



**To: Joint Committee on Public Safety and Homeland Security**  
24 Beacon St.  
State House, Room A-2  
Boston, MA 02133

**Re: Senate Bill 1417 – An Act Relative to Unlawful Suppressors.**

**Position: Support**

**Date: August 28, 2019**

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Honorable Members of the Joint Committee on Public Safety and Homeland Security:

My name is Joseph Mullin and I am the New England States Coordinator for the Congressional Sportsmen's Foundation. As a resident of Massachusetts and an avid hunter, I am writing today to express my strong support, as well as the support of the Congressional Sportsmen's Foundation, for Senate Bill 1417 (SB 1417) – legislation that would ultimately authorize the use and possession of a firearm suppressor.

Suppressors, also known as “silencers,” are the hearing protection of the 21<sup>st</sup> Century sportsman and woman, and are engineered to reduce the sound signature of a gunshot to hearing safe levels. Although their primary purpose is to protect the hearing of firearms users and those in the immediate area, their use also minimizes felt recoil and increases accuracy, and has the potential to diminish interpersonal conflicts due to noise complaints associated with firearms use. They are quickly becoming a favored accessory of sportsmen and women throughout the nation. Despite common myths and misconceptions, suppressors do not silence host firearms. Suppressors work by trapping the expanding gasses at the muzzle of a firearm, allowing them to slowly cool, in a similar fashion to car mufflers. By decreasing the overall sound signature, suppressors help to protect the hearing of recreational shooters, hunters, and hunting dogs around the world.

Even the most effective suppressors on the smallest calibers, like .22 LR, reduce the peak sound level of a gunshot to around 110-120 decibel (dB). To put that in perspective, according to the National Institute for Occupational Safety and Health (NIOSH), that is as loud as a jackhammer (110 dB) or an ambulance siren (120 dB). When considering hunting caliber firearms, which average between 155-185 dB unsuppressed, the best suppressors on the market reduce the peak sound level to around 130-150 dB. While this is a tremendous reduction in noise level, it is still as loud as a jet engine at takeoff (140 dB) – far from silent. Although there is variation, well-engineered suppressors generally reduce noise levels by about the same amount as earplugs or

earmuffs. However, most hunters do not wear hearing protection in the field for safety reasons so they can maintain their situational awareness. Suppressors therefore offer a practical, and effective form of hearing protection.

Internationally, the majority of European countries permit the use of suppressors. With the ability to purchase these instruments over-the-counter in foreign nations, it is often considered customary, and an act of civility for sportsmen and women to utilize them. Recognizing that these instruments do not entirely reduce a firearm's expended sound, in many nations these devices are referred to as "moderators," or "mufflers," which is far more appropriate than the term "silencer." Here in the United States, we set the unfortunate precedent of referring to suppressors as the latter in legislation dating back to the 1930's. This, along with their incredibly inaccurate portrayals in cinema and on television, has resulted in a cultural stigma and base misunderstanding that the devices eliminate the report of a gunshot, rather than simply diminish it.

Opponents of suppressor use often posit that their legalization will result in an increase in poaching incidents. This position is largely based on the misconception that suppressors completely silence firearms. In fact, states that have recently legalized their use have seen no increase in poaching as a result of suppressor use afield. Considering the surrounding states, both Maine and New Hampshire have authorized the use of suppressors while hunting. In Connecticut and Vermont, individuals may presently use suppressors for target shooting, and there have recently been bills discussed in both states that would afford their sportsmen and women with the ability to use this hearing-protective technology while hunting. Presently, two-thirds of the states in New England allow for civilian ownership of suppressors and Massachusetts and Rhode Island stand alone as the only two states with prohibitions.

Expanding our view to the national level, 42 states presently permit civilian suppressor ownership. SB 1417 would therefore bring Massachusetts in-line with the vast majority of the United States through removing the restrictions that Chapter 269, Section 10A of the Massachusetts General Laws have placed on suppressor ownership.

Although 84% of the United States presently authorize suppressor ownership, they remain highly-regulated devices at the federal level through the National Firearms Act of 1934 (NFA). Congress' intent with the NFA was to inhibit transactions with the following instruments:

A shotgun or rifle having a barrel of less than eighteen inches in length, or any other weapon, except a pistol or revolver, from which a shot is discharged by an explosive if such weapon is capable of being concealed on the person, or a machine gun, and **includes a muffler or silencer for any firearm.**<sup>1</sup>

The NFA further defined "any device for silencing, muffling, or diminishing the report of a portable firearm" as a specific *firearm* subject to the Act's provisions.<sup>2</sup> This definition carries forward to this day, and in U.S. Code suppressors continue to be treated as a firearm under the

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<sup>1</sup> 73 Cong. Ch. 757, June 26, 1934, 48 Stat. 1236.

<sup>2</sup> Bureau of Alcohol, Tobacco, Firearms and Explosives, *Chapter 2. What are "Firearms" Under the NFA?*, <https://www.atf.gov/firearms/docs/atf-national-firearms-act-handbook-chapter-2/download>.

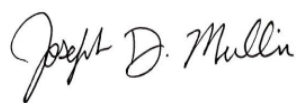
purview of the NFA. Therefore, one must abide by both federal and state laws when purchasing a firearm suppressor.

The exhaustive process that one must undertake in order to purchase a firearm suppressor under the NFA is both time-consuming and expensive. As prerequisites, the purchaser must be at least 21 years old (or 18 years of age if purchasing from an individual on a Form 4 to Form 4 Transfer or acquiring through a trust), a resident of the United States, and be legally eligible to purchase a firearm.<sup>3</sup> The individual must then fill out a Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) Form 4 (Application for Tax Paid Transfer and Registration of Firearm), which requires the suppressor's identifying information and includes submittal to a background check, the inclusion of passport photos and fingerprint cards, and a non-refundable \$200 transfer tax per suppressor.<sup>4</sup> Once the suppressor has been purchased, it remains in the custody of the seller until the Form 4 has been processed and approved. Currently, the processing and approval time for a suppressor is roughly a 10 month wait. Once the purchaser has been authorized to possess the suppressor, they must return to the dealer with all the appropriate paperwork to receive the instrument. This entire process must be taken for the purchase of each suppressor – all so that sportsmen and women can protect themselves from potential hearing damage. As can be inferred through the steps mentioned above, it is anything but simple to purchase a suppressor under federal law, and there is an extensive level of oversight. SB 1417 may authorize the use and possession of a firearm suppressor within the state, but the consumer must still abide by heavy regulations under the NFA.

While there remains a large amount of misinformation concerning suppressors, realistically they are a useful tool with multiple positive applications. As such, the Congressional Sportsmen's Foundation supports SB 1417 and encourages a favorable Committee report.

Thank you for the opportunity to participate in this discussion. Should you require additional information on this matter please feel free to contact me at any time. We would also be glad to arrange for a demonstration so that Committee members can gain first-hand knowledge of suppressor technology.

Sincerely,



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<sup>3</sup> American Suppressor Association, *Education*, <https://americansuppressorassociation.com/education/>.

<sup>4</sup> IBID.