134-9, and 134-21 to 134-27, shall not apply to the possession, transportation, or use, with blank cartridges, of any firearm or explosive solely as props for motion picture film or television program production when authorized by the chief of police of the appropriate county pursuant to section 134-2.5 and not in violation of federal law. [L1988, c 275, pt of 2 and am c 272, 2; am L 1989, c 211, 10; am L 1990, c 281,11; am L 1996, c60, 1, 2; am L 1999, c 202, 1 & c 297, 2; am L 2006, c 66,4] Cross Ref. Sheriff 26-14.6.
- IA Ownership Prohibited , no further hunting regulations
724.3 UNAUTHORIZED POSSESSION OF OFFENSIVE WEAPONS. An offensive weapon is any device or instrumentality of the following types: 8) Any mechanical device specifically constructed and designed so that when attached to a firearm silences, muffles, or suppresses the sound when fired. However, this subsection does not apply to a mechanical device possessed and used by a person solely for the purpose of shooting a deer pursuant to an approved city special deer population control plan if the person has a valid federal permit to possess and use the mechanical device.
- ID All game animals legal
- IL Ownership Prohibited *520 ILCS 5/2.33 from Ch.61, par.2.33 Prohibitions. 525.30-13*
It is unlawful to use a silencer or other device to muffle or mute the sound of the explosion or report resulting from the firing of any gun. Violation is a Class B misdemeanor

- IN IC 14-22-6-11 Silencers prohibited Sec. 11. (a) This section does not apply to an employee of the department or an employee of a federal wildlife management agency who: (1) is acting in the performance of the employee's duties; and (2) has received the express written consent of the director for the employee's action. (b) A person may not: (1) use or possess an apparatus designed for use with or on a firearm commonly called a silencer; or (2) use or possess a device used as a silencer; in Indiana while in the act of hunting
As added by P.L. 1-1995, SEC.15. Amended by P.L. 13-2007, SEC.2.
- KS All game animals legal
- KY All game animals legal
- LA "Nongame nuisance quadrupeds" only §116.1. Wild birds and wild quadrupeds; times and (3) Take or kill any game bird or wild quadruped with a firearm fitted with any device to deaden or silence the sound of the discharge thereof
- MA Ownership Prohibited , no further hunting regulations
Section 10A. Any person, other than a federally licensed firearms manufacturer, an authorized agent of the municipal police training committee, or a duly authorized sworn law enforcement officer while acting within the scope of official duties and under the direct authorization of the police chief or his designee, or the colonel of the state police, who sells or keeps for sale, or offers, or gives or disposes of by any means other than submitting to an authorized law enforcement agency, or uses or possesses any instrument, attachment, weapon or appliance for causing the firing of any gun, revolver, pistol or other firearm to be silent or intended to lessen or muffle the noise of the firing of any gun, revolver, pistol or other firearm shall be punished by imprisonment for not more than five years in state prison or for not more than two and one-half years in a jail or house of correction. Nothing contained herein shall be construed to prohibit a federally licensed firearms manufacturer from selling such instrument, attachment, weapon or appliance to authorized law enforcement agencies for law enforcement purposes or to the municipal police training committee for law enforcement training. Upon conviction of a violation of this section, the instrument, attachment or other article shall be confiscated by the commonwealth and forwarded, by the authority of the written order of the court, to the colonel of the state police, who shall destroy said article.
- MD All game animals legal
- ME §11214. Unlawful use or possession of implements or aids
1. Prohibition. A person may not: C. Use for hunting or possess for hunting any firearm fitted or contrived with a device for deadening the sound of explosion. This paragraph does not apply to: (1) Military organizations authorized by law to bear arms or to the National Guard in the performance of its duty
- MI WILDLIFE CONSERVATION ORDER 2.1 Taking of animals; prohibited methods, devices, and weapons; exceptions. Sec. 2.1 Unless otherwise specified in this order, a person shall not do any of the following:
(6) Possess or use an apparatus known as a silencer on a gun while hunting in this state.
- MN Ownership Prohibited (for individuals), no further hunting regulations
As of August 1, 2012, Federally licensed firearms dealers, manufacturers or importers will be permitted to possess silencers for the purpose of selling them or firearms tested with silencers for authorized activities. This change in law, sponsored by Rep. Mike Benson (R-Rochester) and Sen. Bill Ingebirtsen, is found under HF1816*/SF2125/CH194. For Individuals the law follows: 609.66 DANGEROUS WEAPONS.Subd. 1a.Felony crimes; silencers prohibited; reckless discharge. (a) Except as otherwise provided in subdivision 1h, whoever does any of the following is guilty of a felony and may be sentenced as provided in paragraph (b): (1) sells or has in possession any device designed to silence or muffle the discharge of a firearm; Subd. 1h. Silencers; authorized for law enforcement and wildlife control purposes. (a) Notwithstanding subdivision 1a, paragraph (a), clause (1), licensed peace officers may use devices designed to silence or muffle the discharge of a firearm for tactical emergency response operations. Tactical emergency response operations include execution of high risk search and arrest warrants, incidents of terrorism, hostage rescue, and any other tactical deployments involving high risk circumstances. The chief law enforcement officer of a law enforcement agency that has the need to use silencing devices must establish and enforce a written policy governing the use of the devices. (b) Notwithstanding subdivision 1a, paragraph (a), clause (1), an enforcement officer, as defined in section 97A.015, subdivision 18, a wildlife area manager, an employee designated under section 84.0835, or a person acting under contract with the commissioner of natural resources, at specific times and locations that are authorized by the commissioner of natural resources may use devices designed to silence or muffle the discharge of a firearm for wildlife control operations that require stealth. If the commissioner determines that the use of silencing devices is necessary under this paragraph, the commissioner must establish and enforce a written policy governing the use, possession, and transportation of the devices. Subd. 2.Exceptions. Nothing in this section prohibits the possession of the articles mentioned by museums or collectors of art or for other lawful purposes of public exhibition.
- MO All game animals legal
- MS All game animals legal
- MT Non-game animals legal
PREVIOUS LAW: 87-3-123. Use of silencers or mufflers on firearms forbidden. No person may take into a field or forest or have in his possession while out hunting any device or mechanism devised to silence, muffle, or minimize the report of any firearms, whether such device or mechanism be operated from or attached to any firearm.
NOTE: The above (former) law was partially repealed via Section 120, through Senate Bill 124, 04/21/11 Section 120. Repealer: The following sections of the Montana Code Annotated are repealed: "87-3-123. Use of silencers or mufflers on firearms forbidden." This legalizes the use of suppressors in the field or forest for all activities except hunting.
- NC G.S. 113-291.1 (c) It is a Class 1 misdemeanor for any person taking wildlife to have in his possession any: (1) Firearm equipped with a silencer or any device designed to silence, muffle, or minimize the report of the firearm. The firearm is considered equipped with the silencer or device whether it is attached to the firearm or separate but reasonably accessible for attachment during the taking of the wildlife.
- ND All game animals legal
- NE All game animals legal

NH *207:4 Silencing Devices. I. No person shall possess a rifle, pistol, or other firearm fitted or contrived with any silencer or device for deadening the sound of explosion, for the purpose of taking wildlife. Nothing in this section shall prohibit the use of a muzzle brake, polychoke, or compensator. II. Nothing in this section shall prohibit a person who has obtained a depredation permit issued by the executive director of fish and game from taking wildlife under such permit using a lawfully obtained silencing device.*

NJ Ownership Prohibited, no further hunting regulations
 NJSA 2C:39-3 Prohibited Weapons and Devices. c. Silencers. Any person who knowingly has in his possession any firearm silencer is guilty of a crime of the fourth degree.
 g. Exceptions. (1) Nothing in subsection c. of this section shall apply to any member of the Armed Forces of the United States or the National Guard, or except as otherwise provided, to any law enforcement officer while actually on duty or traveling to or from an authorized place of duty, provided that his possession of the prohibited weapon or device has been duly authorized under the applicable laws, regulations or military or law enforcement orders. (5) Nothing in subsection c. of this section shall be construed to apply to any person who is specifically identified in a special deer management permit issued by the Division of Fish and Wildlife to utilize a firearm silencer as part of an alternative deer control method implemented in accordance with a special deer management permit issued pursuant to section 4 of P.L.2000, c.46 (C.23:4-42.6), while the person is in the actual performance of the permitted alternative deer control method and while going to and from the place where the permitted alternative deer control method is being utilized. This exception shall not, however, otherwise apply to any person to authorize the purchase or possession of a firearm silencer.

NM All game animals legal

NV All game animals legal

NY *§ 11-0931. Prohibitions on the use and possession of firearms. 1. No person except a law enforcement officer in the performance of his official duties shall use in hunting or possess in the fields or forests or on the waters of the state for any purpose: a. the apparatus known as a silencer.*

OH *1501:31-15-02 General hunting & trapping provisions. (D) It shall be unlawful for any person to use a gun equipped with a silencer or muffler, or deadfall of any type to take or attempt to take a wild bird or wild quadruped. ("Wild quadrupeds" includes game quadrupeds & furbearing animals.)*

OK *§29-5-201. Means of taking wildlife - Exceptions - Fines and punishments. A. Except as otherwise provided for in this section, no person may utilize at any time, for the purpose of killing or capturing any game mammal, game bird or nongame bird, the following means: 5. Any device which noticeably suppresses noise from a firearm, commonly known as a silencer. D. The following persons shall be exempt from the prohibition in subsection A of this section: 1. The Director, departmental employees and authorized agents when capturing wildlife for propagation or management purposes; 2. Any person, group or governmental agency the Director may by written permit authorize, where any species of nongame birds are causing a nuisance or undue economic loss, as may be determined by the Director. Such permit shall state the method of control and specific procedures and conditions as may be deemed appropriate by the Director; 3. Any person possessing a scientific purposes license under Section 4118 of this title; or 4. Employees of the Oklahoma Department of Agriculture, Food, and Forestry/Wildlife Services Division and the United States Department of Agriculture Wildlife Services while engaged in wildlife management activities for the protection of agriculture, property, human health and safety and natural resources.*

OR All game animals legal

PA All game animals legal

RI Ownership Prohibited, no further hunting regulations
 § 11-47-20 Sale or possession of silencers. It shall be unlawful within this state to manufacture, sell, purchase, or possess any muffler, silencer, or device for deadening or muffling the sound of a firearm when discharged. Violations of this section shall be punished by imprisonment for not less than one year and one day.

SC All game animals legal

SD All game animals legal

TN All game animals legal

TX All game animals legal
 As of March 29, 2012, the Texas Parks and Wildlife Commission voted unanimously to legalize suppressor use for hunting game animals. Previously, only non-game animals were legal to take with suppressed firearms. This change modifies to remove the previous prohibitions that listed in under TX §65.11 (1) Firearms. (D)

UT All game animals legal

VT Ownership Prohibited, no further hunting regulations
 § 4010. Gun silencers A person who manufactures, sells, uses, or possesses with intent to sell or use an appliance known as or used for a gun silencer shall be fined \$25.00 for each offense. The provisions of this section shall not prevent the use or possession of gun silencers by:
 (1) a certified, full-time law enforcement officer or department of fish and wildlife employee in connection with his or her duties and responsibilities and in accordance with the policies and procedures of that officer's or employee's agency or department; or (2) the Vermont National Guard in connection with its duties and responsibilities. (Amended 2009, No. 154 (Adj. Sess.), § 238f, eff. June 3, 2010.)

VA All game animals legal

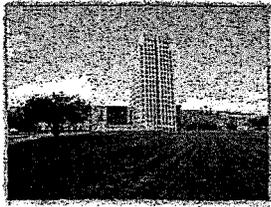
WA All game animals legal

WI All game animals legal

WV All game animals legal

WY *State Code 23-3-112. Firearms; automatic weapon or silencer prohibited. No person shall take into or possess in the game fields or forests of Wyoming any fully automatic weapon or device designed to silence or muffle the report of any firearm. ("Game Field" definition is not made in 23-1-101)*

LEGAL DISCLAIMER: This entire document and its contents is simply a compendium of published law and research on the subject of hunting laws and regulations as concern suppressor usage and as such, it should not be viewed as stand-alone legal advice. We are not engaged in the business of providing legal counsel, thus the reader must take full and complete responsibility for the legalities regarding hunting with suppressors in his jurisdiction: If you need up-to-date, accurate legal information, seek an attorney who is licensed in the state in question. Any and all of this FAQ may contain errors, and it is the responsibility of the reader to check with law enforcement authorities in the jurisdiction in question as to the laws which dictate how, when, why, and where he may use suppressors in any situation. This document should be considered a work-in-progress: If you are aware of any published state, city, or county data that conflicts with the research given here, please contact us with the pertinent legal code citation to help update or correct this compilation.



HB 1282

Use of a Suppressor for Hunting
Rep. Joe Heilman - District 45

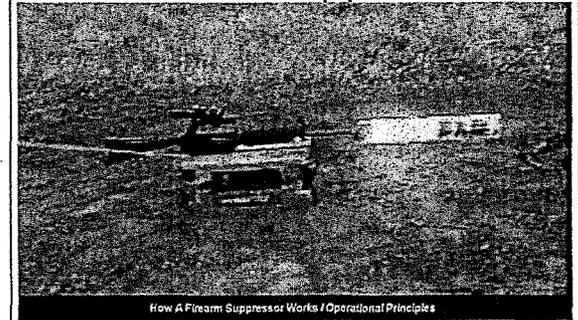
1

3 Things that Cause Sound

- ◆ Mechanical Action of the Firearm
- ◆ Cartridge explosion and discharge of gases
- ◆ Supersonic "crack" of the bullet

2

What is a Suppressor



How A Firearm Suppressor Works / Operational Principles

3

How to Get a Suppressor

4

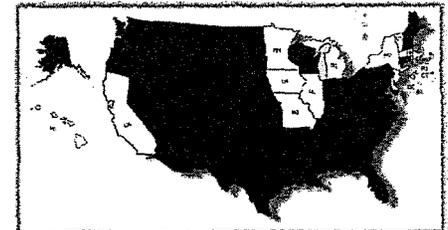
How to Get a Suppressor

Federal Law

- ◆ You must be 21+ yrs of age
- ◆ You must live in a state that allows ownership
- ◆ You must not have any felony convictions

5

States that Allow Private Ownership of Suppressors



**Most of these states allow some form of hunting with a suppressor - See 1 handout

6

Benefits of Using a Suppressor

- ◆ Less hearing damage (particularly in blinds)
- ◆ Less recoil
- ◆ Reduced muzzle blast
- ◆ Better subsequent shots due to reduced distraction



7

The Bill

13.0196.01000
 847-0196
 Legislative Assembly
 of North Dakota

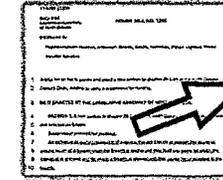
HOUSE BILL NO. 1282

Introduced by
 Representatives Heitman, Anderson, Benke, Doehl, Hultstad, Porter, Vigen-H, Weisz
 Senator Schaeble

- 1 A BILL for an Act to create and enact a new section to chapter 20.1-01 of the North Dakota Century Code, relating to using a suppressor for hunting.
- 2
- 3 BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:
- 4 SECTION 1. A new section to chapter 20.1-01 of the North Dakota Century Code is created and enacted as follows:
- 5
- 6 Suppressors Allowed for Hunting.
- 7 An individual in lawful possession of a device that will silence or deaden the sound or natural report of a firearm when the firearm is discharged may hunt any game for which the individual is licensed and for which a firearm is allowed with that device for or attached to the firearm.
- 8
- 9
- 10

8

The Bill



An individual in lawful possession of a device that will silence or deaden the sound or natural report of a firearm when the firearm is discharged may hunt any game for which the individual is licensed and for which a firearm is allowed with that device for or attached to the firearm.

9

The Bill

13.0196.01000
 847-0196
 Legislative Assembly
 of North Dakota

HOUSE BILL NO. 1282

Introduced by
 Representatives Heitman, Anderson, Benke, Doehl, Hultstad, Porter, Vigen-H, Weisz
 Senator Schaeble

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- 7 An individual in lawful possession of a device that will silence or deaden the sound or natural report of a firearm when the firearm is discharged may hunt any game for which the individual is licensed and for which a firearm is allowed with that device for or attached to the firearm.
- 8
- 9
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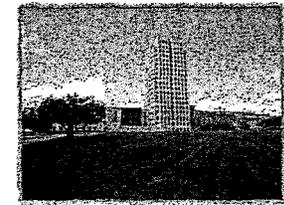
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Reasons to Support HB 1282

- ◆ It is already allowed - this only codifies
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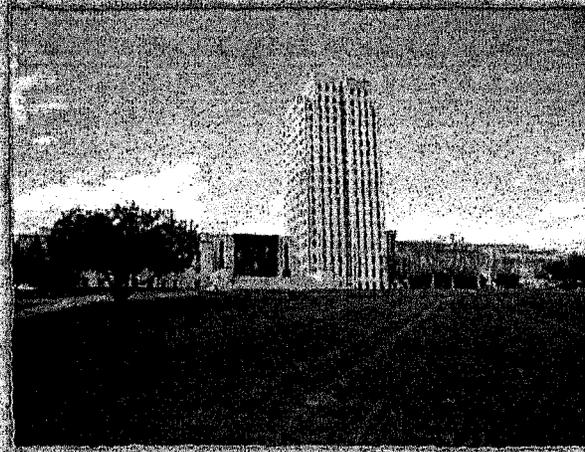


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This Concludes My Testimony
 -I stand for questions-

12



HB 1282

Use of a Suppressor for Hunting
Rep. Joe Heilman - District 45

3 Things that Cause Sound

- ◆ Mechanical Action of the Firearm
- ◆ Cartridge explosion and discharge of gases
- ◆ Supersonic "crack" of the bullet

What is a Suppressor



How A Firearm Suppressor Works / Operational Principles

How to Get a Suppressor

OSM No. 1140-0014 (01/11/2014)

U.S. Department of Justice
Bureau of Alcohol, Tobacco, Firearms and Explosives

Application for Tax Paid Transfer and Registration of Firearm

ATF Control Number 2f. Transferor's Name and Address (including trade name, if any) (See instruction 2)		Submit in Duplicate to: National Firearms Act Branch Bureau of Alcohol, Tobacco, Firearms and Explosives, P.O. Box 50279 Atlanta, GA 30353-0296	
2b. County	1. Type of Firearm (If Any) (See instructions 2b, 2c and 3) <input type="checkbox"/> Rifle <input type="checkbox"/> Shotgun Select with your application a check or mark next to the Federal Firearms License, Federal Firearms License, or approval of this application, the officer will accept with a check for transfered "National Firearms Act" stamp fee only. (See instructions 2b, 2c and 3)		
3a. Transferor's Name and Address (including trade name, if any) (See instruction 2)		3d. Number, Street, City, State and Zip Code of Residence for Firearms Bureau Purposes (If Different from Item 3a)	
3b. Transferor's Telephone Number and Area Code		3c. If Applicable, Decedent's Name, Address, and Date of Death	
The above named and undersigned transferor hereby makes application as required by Section 5812 of the National Firearms Act to transfer and register the firearm described below to the transferee.			
4. Description of Firearm (Complete items a through e)			
a. Name and Address of Manufacturer and/or Importer of Firearm		b. Model	
c. Type of Firearm (See instruction 1c)		d. Overall Length (Inches)	
e. Serial Number		f. Overall Length (Inches)	
5. Additional Description of Data Appearing on Firearm (Attach additional sheet if necessary)			
6. Transferor's Federal Firearms License (If any) (Have complete 11-digit number) (See instruction 2b)		7. Transferor's Special (If Occupational) Tax Status (If any)	
First 6 digits	2 digits	2 digits	5 digits
8. Transferor's Federal Firearms License (If any) (Have complete 11-digit number) (See instruction 2b)		9. Transferor's Special (If Occupational) Tax Status (If any)	
First 6 digits	2 digits	2 digits	5 digits
Under Penalty of Perjury, I declare that I have examined the application, and to the best of my knowledge and belief it is true, correct and complete, and that the transfer of the described firearm to the transferee and receipt and possession of it by the transferee are not prohibited by the provisions of Section 581, Title 18, United States Code, Chapter 57, Title 26, United States Code, or Title 18 of the United States Code, Chapter 57, Section 581, or any provision of State or local law.			
I consent to Disclosure of Information to: Transferor (See instruction 8, 7 Do or Do Not (Circle one) Authorize ATF to Provide Information Relating to this Application to the Above-Named Transferee)			
10. Signature of Transferor (or authorized agent)		11. Name and Title of Authorizing Officer (Print or type)	
12. Date		13. Date	

The Space Below is for the use of the Bureau of Alcohol, Tobacco, Firearms and Explosives

Benefits of Using a Suppressor

- ◆ Less hearing damage (particularly in blinds)
- ◆ Less recoil
- ◆ Reduced muzzle blast
- ◆ Better subsequent shots due to reduced distraction



The Bill

13.0198.01000

Sixty-third
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1282

Introduced by

Representatives Heilman, Anderson, Beadle, Dosch, Hallestad, Porter, Vigesaa, Weisz
Senator Schaible

- 1 A BILL for an Act to create and enact a new section to chapter 20.1-01 of the North Dakota
- 2 Century Code, relating to using a suppressor for hunting.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

- 4 **SECTION 1.** A new section to chapter 20.1-01 of the North Dakota Century Code is created
- 5 and enacted as follows:

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- 7 An individual in lawful possession of a device that will silence or deaden the sound or
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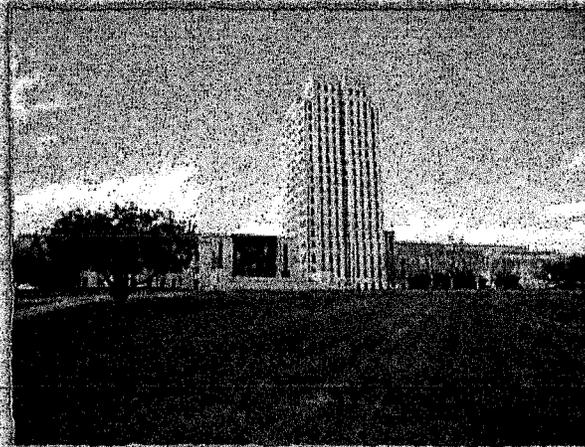
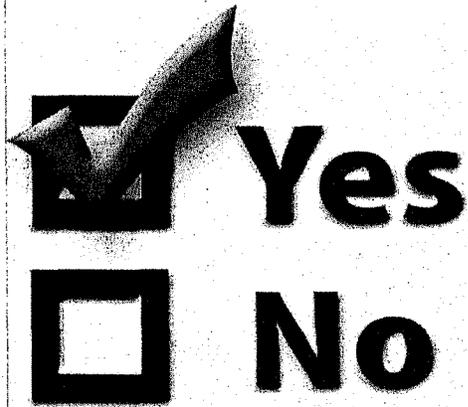
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This Concludes My Testimony
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P.O. BOX 140618 BOISE, ID 83616
208.939.7222 GEM-TECH.COM

INFORMATION CURRENT AS OF AUGUST, 2012

COMPLIED STATE LAWS CONCERNING OWNERSHIP AND HUNTING WITH USE OF FIREARMS-MOUNTED HEARING PROTECTION (SOUND SUPPRESSORS)

- AK All game animals legal
- AL *Reg. 220-2-02 Legal Arms, Ammunition, and Methods for Hunting*
(1) GENERAL PROHIBITIONS: (e) It shall be unlawful to possess fully automatic firearms or silenced firearms while hunting any species of wildlife.
- AR All game animals legal
- AZ All game animals legal
As of August 1, 2012, after Arizona Governor Jan Brewer signed House Bill 2728 into law, suppressors are now legal for hunters in Arizona to use lawfully-possessed suppressors on firearms for hunting, modifying the previous prohibitions listed in *R12-4-303. Unlawful Devices, Methods, and Ammunition.*
- CA Ownership Prohibited, no further hunting regulations
CALIFORNIA PENAL CODE SECTION 33410. Any person, firm, or corporation who within this state possesses a **silencer** is guilty of a felony and upon conviction thereof shall be punished by imprisonment in the state prison or by a fine not to exceed ten thousand dollars (\$10,000), or by both that fine and imprisonment. 33415. Section 33410 shall not apply to, or affect, any of the following: (a) The sale to, purchase by, or possession of silencers by agencies listed in Section 830.1, or the military or naval forces of this state or of the United States, for use in the discharge of their official duties. (b) The possession of silencers by regular, salaried, full-time peace officers who are employed by an agency listed in Section 830.1, or by the military or naval forces of this state or of the United States, when on duty and when the use of silencers is authorized by the agency and is within the course and scope of their duties. c) The manufacture, possession, transportation, or sale or other transfer of silencers to an entity described in subdivision (a) by dealers or manufacturers registered under Chapter 53 (commencing with Section 5801) of Title 26 of the United States Code and the regulations issued pursuant thereto.
- CO All game animals legal
- CT *c. 26-75. Silencer on firearms. No person shall use any silencer on any firearm when hunting.* (1949 Rev., S. 4893.) See Sec. 53a-217e re negligent hunting offenses.
- DE *§ 710. Use of silencer on gun; penalty.*
Whoever uses a silencer or noise-reducing contrivance on any gun, rifle or firearm when hunting for game or fowl, shall be guilty of a class C environmental misdemeanor.
- FL *Florida Fish and Wildlife Conservation Commission Code: Prohibited methods and equipment for taking game: Fully automatic or silencer-equipped firearms*

- GA O.C.G.A. 27-3-4 (2010) 27-3-4. *Legal weapons for hunting wildlife generally*
 (9) *The use of silencers for hunting within this state is prohibited.*
- HI Ownership Prohibited §134-8 *Ownership, etc., of automatic firearms, silencers, etc., prohibited; penalties.* (a) *The manufacture, possession, sale, barter, trade, gift, transfer, or acquisition of any of the following is prohibited: assault pistols, except as provided by section 134-4(e); automatic firearms; rifle with barrel lengths less than sixteen inches; shotguns with barrel lengths less than eighteen inches; cannons; mufflers, silencers, or devices for deadening or muffling the sound of discharged firearms;*
- 134-11 Exemptions. (a) Sections 134-7 to 134-9 and 134-21 to 134-27, except section 134-7(f), shall not apply: (1) To state and county law enforcement officers; provided that such persons are not convicted of an offense involving abuse of a family or household member under section 709-906; (2) To members of the armed forces of the State and of the United States and mail carriers while in the performance of their respective duties if those duties require them to be armed; (3) To regularly enrolled members of any organization duly authorized to purchase or receive the weapons from the United States or from the State; provided the members are either at, or going to or from, their places of assembly or target practice; (4) To persons employed by the State, or subdivisions thereof, or the United States while in the performance of their respective duties or while going to and from their respective places of duty if those duties require them to be armed; (5) To aliens employed by the State, or subdivisions thereof, or the United States while in the performance of their respective duties or while going to and from their respective places of duty if those duties require them to be armed; and (6) To police officers on official assignment in Hawaii from any state which by compact permits police officers from Hawaii while on official assignment in that state to carry firearms without registration. The governor of the State or the governor's duly authorized representative may enter into compacts with other states to carry out this paragraph. (b) Sections 134-2 & 134-3 shall not apply to such firearms or ammunition that are a part of the official equipment of any federal agency. (c) Sections 134-8, 134-9, and 134-21 to 134-27, shall not apply to the possession, transportation, or use, with blank cartridges, of any firearm or explosive solely as props for motion picture film or television program production when authorized by the chief of police of the appropriate county pursuant to section 134-2.5 and not in violation of federal law. [L1988, c 275, pt of 2 and am c 272, 2; am L 1989, c 211, 10; am L 1990, c 281, 11; am L 1996, c60, 1, 2; am L 1999, c 202, 1 & c 297, 2; am L 2006, c 66,4] Cross Ref. Sheriff 26-14.6.
- IA Ownership Prohibited , no further hunting regulations
 724.3 UNAUTHORIZED POSSESSION OF OFFENSIVE WEAPONS. An offensive weapon is any device or instrumentality of the following types: 8) Any mechanical device specifically constructed and designed so that when attached to a firearm silences, muffles, or suppresses the sound when fired. However, this subsection does not apply to a mechanical device possessed and used by a person solely for the purpose of shooting a deer pursuant to an approved city special deer population control plan if the person has a valid federal permit to possess and use the mechanical device.
- ID All game animals legal
- IL Ownership Prohibited 520 ILCS 5/2.33 from Ch.61, par.2.33 Prohibitions. 525.30-13
It is unlawful to use a silencer or other device to muffle or mute the sound of the explosion or report resulting from the firing of any gun. Violation is a Class B misdemeanor

- IN *IC 14-22-6-11 Silencers prohibited Sec. 11. (a) This section does not apply to an employee of the department or an employee of a federal wildlife management agency who: (1) is acting in the performance of the employee's duties; and (2) has received the express written consent of the director for the employee's action. (b) A person may not: (1) use or possess an apparatus designed for use with or on a firearm commonly called a silencer; or (2) use or possess a device used as a silencer; in Indiana while in the act of hunting*
As added by P.L.1-1995, SEC.15. Amended by P.L.13-2007, SEC.2.
- KS All game animals legal
- KY All game animals legal
- LA *"Nongame nuisance quadrupeds" only §116.1. Wild birds and wild quadrupeds; times and (3) Take or kill any game bird or wild quadruped with a firearm fitted with any device to deaden or silence the sound of the discharge thereof*
- MA Ownership Prohibited , no further hunting regulations
Section 10A. Any person, other than a federally licensed firearms manufacturer, an authorized agent of the municipal police training committee, or a duly authorized sworn law enforcement officer while acting within the scope of official duties and under the direct authorization of the police chief or his designee, or the colonel of the state police, who sells or keeps for sale, or offers, or gives or disposes of by any means other than submitting to an authorized law enforcement agency, or uses or possesses any instrument, attachment, weapon or appliance for causing the firing of any gun, revolver, pistol or other firearm to be silent or intended to lessen or muffle the noise of the firing of any gun, revolver, pistol or other firearm shall be punished by imprisonment for not more than five years in state prison or for not more than two and one-half years in a jail or house of correction. Nothing contained herein shall be construed to prohibit a federally licensed firearms manufacturer from selling such instrument, attachment, weapon or appliance to authorized law enforcement agencies for law enforcement purposes or to the municipal police training committee for law enforcement training. Upon conviction of a violation of this section, the instrument, attachment or other article shall be confiscated by the commonwealth and forwarded, by the authority of the written order of the court, to the colonel of the state police, who shall destroy said article.
- MD All game animals legal
- ME *§11214. Unlawful use or possession of implements or aids*
1. Prohibition. A person may not: C. Use for hunting or possess for hunting any firearm fitted or contrived with a device for deadening the sound of explosion. This paragraph does not apply to: (1) Military organizations authorized by law to bear arms or to the National Guard in the performance of its duty
- MI WILDLIFE CONSERVATION ORDER 2.1 Taking of animals; prohibited methods, devices, and weapons; exceptions. Sec. 2.1 Unless otherwise specified in this order, a person shall not do any of the following:
(6) Possess or use an apparatus known as a silencer on a gun while hunting in this state.

- MN Ownership Prohibited (for individuals), no further hunting regulations
 As of August 1, 2012, Federally licensed firearms dealers, manufacturers or importers will be permitted to possess silencers for the purpose of selling them or firearms tested with silencers for authorized activities. This change in law, sponsored by Rep. Mike Benson (R-Rochester) and Sen. Bill Ingebrigtsen, is found under HF1816*/SF2125/CH194. For individuals the law follows: 609.66 DANGEROUS WEAPONS.Subd. 1a.Felony crimes; silencers prohibited; reckless discharge. (a) Except as otherwise provided in subdivision 1h, whoever does any of the following is guilty of a felony and may be sentenced as provided in paragraph (b): (1) sells or has in possession any device designed to silence or muffle the discharge of a firearm; Subd. 1h. Silencers; authorized for law enforcement and wildlife control purposes. (a) Notwithstanding subdivision 1a, paragraph (a), clause (1), licensed peace officers may use devices designed to silence or muffle the discharge of a firearm for tactical emergency response operations. Tactical emergency response operations include execution of high risk search and arrest warrants, incidents of terrorism, hostage rescue, and any other tactical deployments involving high risk circumstances. The chief law enforcement officer of a law enforcement agency that has the need to use silencing devices must establish and enforce a written policy governing the use of the devices. (b) Notwithstanding subdivision 1a, paragraph (a), clause (1), an enforcement officer, as defined in section 97A.015, subdivision 18, a wildlife area manager, an employee designated under section 84.0835, or a person acting under contract with the commissioner of natural resources, at specific times and locations that are authorized by the commissioner of natural resources may use devices designed to silence or muffle the discharge of a firearm for wildlife control operations that require stealth. If the commissioner determines that the use of silencing devices is necessary under this paragraph, the commissioner must establish and enforce a written policy governing the use, possession, and transportation of the devices. Subd. 2.Exceptions. Nothing in this section prohibits the possession of the articles mentioned by museums or collectors of art or for other lawful purposes of public exhibition.
- MO All game animals legal
- MS All game animals legal
- MT Non-game animals legal
 PREVIOUS LAW: 87-3-123. *Use of silencers or mufflers on firearms forbidden. No person may take into a field or forest or have in his possession while out hunting any device or mechanism devised to silence, muffle, or minimize the report of any firearms, whether such device or mechanism be operated from or attached to any firearm.*
 NOTE: The above (former) law was partially repealed via Section 120, through Senate Bill 124, 04/21/11 Section 120. Repealer: The following sections of the Montana Code Annotated are repealed: "87-3-123. Use of silencers or mufflers on firearms forbidden." This legalizes the use of suppressors in the field or forest for all activities except hunting.
- NC G.S. 113-291.1 (c) *It is a Class 1 misdemeanor for any person taking wildlife to have in his possession any: (1) Firearm equipped with a silencer or any device designed to silence, muffle, or minimize the report of the firearm. The firearm is considered equipped with the silencer or device whether it is attached to the firearm or separate but reasonably accessible for attachment during the taking of the wildlife.*
- ND All game animals legal
- NE All game animals legal

- NH *207:4 Silencing Devices. I. No person shall possess a rifle, pistol, or other firearm fitted or contrived with any silencer or device for deadening the sound of explosion, for the purpose of taking wildlife. Nothing in this section shall prohibit the use of a muzzle brake, polychoke, or compensator. II. Nothing in this section shall prohibit a person who has obtained a depredation permit issued by the executive director of fish and game from taking wildlife under such permit using a lawfully obtained silencing device.*
- NJ Ownership Prohibited, no further hunting regulations
 NJSA 2C:39-3 Prohibited Weapons and Devices. c. Silencers. Any person who knowingly has in his possession any firearm silencer is guilty of a crime of the fourth degree.
 g. Exceptions. (1) Nothing in subsection c. of this section shall apply to any member of the Armed Forces of the United States or the National Guard, or except as otherwise provided, to any law enforcement officer while actually on duty or traveling to or from an authorized place of duty, provided that his possession of the prohibited weapon or device has been duly authorized under the applicable laws, regulations or military or law enforcement orders. (5) Nothing in subsection c. of this section shall be construed to apply to any person who is specifically identified in a special deer management permit issued by the Division of Fish and Wildlife to utilize a firearm silencer as part of an alternative deer control method implemented in accordance with a special deer management permit issued pursuant to section 4 of P.L.2000, c.46 (C.23:4-42.6), while the person is in the actual performance of the permitted alternative deer control method and while going to and from the place where the permitted alternative deer control method is being utilized. This exception shall not, however, otherwise apply to any person to authorize the purchase or possession of a firearm silencer.
- NM All game animals legal
- NV All game animals legal
- NY *§ 11-0931. Prohibitions on the use and possession of firearms. 1. No person except a law enforcement officer in the performance of his official duties shall use in hunting or possess in the fields or forests or on the waters of the state for any purpose: a. the apparatus known as a silencer.*
- OH *1501:31-15-02 General hunting & trapping provisions. (D) It shall be unlawful for any person to use a gun equipped with a silencer or muffler, or deadfall of any type to take or attempt to take a wild bird or wild quadruped. ("Wild quadrupeds" includes game quadrupeds & furbearing animals.)*
- OK *§29-5-201. Means of taking wildlife - Exceptions - Fines and punishments.*
A. Except as otherwise provided for in this section, no person may utilize at any time, for the purpose of killing or capturing any game mammal, game bird or nongame bird, the following means: 5. Any device which noticeably suppresses noise from a firearm, commonly known as a silencer.
 D. The following persons shall be exempt from the prohibition in subsection A of this section:
 1. The Director, departmental employees and authorized agents when capturing wildlife for propagation or management purposes;
 2. Any person, group or governmental agency the Director may by written permit authorize, where any species of nongame birds are causing a nuisance or undue economic loss, as may be determined by the Director. Such permit shall state the method of control and specific procedures and conditions as may be deemed appropriate by the Director;
 3. Any person possessing a scientific purposes license under Section 4118 of this title; or
 4. Employees of the Oklahoma Department of Agriculture, Food, and Forestry Wildlife Services Division and the United States Department of Agriculture Wildlife Services while engaged in wildlife management activities for the protection of agriculture, property, human health and safety and natural resources.

- OR All game animals legal
- PA All game animals legal
- RI Ownership Prohibited, no further hunting regulations
 § 11-47-20 Sale or possession of silencers. It shall be unlawful within this state to manufacture, sell, purchase, or possess any muffler, silencer, or device for deadening or muffling the sound of a firearm when discharged. Violations of this section shall be punished by imprisonment for not less than one year and one day.
- SC All game animals legal
- SD All game animals legal
- TN All game animals legal
- TX All game animals legal
 As of March 29, 2012, the Texas Parks and Wildlife Commission voted unanimously to legalize suppressor use for hunting game animals. Previously, only non-game animals were legal to take with suppressed firearms. This change modifies to remove the previous prohibitions that listed in under TX §65.11 (1) Firearms. (D)
- UT All game animals legal
- VT Ownership Prohibited, no further hunting regulations
 § 4010. Gun silencers A person who manufactures, sells, uses, or possesses with intent to sell or use an appliance known as or used for a gun silencer shall be fined \$25.00 for each offense. The provisions of this section shall not prevent the use or possession of gun silencers by:
 (1) a certified, full-time law enforcement officer or department of fish and wildlife employee in connection with his or her duties and responsibilities and in accordance with the policies and procedures of that officer's or employee's agency or department; or (2) the Vermont National Guard in connection with its duties and responsibilities. (Amended 2009, No. 154 (Adj. Sess.), § 238f, eff. June 3, 2010.)
- VA All game animals legal
- WA All game animals legal
- WI All game animals legal
- WV All game animals legal
- WY *State Code 23-3-112. Firearms; automatic weapon or silencer prohibited. No person shall take into or possess in the game fields or forests of Wyoming any fully automatic weapon or device designed to silence or muffle the report of any firearm. ("Game Field" definition is not made in 23-1-101)*

LEGAL DISCLAIMER: This entire document and its contents is simply a compendium of published law and research on the subject of hunting laws and regulations as concern suppressor usage and as such, it should not be viewed as stand-alone legal advice. We are not engaged in the business of providing legal counsel, thus the reader must take full and complete responsibility for the legalities regarding hunting with suppressors in his jurisdiction: If you need up-to-date, accurate legal information, seek an attorney who is licensed in the state in question. Any and all of this FAQ may contain errors, and it is the responsibility of the reader to check with law enforcement authorities in the jurisdiction in question as to the laws which dictate how, when, why, and where he may use suppressors in any situation. This document should be considered a work-in-progress: If you are aware of any published state, city, or county data that conflicts with the research given here, please contact us with the pertinent legal code citation to help update or correct this compilation.