

# Guide to Obtaining a Legal Silencer

Presented by Silencer Research LLC

This guide is a tool to help you on the way to purchasing a legal silencer in the United States. The best source of information is usually your local or area Class 3 dealer.

**Can I own a silencer?** Silencers have never been illegal under federal law; they have only been regulated and taxed. This means that if your state doesn't prohibit ownership of silencers, you can probably buy one. Here are some things you also need to know.

- Must be 21 years old when purchasing from a dealer
- Typically, if you can buy an handgun, you can buy a silencer
- Must not have been convicted of a felony or pleaded guilty to domestic violence charge(s)
- Must be a United States Citizen

The following states allow civilian ownership of silencers. AL, AR, AK, AZ, CO, CT, FL, GA, ID, IN, KY, LA, ME, MD, MS, MT, NE, NV, NH, NM, NC, OH, OK, OR, PA, SC, SD, TN, TX, UT, VA, WA, WI, and WY. If your state isn't listed here, you will not be able to own a silencer. It is my understanding that Washington State allows possession, but not the use of silencers.

**I can buy one, so which one should I get?** This question is one of the reasons I started Silencer Research LLC. I get this question more than any other and there is no correct answer. I present data on my website which should assist you in making this critical decision. Some silencers are just better than others. While some silencers may be perfect for me, they may not be as well suited for you and your purpose. Spend some time on Silencer Research.com and use the Forums to ask any questions you may have.

**I have picked my silencer, now what?** You must locate a Class 3 dealer in your state. Unless you are a federal firearms license holder (Type 01 or Type 07) you have to use the services of a Class 3 dealer. Lists of these dealers are being created for this guide, but in the mean time contact the manufacturer of the silencer you picked and ask them for a recommendation. Some manufacturers have a list on their website. These lists are generally not complete, so call them. The dealer should be able to help you with all the paperwork from there. If you want to do more of the work by yourself read on.

## **The Basic steps to obtain a silencer are listed below:**

- Make sure you can own one in your state
- Pick a silencer to buy
- Find a Class 3 Dealer
- Fill out and complete the required paperwork IN DUPLICATE
- If an individual, obtain Law Enforcement signature on the forms be fingerprinted and paste or tape two photographs of yourself onto the forms
- If a Corporation or Trust, you may skip the above step
- Pay the \$200 Transfer Tax to BATFE
- Wait for your paperwork to clear
- Fill out a ATF Form 4473
- Take your silencer home

The first three steps have been covered so far and we will now go over the paperwork part of the process. Here is exactly what you will need:

- Two (2) ATF FORM 4's (ATF FORM 5320.4)
- Two (2) ATF FORM 5330.20's Certification of Compliance with 18 U.S.C 922(g)(5)(B) called "Citizen Certification" Forms
- Two (2) FBI Fingerprint Cards (FBI-258LE)
- If corporate or a trust you will need to send ATF something to show them the entity is active and current. Often, a certificate of good standing (available from most Secretary of State websites for a price) is required. No fingerprint cards are required for corporate/trust applicants.

### **ATF FORM 4 (ATF FORM 5320.4)**

The ATF Form 4 is available from the ATF website at this address:

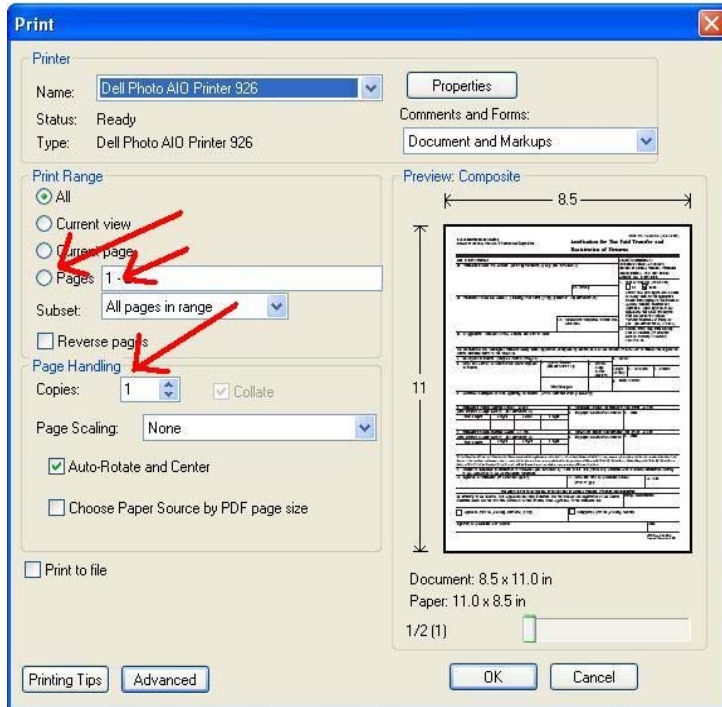
<http://www.atf.gov/forms/pdfs/f53204.pdf> OR you can fill out the information electronically using the website [www.titleii.com](http://www.titleii.com) A direct link to the Form 4 they offer is here:

<http://test.titleii.com/form4.html>

They let you fill out the form from that page and save the data in the form onto your hard drive. I prefer to just click SUBMIT at the bottom of the page, save the form and open in from my Adobe reader and then I can fill out the data for each silencer. It's up to you.

### **Procedure for Printing Form 4's on your own printer**

The form from the ATF website may be printed and filled in manually. You can also fill out the form with the Title II website. PLEASE NOTE: If you submit a Form 4 to ATF that is printed on two pages (one form) they will return it to you unapproved. ATF wants this form to be printed on ONE PAGE PER FORM (front and back of one single sheet of paper). So when you print, please print page one (select two copies). Return the printed copies to the printer and repeat the procedure printing page 2 (select two copies). See the red arrows in the figure shown below:



- Change Print Range from "ALL" to "Pages" (top red arrow, click the circle that is located left of the word "Pages")
- Make sure the number 1 is the only number in the blank that is located to the right of the "Pages" option (middle red arrow). (when you are printing page TWO of the form make sure that the number 2 is the only number in this blank)
- Set "Copies" to 2 (bottom red arrow)

You are now free to fill out all the information by hand into the Form 4 when using the form from the ATF website or the electronic version from Title II. There are instructions that print out as pages 3 and 4 of the ATF link above can be used to fill out the form, but I am going to walk you through that part as well

### FRONT OF ATF FORM 4

1. Type of Transfer: Put a checkmark or X in the box next to \$200 as this is the price for the transfer tax on a silencer.

- 2a. Transferee's Name and Address: This is your full name and address. If you put a P. O. Box here, they will kick the form back and make you put a physical address in there. Use only physical addresses. If filling out this form for a corporation or trust, use the address listed in the corporation or trust documentation.
- 2b. County: This is the county you live in NOT THE COUNTRY YOU LIVE IN.
- 3a. Transferor's Name and Address: This is your dealer's information. If you know it, fill it in, if not skip it.
- 3b. This is your dealer's telephone number.
- 3c. Leave it blank
- 3d. Leave it blank
- 4a. This is where you put the Manufacturer of the silencer and the address of the manufacturer. If you are unsure of what to use, leave it blank
- 4b. Type of Firearm: SILENCER (that is all you need to put)
- 4c. Caliber: Put your silencer's caliber in here
- 4d. Model: Put the Manufacturer's model name here (not all silencers have a model and in that case, this can just be left blank or write NA in there.
- 4e. Of Barrel: This is seldom used with muzzle or screw on silencers and is more often used on integral setups, but mostly it is left blank
- 4f. Overall: This is the overall length of the tube of the silencer.
- 4g. Serial Number: This is the big deal...Make SURE it's legible and fits exactly what is shown on the silencer itself. Don't leave out zeros in front of number ie... if the serial number is "TX 0052" and you put in TX 52, ATF will kick it back. When and if you chose to call to check on your transfer, read this entire number to them or they will not know anything about your transfer. Say the serial number is TX ZERO ZERO FIVE TWO, not TX FIFTY TWO.
- 4h. Leave blank
5. Leave blank
- 6a Leave blank
- 6b Leave blank
7. This is your Dealer's federal firearms license number. If you don't have it, leave this blank. You can use FFL EZ CHECK to make sure your dealer is still licensed with ATF at this website <https://www.atfonline.gov/fflezcheck/>
- 8a. EIN: This is your dealer's Employment Identification Number, if you don't have it leave it blank.
- 8b. Class: This is the Special Occupational Tax (SOT) class status of your Dealer. If he is a regular dealer the number 3 (hence the phrase "Class 3 dealer") will be used. If he is a manufacturer the

number 2 is used. If you don't know what his status is, leave it blank

9. Circle **I DO**. This allows you to call and ask ATF where you are in the transfer process if you get anxious. (304-616-4500)

10. DON'T SIGN HERE. Your dealer must sign here.

11. This is for the dealer to fill out

12. This date is for the dealer to fill out

## **BACK OF ATF FORM 4**

**IF YOU ARE AN INDIVIDUAL (not a corporation or trust)**

Answer the questions in block 13 and 14 with an X or a check

**IF YOU ARE FILLING OUT THE FORM AS A CORPORATION OR A TRUST SKIP 13 and 14 and proceed directly to 15. Corporations and Trusts need not fill out anything on the back of the ATF Form 4 EXCEPT Section 15.**

If you are an individual you will write your name in the blank where it says Name of Transferee. In the next two blanks you can put in "Firearms Collection" on one of the spaces. Sign where it says Signature of Transferee and date the form.

**Photograph Section:** Grab your digital camera and have someone snap a picture of you. Make sure the picture shows your upper body from about four inches below your neck to over the top of your head and hair. Remove headgear. You can generally put the picture into your computer and use the print wizard in Windows to print out wallet size pictures of you. Cut them with scissors so they fit in the area provided and glue or tape them onto the form. Any picture used cannot be more than one year old. Corporate and Trust transfers skip this step.

**Law Enforcement Certification:** This presents more trouble for some people than others. It's generally a matter of explaining the reason behind the section so that the Law Enforcement person signing the form understands it. By signing it, they are saying that they have jurisdiction over you and they have no information that having the silencer would place you in violation of the local and state laws. Note that it does NOT say using it, only possession. The CLEO (chief law enforcement officer) is not responsible for your use of the silencer. That is your job. You may still have a problem getting this section signed. There are other people in the law enforcement community that may sign for you. Generally, a Police Chief, Sheriff (NOT A DEPUTY), Prosecuting attorney, State

Attorney General, or anyone else ATF may approve. If all else fails, you can obtain the silencer by starting a trust or forming a corporation. This can be expensive in some cases, but has its advantages.

The first blank in the Law Enforcement Certification section is for your full name. The next line is for the CLEO's signature and title. You can date the form or the CLEO can. You can fill out the remainder of the information or the CLEO can.

This must be done TWICE. ATF likes everything in sets of two.

### **ATF FORM 5330.20's Certification of Compliance with 18 U.S.C 922(g)(5)(B)**

This form is also commonly referred to as the Citizenship Certification Form.

This form can be found from the ATF website here:

<http://www.atf.treas.gov/forms/pdfs/f533020.pdf>

You should be able to fill out the form from the Adobe reader. If not, simply print and fill it out.

In section 1: You put your Name or Corporation/Trust name here

In section 2: You put your name no matter if you are applying as an individual or a Corporation/Trust.

In section 3: Write "USA"

Sign and date the bottom of the form

This ALSO must be filled out TWICE!

### **FBI Fingerprint Cards (FBI-258LE)**

Corporation and Trust applicants need not bother with these. Your dealer has these in his possession and you need to ask for at least 4 of them. You can alternatively order these forms from ATF. If you order from ATF, order at least 100 of them

<http://www.atf.gov/dcof/index.htm>

You absolutely, positively MUST use the correct fingerprint forms to avoid delay in your transfer. Don't try to use whatever your local jail has handy. Even if you have been fingerprinted before, you still

have to do this. You have to do this for EVERY single silencer you obtain.

ORDER FBI-258LE (FBI FD-258LE - NFA, Imports ORI WVATF0100)

TYPE OR PRINT ALL INFORMATION IN BLACK			FBI		LEAVE BLANK	
LAST NAME <b>NAM</b>	FIRST NAME	MIDDLE NAME				
ALIAS <b>AKA</b>	ORI <b>WVATF0800 ATF-NFA BRANCH MARTINSBURG, WV</b>	DATE OF BIRTH <b>DOB</b> Month Day Year				
CITIZENSHIP <b>CTZ</b>		SEX	RACE	HAIR	EYES	PLACE OF BIRTH <b>POB</b>
YOUR NO. <b>QCA</b>	LEAVE BLANK					
FBI NO. <b>FBI</b>	CLASS _____					
ARMED FORCES NO. <b>MNU</b>	REF _____					
SOCIAL SECURITY NO. <b>SOC</b>						

If the ORI section of the card you are using doesn't look like this DON'T SEND IT IN.

Filling out the Fingerprint cards:

TYPE OR PRINT ALL INFORMATION IN BLACK						LEAVE BLANK	
LAST NAME		FIRST NAME		MIDDLE NAME		FBI	
AKA		ORI		WVATF0800 ATF-NFA BRANCH MARTINSBURG, WV		DATE OF BIRTH Month Day Year	
CITIZENSHIP		SEX	RACE	AGE	WEIGHT	HEIGHT	PLACE OF BIRTH
FOUR NO.		LEAVE BLANK					
FBI NO.		CLASS					
ARMED FORCES NO.		REF					
SOCIAL SECURITY NO.							
MISCELLANEOUS NO.							

Start above the ORI section (where it says Martinsburg, WV) and put your LAST FIRST and WHOLE MIDDLE name in there.

Fill out Sex, race, etc...

Fill out your citizenship as USA and put your Social Security Number in the blank below Armed Forces No. Leave the other numbers blank.



<b>APPLICANT</b>		LEAVE BLANK	TYPE OR PRINT ALL INFORMATION	
SIGNATURE OF PERSON FINGERPRINTED		LAST NAME <u>NAM</u>		FIRST NAME
RESIDENCE OF PERSON FINGERPRINTED		ALIASES <u>AKA</u>		OR
DATE	SIGNATURE OF OFFICIAL TAKING FINGERPRINTS		CITIZENSHIP <u>CIZ</u>	W
EMPLOYER AND ADDRESS		YOUR NO. <u>OCA</u>		A
REASON FINGERPRINTED		FBI NO. <u>FBI</u>		M
		ARMED FORCES NO. <u>MNU</u>		
		SOCIAL SECURITY NO. <u>SOC</u>		
		MISCELLANEOUS NO. <u>MNU</u>		

Under APPLICANT you sign the first blank and write your physical address in the blank below it.

The section below this is for THE PERSON TAKING YOUR FINGERPRINTS TO FILL OUT, NOT YOU!!! The person taking the prints writes the date, signs and puts HIS OR HER employer and address in this blank. You don't put your own employer and address in, as this will get the card kicked back. In Reason Fingerprinted...write NFA PURCHASE

Do two fingerprint cards that are identical, remember ATF likes everything you send them in twos. You let the fingerprint taker do his or her job and make sure you obtain clear prints or they won't accept the card. If they are blotched, get another card done. Some places charge for this service.

### Corporate/Trust Documentation

Your Secretary of State website will likely have a place where you can look up your Corporation or Trust and print a document called "Certificate of Good Standing" or something that shows you are current. If you don't have this, send the ATF the first page of your Trust or Articles of Incorporation/LLC agreement. Failure to do this will result in delaying your transfer or getting it denied.

Now that your paperwork is completed you need to write a check to Bureau of Alcohol, Tobacco, Firearms, and Explosives or simply BATFE.

**Sending your paperwork in:** Double check your paperwork! It's time to mail it or take it to **your dealer**. DON'T SEND IT TO ATF YOURSELF. You have to make sure all the data is there and the dealer has to physically sign the Form 4's. He will likely look over the forms for you, sign them, and submit them to ATF. Of course you can mail them out to ATF after the dealer signs them. Send them to the address on the Form 4 just above box number 1.

**Your dealer will contact you:** Your dealer will contact you when your paperwork is cleared and only then can you go pick up your silencer. You will be required to fill out an ATF Form 4473 (the usual form when you buy a gun over the counter) when you pick up your silencer. The NICS check is not required for NFA transfers.

**What to do while you wait:** This is a good time to check on threaded barrels, read up on what guns you want to attach it to and what sights you want to use. It is best to get the manufacturer to thread the barrels for whatever silencer you buy, but that is not always practical and most competent machinists can thread barrels if they can read a print. Prints are available from 3 major manufacturers here:

AAC Barrel Thread Specs

<http://www.silencerresearch.com/AAC%20Barrel%20Threading%20Specs.pdf>

GEMTECH Barrel Thread Specs

<http://www.silencerresearch.com/GEMTECH%20Barrel%20Threading%20Specs.pdf>

YHM (Yankee Hills Machine) Barrel Thread Specs

<http://www.silencerresearch.com/YHM%20Barrel%20Threading%20Specs.pdf>