

HOUSE BILL REPORT

HB 1016

As Passed House:
February 7, 2011

Title: An act relating to firearm noise suppressors.

Brief Description: Changing restrictions on firearm noise suppressors.

Sponsors: Representatives Blake, Condotta, Armstrong, Shea, Kretz, Klippert, McCune, Takko, Van De Wege, Dunshee, Probst, Lias, Miloscia, Finn, Hurst, Springer, Goodman, Rodne, Orcutt, Haigh, Dickerson, Taylor, Warnick, Hope, Dammeier, Kristiansen, Chandler, Ross, Sells and Upthegrove.

Brief History:

Committee Activity:

Judiciary: 1/12/11, 1/13/11 [DP].

Floor Activity:

Passed House: 2/7/11, 88-4.

Brief Summary of Bill

- Allows the use of a contrivance or device for suppressing the noise of a firearm if the suppressor is legally registered and possessed under federal law.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: Do pass. Signed by 12 members: Representatives Pedersen, Chair; Goodman, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Chandler, Frockt, Kirby, Klippert, Nealey, Orwall, Rivers and Roberts.

Staff: Edie Adams (786-7180).

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."

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.

Under federal law, the National Firearms Act (NFA) regulates the manufacture, importation, and transfer of firearm silencers and mufflers, as well as certain firearms, destructive devices, and 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.

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.

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."

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.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) A person can own a suppressor in this state but is not allowed to use it. Suppressors are highly regulated at the federal level. To acquire a suppressor, a person has to obtain a law enforcement certification, undergo a background check, and pay a transfer tax of \$200. This bill will not have an impact on criminal access to or use of suppressors. It is not an easy or inexpensive process to legally obtain a suppressor, and because they significantly increase the length of firearms, they are not a practical choice for criminals.

Hearing loss is a big issue for people using firearms and suppressors can help reduce this concern. The bill will be a great help to people who are active sport shooters and will also benefit communities surrounding shooting ranges or hunting areas. It will also help local suppressor manufacturers who are unable to compete outside of the state because of their inability to conduct research and development in this state.

Law enforcement officers will also benefit from this bill. Currently law enforcement is hampered in their ability to engage in meaningful firearms training because of noise issue and restrictions on the time of day they can shoot. In addition, the inability to use a suppressor when entering methamphetamine lab situations presents a safety risk if the officer needs to use a firearm.

(Opposed) None.

Persons Testifying: Representative Blake, prime sponsor; Brian Wurts, Washington Council of Police and Sheriffs; Randall Bragge; Brian Schilt; Tom Liemohn; and Art Gidding.

Persons Signed In To Testify But Not Testifying: None.