



## SENATE BILL 201: Allow Hunting With Suppressors

2013-2014 General Assembly

**Committee:** Senate Judiciary I  
**Introduced by:** Sen. Randleman  
**Analysis of:** Second Edition

**Date:** April 18, 2013  
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Committee Counsel

**SUMMARY:** *Senate Bill 201 would amend G.S. 113-291.1(c) to allow hunting with a firearm equipped with a silencer or other device designed to silence, muffle, or minimize the report of the firearm.*

**CURRENT LAW:** Under G.S. 113-291.1(c), it is a Class 1 misdemeanor to hunt wildlife while in possession of a firearm equipped with a silencer or other device designed to silence, muffle, or minimized the report of the firearm. The firearm is considered equipped with the silencer even if it is not attached but is reasonably accessible for attachment during the taking of the wildlife.

A sound suppressor or silencer is defined as a weapon of mass death and destruction under State law, G.S. 14-288.8(c)(3), and unlawful possession of a silencer is a Class F felony. The statute, however, provides a number of exceptions under which a person may lawfully possess a silencer or other such weapons. G.S. 14-288.8(b)(5) provides an exception for those persons that possess or own such weapons in compliance with 26 U.S.C. Chapter 53 §§ 5801-5871.

**BILL ANALYSIS:** Senate Bill 201 would amend G.S. 113-291.1(c)(1) to eliminate the Class 1 misdemeanor penalty for hunting with a silencer or device designed to silence, muffle, or minimize the report of a firearm.

The bill would also amend G.S. 113-291.1(c)(2) to clarify that there is no Class 1 misdemeanor penalty for hunting with a silencer, suppressor or other sound-muffling device authorized in accordance with federal law. G.S. 113-291.1(c)(2) would still prohibit hunting with silencers or devices owned not in compliance with federal law, or with any other weapon of mass death and destruction.

**EFFECTIVE DATE:** This act is effective when it becomes law.

**BACKGROUND:** The State law provision allowing the possession of a silencer was established by S.L. 2011-268. Compliance with the federal law for individuals includes filing ATF Form 4 and ATF Form 5330.20, paying a transfer tax, and submitting to a criminal history check.

*\*Chris Saunders, Staff Attorney, contributed substantially to this summary.*

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