



*Andi's Answers*

## **Texas-Made Suppressors**

### **HB957 Frequently Asked Questions**

**When does the law created by Representative Tom Oliverson's HB957 regarding Texas-made suppressors go into effect?**

September 1, 2021

**Should I start planning to build Texas-only suppressors?**

**No.** The first step in the process is notifying the Texas Attorney General of your intent to manufacture "Texas-Only" suppressors.

Before anyone makes a suppressor, the new law requires the Attorney General to first seek a declaratory judgement from a federal court in Texas to affirm that the law is consistent with the U.S. Constitution. This is a bit tricky because a declaratory judgement, while binding on the parties (in this case, the State of Texas and the federal government), does not include any provision for enforcement.

A federal court is going to first look at legal precedents from other courts including the Supreme Court and especially the opinion of the federal appeals court in the 10<sup>th</sup> Judicial Circuit. The 10<sup>th</sup> Circuit was the court that upheld the convictions of the two men in Kansas, one for making suppressors without a license; one for possession of an unregistered suppressor. You may have read about the Kansas Second Amendment Protection Act that the feds challenged in the courts--this is the case to which I am referring.

Instead of going into all the gory, and boring, details, let's just say the federal government held all the aces in the Kansas case. The court ruled the feds did have the constitutional authority to require those in the business to be licensed by the federal government and cited cases, including *D.C. v.*

*Heller*, to support that decision. Assuming Texas succeeds in getting a declaratory judgement, don't plan on buying them as Christmas presents--it's gonna be a while. The federal judicial system operates at a pace that makes glaciers look speedy and it's a sure bet the federal government will fight this all the way to the Supreme Court. So patience is the key here. I will keep y'all informed as we go!

**Will the new law let me bypass the ATF's process for buying a suppressor?**

**Not yet.** We must prevail in court for that to be a reality. The thing that is most often misunderstood about the National Firearms Act is that it's not a gun control law, it's a tax measure. Congress is not limited to taxing goods that move in interstate commerce.

If you want to own a suppressor without constantly looking over your shoulder for the "revenooers," your best bet is to fill out the ATF Form 4; send in your money; and wait for the ATF to make up its mind.

**I am an FFL, how can I get started making these after September 1?**

Please don't. Full stop. Should the ATF/DOJ lose this case (and, of course, we all hope they will!), they may come looking to create other problems for Texas FFL's. I don't want any of y'all to have problems because of an unhappy President Biden-driven administration. I am not here to tell you what to do, but this is my very best advice, given what I believe is going to happen legally. (And please remember I am *NOT* an attorney!) That said, if you really want to do this, email me at [AndiTurner@TSRA.com](mailto:AndiTurner@TSRA.com) and I will tell you what all needs to be done.