

Barbara J. Parker
City Attorney's Office

OFFICE OF THE CITY CLERK
OAKLAND

17 OCT -5 PM 12:16

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

INTRODUCED BY CITY ATTORNEY BARBARA J. PARKER, COUNCIL PRESIDENT LARRY REID AND COUNCILMEMBERS ABEL GUILLEN AND REBECCA KAPLAN

RESOLUTION IN OPPOSITION TO FEDERAL LEGISLATION TO WEAKEN OR ELIMINATE CALIFORNIA FIREARMS LAWS, INCLUDING CONGRESSIONAL BILL HR 367, WHICH WOULD REMOVE FEDERAL RESTRICTIONS ON GUN "SILENCERS" AND PROHIBIT CALIFORNIA FROM ENFORCING ITS BAN ON SILENCERS AND FROM OTHERWISE REGULATING THE SALES AND POSSESSION OF SILENCERS

WHEREAS, an article published in the *San Francisco Chronicle* on Sunday, October 1, alerted City officials that the U.S. House of Representatives intended to vote on Congressional Bill H.R. 367, the so-called "Hearing Protection Act of 2017," sponsored by Representative Jeff Duncan of South Carolina; and

WHEREAS, according to public reports, the bill currently is not scheduled for a vote, but could be scheduled prior to the City Council's next regular meeting on October 17; and

WHEREAS, the bill, among other things, would remove federal restrictions on gun "silencers" and prohibit states from enforcing state laws that regulate sales and possession of silencers; and

WHEREAS, under California law, possession of a silencer punishable by imprisonment or by a fine of up to \$10,000; and

WHEREAS, H.R. 367 would prohibit California from enforcing its duly adopted ban on the sales or possession of silencers, thereby putting the lives and safety of Californians at greater risk; and

WHEREAS, it is imperative that California public agencies take immediate action to communicate their positions to California House and Senate lawmakers before the House votes on HR 367; and

WHEREAS, in the United States, over the last fifty years, mass shootings have proliferated and have occurred on an increasingly regular basis beginning with the 1966 University of Texas tower massacre, when nineteen people were shot to death; and

WHEREAS, the United States has experienced an epidemic of mass shootings at schools, universities, workplaces, theaters and other public places including at least 521 mass shootings in the 14 months since the Orlando nightclub shooting in June 2016; and

WHEREAS, according to the *New York Times*, at least 585 people have been killed and 2,156 have been wounded in mass shootings in the United States in the last 14 months, starting with the Orlando nightclub shooting and including the October 1, 2017 massacre in Las Vegas, Nevada when at least 59 people were shot to death and more than 500 were injured; and

WHEREAS, mass shootings are at a nationwide crisis level and have occurred in every region of the country, including Stockton, California where 5 children between the ages of 6 and 9 were killed and 32 others were injured in 1989, San Bernardino, California where sixteen people were shot to death in 2015 and here in Oakland where seven people were shot to death at Oikos University in 2012; and

WHEREAS, more than 33,000 people die from gun violence every year in the U.S., including dozens in Oakland, most of whom are young men of color; and

WHEREAS, special interest advocacy groups, including but not limited to the National Rifle Association, have successfully and repeatedly undermined federal legislative efforts to address the ongoing crisis of gun violence in the U.S.; and

WHEREAS, federal representatives including Mr. Duncan of South Carolina consistently act in the interests of the gun industry, even when that means compromising the safety of Americans, as it does in the case H.R. 367; and

WHEREAS, H.R. 367 would make Americans less safe by removing decades-old federal restrictions on gun "silencers" (silencers) from the National Firearms Act (NFA); and

WHEREAS, in June 2017, deliberations on H.R. 367 were halted when House Majority Whip Steve Scalise was shot; and

WHEREAS, according to the organization Every Town for Gun Safety (Everytown)

- Silencers pose a significant threat in the hands of an "active shooter" because it is more difficult for bystanders or law enforcement to identify and react quickly to gunshots where a silencer is used; and
- Enacted in 1934, the NFA requires buyers of silencers to pass criminal background checks and comply with other common-sense safety provisions; and

- HR 367 would remove this requirement for silencers and that felons, domestic abusers, and the dangerously mentally ill would be able to buy silencers with no background checks; and
- HR 367 would enable dangerous people to buy silencers with no background check whatsoever, simply by finding an unlicensed seller; and
- Removing silencers from the NFA would undermine the law's success in keeping the public, and law enforcement officers, safe from crime; and
- Research shows the use of silenced firearms in crime is rare, demonstrating that the NFA works to keep silencers out of the wrong hands;
- HR 367 would also block states from enforcing their own laws regarding silencers; now therefore, be it

WHEREAS, the devastating consequences of removing silencer safety regulations and allowing silencers to fall into the wrong hands have been recognized by Prosecutors Against Gun Violence ("PAGV"), a non-partisan coalition of prosecutors from across the nation; and on October 4, 2017 PAGV sent Speaker Paul Ryan and Minority Leader Pelosi a letter declaring the coalition's strong opposition to the SHARE Act, H.R. 3668, which would remove silencer safety regulations as part of the SHARE Act, jeopardizing public safety and the safety of law enforcement officers who work to keep our communities safe; and a copy of the October 4, 2017 letter is attached to this resolution as Exhibit A; and

RESOLVED: That the Oakland City Council hereby strongly opposes H.R. 367 and demands that California lawmakers in the House and Senate vote no on H.R. 367, and be it

FURTHER RESOLVED: That the Oakland City Council hereby demands that all California lawmakers in Congress oppose any federal gun legislation that would eliminate or erode more stringent state and local gun regulations; and be it

FURTHER RESOLVED: That the City Clerk hereby is directed to immediately send a copy of this resolution to all California lawmakers in Congress, including Senators Kamala Harris and Diane Feinstein.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, CAMPBELL-WASHINGTON, GALLO, GIBSON MCELHANEY, GUILLÉN, KALB, KAPLAN
AND PRESIDENT REID

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____

LATONDA SIMMONS
City Clerk and Clerk of the Council of the City
of Oakland, California

2235332v1

EXHIBIT "A"



PROSECUTORS AGAINST GUN VIOLENCE

October 4, 2017

The Honorable Paul Ryan
Speaker of the House
Office of the Speaker
H-232 The Capitol
Washington, DC 20515

The Honorable Nancy Pelosi
Minority Leader
Office of the Democratic Leader
H-204 The Capitol
Washington, DC 20515

Re: Prosecutors' Opposition to the SHARE Act, H.R. 3668

Dear Speaker Ryan and Leader Pelosi:

We are members of Prosecutors Against Gun Violence (PAGV), a nonpartisan coalition of prosecutors from across this nation, and we write to express our strong opposition to the inclusion of legislation to remove silencer safety regulations as part of the SHARE Act. We were disappointed to see the SHARE Act, which was originally a sportsman's bill, larded up with dangerous gun provisions that would jeopardize not only the safety of the public, but also of the front-line law enforcement officers who work to keep our communities safe.

As prosecutors, we are sworn to uphold public safety in our communities. The SHARE Act would threaten that safety by, amongst other things, removing gun silencers from the National Firearms Act, which for decades has prevented felons, domestic abusers, and other people with dangerous histories from obtaining silencers. Current federal law requires all buyers of silencers to pass a background check and comply with other common-sense safety provisions. And it is because of these very safeguards – the ones that the SHARE Act seeks to do away with – that silencers are rarely used in crimes. If those important safeguards are eliminated, we are concerned that incidents of silencer crimes will increase and threaten the safety of our communities.

Silencers in the wrong hands create serious public safety risks. The loud and distinctive noise that a gun makes is one of its most important features. When people hear and locate gunfire, they are able to assess the threat, and take steps to protect their safety and the safety of those around them. In mass shootings, being able to hear and identify the gunshots can mean the difference between life and death. For law enforcement, distorting the sound of gunfire through a silencer hinders our ability to quickly respond to shootings, and jeopardizes the safety of our front-line

officers. In Southern California in 2013, for example, Christopher Dorner used silencers to murder innocent victims and ambush police officers who were pursuing him. Silencers enabled Dorner to escape and avoid apprehension by law enforcement during one of the largest manhunts in LAPD history. Additionally, silencers would nullify the usefulness of the ShotSpotter system, which detects the location of gunfire and sends that information to law enforcement. ShotSpotter has significantly enhanced our ability to collect evidence and develop stronger cases against dangerous criminals; silencers would take away this powerful tool.

Given the challenges of protecting public safety in our communities—including from horrific mass shootings like the one we experienced this week in Las Vegas—and the increased risks to law enforcement, now is exactly the wrong time for Congress to make it easy for people with dangerous histories to buy silencers. We hope you will listen to the voices of law enforcement and draft legislation that respects the interests of gun owners while ensuring the safety of those who protect and serve. The current version of the SHARE Act falls short of achieving this important balance.

We welcome the opportunity to further discuss this matter with you.

Sincerely,

Jean Peters Baker
Jackson County Prosecutor

Richard Brown
Queens County District Attorney

John Choi
Ramsey County Attorney

Darcel Clark
Bronx County District Attorney

Dan Conley
Suffolk County District Attorney

Joyce Dudley
Santa Barbara County District Attorney

Mara Elliot
San Diego City Attorney

Mike Feuer
Los Angeles City Attorney

Kimberly Foxx
Cook County State's Attorney

Stanley Garnett
Boulder County District Attorney

Eric Gonzalez
Acting Kings County District Attorney

Paul Howard
Fulton County District Attorney

Jackie Lacey
Los Angeles County District Attorney

Barbara LaWall
Pima County Attorney

Nancy O'Malley
Alameda County District Attorney

Beth McCann
Denver District Attorney

Michael McMahon
Richmond County District Attorney

Kim Ogg
Harris County District Attorney

Barbara Parker
Oakland City Attorney

Jill Ravitch
Sonoma County District Attorney

Jeff Rosen
Santa Clara County District Attorney

Katherine Fernandez Rundle
Miami-Dade State's Attorney

Dan Satterberg
King County Prosecuting Attorney

Madeline Singas
Nassau County District Attorney

Rod Underhill
Multnomah County District Attorney

Cyrus Vance
New York County District Attorney

Lynneice Washington
Jefferson County, Bessemer Cutoff District
Attorney

Amy Weirich
Shelby County District Attorney

Steven Wolfson
Clara County District Attorney

Kym Worthy
Wayne County Prosecuting Attorney



PROSECUTORS AGAINST GUN VIOLENCE

FOR IMMEDIATE RELEASE
October 4, 2017

CONTACT: Rob Wilcox
rob@prosecutorsagv.com

PROSECUTORS FROM ACROSS THE U.S. OPPOSE LEGISLATION THAT WOULD REMOVE REGULATIONS ON GUN SILENCERS

Current Version of SHARE Act Would Eliminate Safeguards Barring Violent Offenders from Obtaining Silencers

Manhattan District Attorney Cyrus R. Vance, Jr., Los Angeles City Attorney Mike Feuer, and 27 additional members of Prosecutors Against Gun Violence (PAGV) today announced their strong opposition to provisions in the Sportsmen's Heritage and Recreational Enhancement Act ("SHARE") Act which would remove existing gun silencer safety regulations from federal law. The full letter is attached.

"As prosecutors, we are sworn to uphold public safety in our communities. The SHARE Act would threaten that safety by removing gun silencers from regulation under the National Firearms Act, which for decades has prevented felons, domestic abusers, and other people with dangerous histories from obtaining silencers," wrote PAGV co-chairs Feuer and Vance in a letter regarding the legislation. "Given the challenges of protecting public safety in our communities—including from horrific mass shootings like the one we experienced this week in Las Vegas—and the increased risks to law enforcement, now is exactly the wrong time for Congress to make it easy for people with dangerous histories to buy silencers."

The SHARE Act would jeopardize not only the safety of the public, but also the safety of the front-line law enforcement officers who work to keep communities safe. The loud and distinctive noise that a gunshot makes allows those who hear gunfire to assess the threat and take steps to protect themselves and those around them. Moreover, current federal law requires all buyers of silencers to pass a background check and comply with other common-sense safety provisions. Thanks to these successful regulations, silencers have been rarely used in connection with criminal activity.

Founded by District Attorney Vance and City Attorney Feuer in 2014, PAGV is a nonpartisan coalition of leading prosecutors, from every region of the United States, committed to advancing prosecutorial and policy solutions to the national public health and safety crisis of gun violence.

To stay up to date with PAGV's progress, join the mailing list at ProsecutorsAGV.org, and follow PAGV on [Facebook](#) and [Twitter](#).

###

Additional news available at: www.manhattanda.com

Follow us on [Twitter](#) and [Facebook](#)

New York County District Attorney | 212-335-9400

CONGRESS.GOV

H.R.367 - Hearing Protection Act of 2017

115th Congress (2017-2018)

Sponsor: [Rep. Duncan, Jeff IR-SC-3](#) (Introduced 01/09/2017)

Committees: House - Ways and Means; Judiciary

Latest Action: House - 02/06/2017 Referred to the Subcommittee on Crime, Terrorism, Homeland Security, and Investigations. ([All Actions](#))

Tracker: **Introduced** Passed House Passed Senate To President , Became Law

Summary (1) Text (1) Actions (5) Titles (2) Amendments (0) Cosponsors (165) Committees (2) Related Bills (3)

There is one summary for H.R.367. [Bill summaries](#) are authored by [CRS](#).

Shown Here:

Introduced in House (01/09/2017)

Hearing Protection Act of 2017

This bill amends the Internal Revenue Code to: (1) eliminate the \$200 transfer tax on firearm silencers, and (2) treat any person who acquires or possesses a firearm silencer as meeting any registration or licensing requirements of the National Firearms Act with respect to such silencer. Any person who pays a transfer tax on a silencer after October 22, 2015, may receive a refund of such tax.

The bill amends the federal criminal code to preempt state or local laws that tax or regulate firearm silencers.

CONGRESS.GOV

H.R.367 - Hearing Protection Act of 2017

115th Congress (2017-2018)

Sponsor: [Rep. Duncan, Jeff \[R-SC-3\]](#) (Introduced 01/09/2017)

Committees: House - Ways and Means; Judiciary

Latest Action: House - 02/06/2017 Referred to the Subcommittee on Crime, Terrorism, Homeland Security, and Investigations. ([All Actions](#))

Tracker: **Introduced** Passed House Passed Senate To President Became Law

[Summary \(1\)](#) [Text \(1\)](#) [Actions \(5\)](#) [Titles \(2\)](#) [Amendments \(0\)](#) [Cosponsors \(165\)](#) [Committees \(2\)](#) [Related Bills \(3\)](#)

Shown Here:

Introduced in House (01/09/2017)

115TH CONGRESS
1ST SESSION

H. R. 367

To provide that silencers be treated the same as long guns.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 9, 2017

Mr. DUNCAN of South Carolina (for himself, Mr. CARTER of Texas, Mr. GENE GREEN of Texas, Mr. AUSTIN SCOTT of Georgia, Mr. BIGGS, Mr. GOSAR, Mr. HUDSON, Mr. LAMALFA, Mr. HARRIS, Mr. WESTERMAN, Mr. OLSON, Mr. CHAFFETZ, Mr. HENSARLING, Mr. CARTER of Georgia, Mr. LABRADOR, Mr. BROOKS of Alabama, Mr. SMITH of Texas, Mr. BISHOP of Utah, Mr. BRAT, Mr. ABRAHAM, Mr. PALMER, Mrs. LOVE, Mr. BRIDENSTINE, Mr. STEWART, Mr. MARSHALL, Mr. EMMER, Mr. RATCLIFFE, Mr. JODY B. HICE of Georgia, Mr. BUCK, Mr. WEBER of Texas, Mr. MESSER, Mr. MOONEY of West Virginia, Mr. DESANTIS, Mr. NEWHOUSE, Mr. SMITH of Missouri, Mr. GRAVES of Georgia, Mr. LAMBORN, Mr. WENSTRUP, Mr. ROGERS of Alabama, Mr. DESJARLAIS, Mr. MASSIE, Mr. KING of Iowa, Mr. GOHMERT, and Mr. YODER) introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To provide that silencers be treated the same as long guns.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Hearing Protection Act of 2017".

SEC. 2. EQUAL TREATMENT OF SILENCERS AND FIREARMS.

(a) IN GENERAL. Section 5845(a) of the Internal Revenue Code of 1986 is amended by striking (7) any silencer and all that follows through (8) and inserting (7).

(b) EFFECTIVE DATE.

(1) IN GENERAL. Except as otherwise provided in this subsection, the amendment made by this section shall take effect on the date of the enactment of this Act.

(2) TRANSFERS. In the case of the tax imposed by section 5811 of such Code, the amendment made by this section shall apply with respect to transfers after October 22, 2015.

SEC. 3. TREATMENT OF CERTAIN SILENCERS.

Section 5841 of the Internal Revenue Code of 1986 is amended by adding at the end the following:

(f) FIREARM SILENCERS. A person acquiring or possessing a firearm silencer in accordance with Chapter 44 of title 18, United States Code, shall be treated as meeting any registration and licensing requirements of the National Firearms Act (as in effect on the day before the date of the enactment of this subsection) with respect to such silencer.

SEC. 4. PREEMPTION OF CERTAIN STATE LAWS IN RELATION TO FIREARM SILENCERS.

Section 927 of title 18, United States Code, is amended by adding at the end the following: "Notwithstanding the preceding sentence, a law of a State or a political subdivision of a State that, as a condition of lawfully making, transferring, using, possessing, or transporting a firearm silencer in or affecting interstate or foreign commerce, imposes a tax on any such conduct, or a marking, recordkeeping or registration requirement with respect to the firearm silencer, shall have no force or effect."

CONGRESS.GOV

H.R.367 - Hearing Protection Act of 2017

115th Congress (2017-2018)

Sponsor: [Rep. Duncan, Jeff \[R-SC-3\]](#) (Introduced 01/09/2017)

Committees: House - Ways and Means; Judiciary

Latest Action: House - 02/06/2017 Referred to the Subcommittee on Crime, Terrorism, Homeland Security, and Investigations. ([All Actions](#))

Tracker: **Introduced** Passed House Passed Senate To President Became Law

Summary (1) Text (1) Actions (5) Titles (2) Amendments (0) Cosponsors (165) Committees (2) **Related Bills (3)**

A related bill may be a [companion measure](#), an [identical bill](#), a [procedurally-related measure](#), or one with [text similarities](#). Bill relationships are in measures.

Bill	Latest Title	Relationships to H.R.367	Relation Identifier
H.R.3139	Hearing Protection Act of 2017	Related bill	CRS
S.59	Hearing Protection Act of 2017	Related bill	CRS
S.1505	SHUSH Act	Related bill	CRS

CONGRESS.GOV

H.R.3139 - Hearing Protection Act of 2017

115th Congress (2017-2018)

Sponsor: [Rep. King, Steve \[R-IA-4\]](#) (Introduced 06/29/2017)

Committees: House - Ways and Means; Judiciary

Latest Action: House - 07/24/2017 Referred to the Subcommittee on Crime, Terrorism, Homeland Security, and Investigations. ([All Actions](#))

Tracker: **Introduced** Passed House Passed Senate To President Became Law

Summary (0) [Text \(1\)](#) [Actions \(4\)](#) [Titles \(2\)](#) [Amendments \(0\)](#) [Cosponsors \(19\)](#) [Committees \(2\)](#) [Related Bills \(2\)](#)

A summary is in progress.

CONGRESS.GOV

H.R.3139 - Hearing Protection Act of 2017

115th Congress (2017-2018)

Sponsor: [Rep. King, Steve \[R-IA-4\]](#) (Introduced 06/29/2017)

Committees: House - Ways and Means; Judiciary

Latest Action: House - 07/24/2017 Referred to the Subcommittee on Crime, Terrorism, Homeland Security, and Investigations. ([All Actions](#))

Tracker: **Introduced** Passed House Passed Senate To President Became Law

Summary (0) **Text (1)** Actions (4) Titles (2) Amendments (0) Cosponsors (19) Committees (2) Related Bills (2)

Shown Here:
Introduced in House (06/29/2017)

115TH CONGRESS
1ST SESSION

H. R. 3139

To provide that silencers be treated the same as firearms accessories.

IN THE HOUSE OF REPRESENTATIVES

JUNE 29, 2017

Mr. KING of Iowa (for himself, Mr. BANKS of Indiana, Mr. FRANKS of Arizona, Mr. MASSIE, Mr. BUCK, and Mr. GOHMERT) introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To provide that silencers be treated the same as firearms accessories.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Hearing Protection Act of 2017".

SEC. 2. EQUAL TREATMENT OF SILENCERS AND FIREARMS.

(a) IN GENERAL. Section 5845(a) of the Internal Revenue Code of 1986 is amended by striking (7) any silencer and all that follows through (8) and inserting (7).

(b) EFFECTIVE DATE.

(1) IN GENERAL. Except as otherwise provided in this subsection, the amendment made by this section shall take effect on the date of the enactment of this Act.

(2) TRANSFERS. In the case of the tax imposed by section 5811 of such Code, the amendment made by this section shall apply with respect to transfers after October 22, 2015.

SEC. 3. TREATMENT OF CERTAIN SILENCERS.

Section 5841 of the Internal Revenue Code of 1986 is amended by adding at the end the following:

(f) FIREARM SILENCERS. A person acquiring or possessing a firearm silencer in accordance with Chapter 44 of title 18, United States Code, shall be treated as meeting any registration and licensing requirements of the National Firearms Act (as in effect on the day before the date of the enactment of this subsection) with respect to such silencer.

SEC. 4. PREEMPTION OF CERTAIN STATE LAWS IN RELATION TO FIREARM SILENCERS.

Section 927 of title 18, United States Code, is amended by adding at the end the following: "Notwithstanding the preceding sentence, a law of a State or a political subdivision of a State that, as a condition of lawfully making, transferring, using, possessing, or transporting a firearm silencer in or affecting interstate or foreign commerce, imposes a tax on any such conduct, or a marking, recordkeeping or registration requirement with respect to the firearm silencer, shall have no force or effect."

SEC. 5. SILENCERS AND MUFFLERS NOT TO BE FEDERALLY REGULATED.

(a) DEFINITIONS. Section 921(a) of title 18, United States Code, is amended

(1) in paragraph (3), by striking (C) any firearm muffler or firearm silencer; or (D) and inserting (C); and

(2) by striking paragraph (24).

(b) PENALTIES. Section 924 of such title is amended

(1) in subsection (c)(1)

(A) in paragraph (1)(B)(ii) by striking “or is equipped with a firearm silencer or firearm muffler;” and

(B) in paragraph (1)(C), by striking “or is equipped with a firearm silencer or firearm muffler;” and

(2) in subsection (o), by striking “or is equipped with a firearm silencer or muffler.”

(c) CARRYING OF CONCEALED FIREARMS BY QUALIFIED LAW ENFORCEMENT OFFICERS.

Section 926B(e)(3) of such title is amended

(1) in subparagraph (A), by adding “and” at the end;

(2) by striking subparagraph (B); and

(3) by redesignating subparagraph (C) as subparagraph (B).

(d) CARRYING OF CONCEALED FIREARMS BY QUALIFIED RETIRED LAW ENFORCEMENT OFFICERS.

Section 926C(e)(1)(C) of such title is amended

(1) in clause (i), by adding “and” at the end; and

(2) by striking clause (ii).

CONGRESS.GOV

S.59 - Hearing Protection Act of 2017

115th Congress (2017-2018)

Sponsor: [Sen. Crapo, Mike \[R-ID\]](#) (Introduced 01/09/2017)

Committees: Senate - Finance

Latest Action: Senate - 01/09/2017 Read twice and referred to the Committee on Finance. ([All Actions](#))

Tracker: **Introduced** Passed Senate Passed House To President Became Law

Summary (1) Text (1) Actions (1) Titles (2) Amendments (0) Cosponsors (18) Committees (1) Related Bills (2)

There is one summary for S 59. [Bill summaries](#) are authored by [CRS](#).

Shown Here:

Introduced in Senate (01/09/2017)

Hearing Protection Act of 2017

This bill amends the Internal Revenue Code to: (1) eliminate the \$200 transfer tax on firearm silencers, and (2) treat any person who acquires or possesses a firearm silencer as meeting any registration or licensing requirements of the National Firearms Act with respect to such silencer. Any person who pays a transfer tax on a silencer after January 9, 2017, may receive a refund of such tax.

The bill amends the federal criminal code to preempt state or local laws that tax or regulate firearm silencers.

CONGRESS.GOV

S.59 - Hearing Protection Act of 2017

115th Congress (2017-2018)

Sponsor: [Sen. Crapo, Mike \[R-ID\]](#) (Introduced 01/09/2017)

Committees: Senate - Finance

Latest Action: Senate - 01/09/2017 Read twice and referred to the Committee on Finance. ([All Actions](#))

Tracker: **Introduced** Passed Senate Passed House To President Became Law

Summary (1) **Text (1)** Actions (1) Titles (2) Amendments (0) Cosponsors (18) Committees (1) Related Bills (2)

Shown Here:

Introduced in Senate (01/09/2017)

115TH CONGRESS
1ST SESSION

S. 59

To provide that silencers be treated the same as long guns.

IN THE SENATE OF THE UNITED STATES

JANUARY 9, 2017

Mr. CRAPO (for himself, Mr. MORAN, and Mr. PAUL) introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To provide that silencers be treated the same as long guns.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Hearing Protection Act of 2017".

SEC. 2. EQUAL TREATMENT OF SILENCERS AND FIREARMS.

(a) IN GENERAL. Section 5845(a) of the Internal Revenue Code of 1986 is amended by striking (7) any silencer and all that follows through (8) and inserting (7).

(b) EFFECTIVE DATE.

(1) IN GENERAL. The amendment made by this section shall take effect on the date of the enactment of this Act.

(2) TRANSFERS. In the case of the tax imposed by section 5811 of the Internal Revenue Code of 1986, the amendment made by this section shall apply with respect to transfers after January 9, 2017.

SEC. 3. TREATMENT OF CERTAIN SILENCERS.

Section 5841 of the Internal Revenue Code of 1986 is amended by adding at the end the following:

(f) FIREARM SILENCERS. A person acquiring or possessing a firearm silencer in accordance with chapter 44 of title 18, United States Code, shall be treated as meeting any registration and licensing requirements of the National Firearms Act (as in effect on the day before the date of the enactment of this subsection) with respect to such silencer.

SEC. 4. PREEMPTION OF CERTAIN STATE LAWS IN RELATION TO FIREARM SILENCERS.

Section 927 of title 18, United States Code, is amended by adding at the end the following: "Notwithstanding the preceding sentence, a law of a State or a political subdivision of a State that, as a condition of lawfully making, transferring, using, possessing, or transporting a firearm silencer in or affecting interstate or foreign commerce, imposes a tax on any such conduct, or a marking, recordkeeping, or registration requirement with respect to the firearm silencer, shall have no force or effect."

CONGRESS.GOV

S.1505 - SHUSH Act

115th Congress (2017-2018)

Sponsor: [Sen. Lee, Mike \[R-UT\]](#) (Introduced 06/29/2017)

Committees: Senate - Finance

Latest Action: Senate - 06/29/2017 Read twice and referred to the Committee on Finance. ([All Actions](#))

Tracker: **Introduced** Passed Senate Passed House To President Became Law

Summary (0) [Text \(1\)](#) [Actions \(1\)](#) [Titles \(3\)](#) [Amendments \(0\)](#) [Cosponsors \(8\)](#) [Committees \(1\)](#) [Related Bills \(3\)](#)

A summary is in progress.

CONGRESS.GOV

S.1505 - SHUSH Act

115th Congress (2017-2018)

Sponsor: [Sen. Lee, Mike \[R-UT\]](#) (Introduced 06/29/2017)

Committees: Senate - Finance

Latest Action: Senate - 06/29/2017 Read twice and referred to the Committee on Finance. ([All Actions](#))

Tracker: **Introduced** Passed Senate Passed House To President Became Law

Summary (0) **Text (1)** Actions (1) Titles (3) Amendments (0) Cosponsors (8) Committees (1) Related Bills (3)

Shown Here:

Introduced in Senate (06/29/2017)

115TH CONGRESS
1ST SESSION

S. 1505

To provide that silencers be treated the same as firearms accessories.

IN THE SENATE OF THE UNITED STATES

JUNE 29, 2017

Mr. LEE (for himself and Mr. CRAPO) introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To provide that silencers be treated the same as firearms accessories.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Silencers Help Us Save Hearing Act" or the "SHUSH Act".

SEC. 2. EQUAL TREATMENT OF SILENCERS AND FIREARMS.

(a) IN GENERAL. Section 5845(a) of the Internal Revenue Code of 1986 is amended by striking "(7) any silencer" and all that follows through "(8)" and inserting "(7)".

(b) EFFECTIVE DATE.

(1) IN GENERAL. The amendment made by this section shall take effect on the date of the enactment of this Act.

(2) TRANSFERS. In the case of the tax imposed by section 5811 of the Internal Revenue Code of 1986, the amendment made by this section shall apply with respect to transfers after October 22, 2015.

SEC. 3. TREATMENT OF CERTAIN SILENCERS.

Section 5841 of the Internal Revenue Code of 1986 is amended by adding at the end the following:

(f) FIREARM SILENCERS. A person acquiring or possessing a firearm silencer in accordance with chapter 44 of title 18, United States Code, shall be treated as meeting any registration and licensing requirements of the National Firearms Act (as in effect on the day before the date of the enactment of this subsection) with respect to such silencer.

SEC. 4. PREEMPTION OF CERTAIN STATE LAWS IN RELATION TO FIREARM SILENCERS.

Section 927 of title 18, United States Code, is amended by adding at the end the following: "Notwithstanding the preceding sentence, a law of a State or a political subdivision of a State that, as a condition of lawfully making, transferring, using, possessing, or transporting a firearm silencer in or affecting interstate or foreign commerce, imposes a tax on any such conduct, or a marking, recordkeeping, or registration requirement with respect to the firearm silencer, shall have no force or effect."

SEC. 5. SILENCERS AND MUFFLERS NOT TO BE FEDERALLY REGULATED.

(a) DEFINITIONS. Section 921(a) of title 18, United States Code, is amended

(1) in paragraph (3), by striking "(C) any firearm muffler or firearm silencer; or (D)" and inserting "(C)"; and

(2) by striking paragraph (24).

(b) PENALTIES. Section 924 of title 18, United States Code, is amended

(1) in subsection (c)(1)

(A) in subparagraph (B)(ii) by striking "or is equipped with a firearm silencer or firearm muffler" and

(B) in subparagraph (C), by striking "or is equipped with a firearm silencer or firearm muffler," and

(2) in subsection (o), by striking "or is equipped with a firearm silencer or muffler,".

(c) CARRYING OF CONCEALED FIREARMS BY QUALIFIED LAW ENFORCEMENT OFFICERS.

Section 926B(e)(3) of title 18, United States Code, is amended

(1) in subparagraph (A), by adding "and" at the end;

(2) by striking subparagraph (B); and

(3) by redesignating subparagraph (C) as subparagraph (B).

(d) CARRYING OF CONCEALED FIREARMS BY QUALIFIED RETIRED LAW ENFORCEMENT OFFICERS.

Section 926C(e)(1)(C) of title 18, United States Code, is amended

(1) in clause (i) by adding "and" at the end;

(2) by striking clause (ii); and

(3) by redesignating clause (iii) as clause (ii).