



**Proposed Rule Amendments for  
Taking Game and Alligators**  
Draft Rule  
September 2014  
Florida Fish and Wildlife Conservation Commission  
Division of Hunting and Game Management



Version 2

Update: This document has been updated to include additional information regarding the use of suppressors for taking game.

This presentation covers proposed rule amendments related to (1) the use of suppressors on firearms for taking game and (2) the application form required for participation in the Private Lands Alligator Management Program. Full text and summaries of all proposed rule amendments are included in the additional background.

Author: Diane Eggeman

Report date: August 29, 2014

## Suppressors for Hunting Game

### Suppressors – what are they?

Suppressors (sometimes called silencers) are devices attached to or part of the barrel of a firearm to reduce the sound of firing. The sound reduction usually results from slowing the release of the propellant gas but sometimes also from slowing the bullet.



Photo courtesy NFA USA



Photo courtesy American Suppressor Association



A suppressor for use with a high-powered rifle typically used for deer hunting may cost from \$750 to more than \$2,000.

## Suppressors for Hunting Game

### Suppressors - what are they?

Not silent (firearm decibel info courtesy [Silencertalk.com](http://Silencertalk.com))

- .22LR rifle
  - Unsuppressed 160 decibels (db)
  - Suppressed 118-129 db
- .308 caliber rifle
  - Unsuppressed 168-170 db
  - Suppressed 139-150 db
- Comparisons (info from Purdue University, <http://www.chem.purdue.edu/chemsafety/Training/PPETrain/dblevels.htm>)
  - Average human pain threshold, live rock music, 110 db
  - Outboard motor, motorcycle, farm tractor, jackhammer, 100 db
  - Garbage disposal, airplane flyover at 1000 feet, 80-90 db



A common misconception is that suppressors cause the firearm to be virtually silent. In fact, suppressed firearms, particularly when used on the firearms of a caliber typical for taking game animals such as deer, continue to make a significant and noticeable sound.

Firearm decibel information courtesy [Silencertalk.com](http://Silencertalk.com).

Comparison information:

<http://www.chem.purdue.edu/chemsafety/Training/PPETrain/dblevels.htm>.

## Suppressors for Hunting Game

### Federal law - to possess a suppressor:

- Registration with Bureau of Alcohol, Tobacco and Firearms
  - Can be lengthy process
  - \$200 fee
  - FBI background check or National Firearms Act Gun Trust
- Certain persons may not possess, such as felons, persons under indictment, and persons convicted of domestic abuse

### Violations of these registration requirements (under Title 26, United States Code, Section 5861):

- Class C felony
- Maximum sentence 10 years, \$250,000 fine, supervised release of up to 10 years



To possess a suppressor, a person must have federal registration, which requires a \$200 fee and an FBI background check or establishment of a legal trust known as a National Firearms Act Gun Trust. Certain persons, such as felons, persons under indictment, aliens, and persons convicted of domestic abuse, may not possess suppressors.

Violation of this federal registration requirement falls under Title 26, United States Code, Section 5861. This offense is punishable as a Class “C” felony, which carries a maximum sentence of 10 years imprisonment, \$250,000 fine and supervised release of up to 10 years. Also, the possession of a silencer by prohibited persons is a crime as well that is prohibited under Title 18, United States Code, Section 922(g).

# Suppressors for Hunting Game

## Background

- Requests from public
- Currently allowed for hunting in Florida
  - on shotguns used for all hunting, public and private land
    - hogs, furbearers and armadillos; all game species, including deer, turkey, small game, and migratory birds
  - on rifles and pistols used
    - on private lands for hunting hogs, furbearers, and armadillos
    - on FWC-managed lands for hunting furbearers and armadillos
- Currently 32 states allow for all hunting
- Allowed for hunting game in all other southeastern states (14)

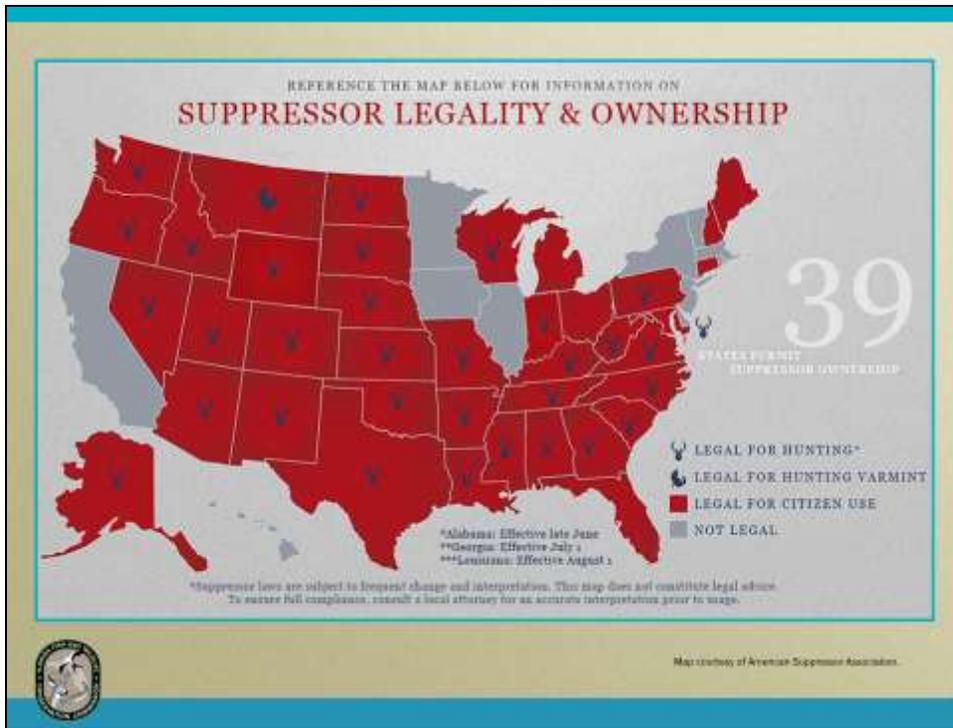


The proposed rule would remove the restriction on the use of suppressors for hunting wildlife species classified as game. The purpose is to remove an unnecessary restriction on hunters. FWC staff received requests to look into this issue and determined that there was no longer a need for restrictions on the use of suppressors for hunting.

Suppressors are already allowed for hunting in Florida under certain circumstances. Suppressors may be used:

- on shotguns used for taking wildlife classified as game (e.g., deer, gray squirrels, rabbits, wild turkey, quail, rails, snipe, woodcock, ducks, geese, dove, coot, common moorhen)
- on private lands, on rifles and pistols used for animals other than game (e.g., hogs, raccoon, opossum, skunk, nutria, beaver, coyote, bobcat, otter, armadillos)
- on lands in FWC's management area system, for taking animals other than game and hogs (e.g., raccoon, opossum, skunk, nutria, beaver, coyote, bobcat, otter, armadillos).

Thirty-two other states currently allow their use for hunting game animals, and this use has not been controversial. Of the 14 other states that are members of the Southeastern Association of Fish and Wildlife Agencies (SEAFWA), use of suppressor for hunting game animals is allowed. These include Alabama, Arkansas, Georgia, Kentucky, Louisiana, Missouri, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and West Virginia.



Map courtesy of American Suppressor Association.

## Suppressors for Hunting Game

### Proposed Rule

- Expand the allowed use of suppressors to include game species (e.g., deer, wild turkeys, squirrels, rabbits, quail) on public and private lands



**68A-12.002 General Methods of Taking Game; Prohibitions** – The proposed rule would remove the prohibition on the use of noise-suppressed (i.e., silencer-equipped) rifles and pistols for taking deer, gray squirrels, rabbits, wild turkeys, quail, and crows.

## Suppressors for Hunting Game

### What Would Change?

- Suppressors allowed on rifles and pistols for taking game (e.g., deer, squirrels, wild turkeys)

### What Would Continue?

- Federal registration requirement
- Felony penalty for illegal possession
- Prohibition on possession by felons, etc.
- All other existing regulations, including those that prohibit exceeding bag limits, poaching, and trespass
- Penalties for illegally harvesting game
- Legal for citizens to possess, use
- Allowed for taking animals not classified as game (e.g., hogs, coyotes)
- Allowed for use on shotguns for taking game



Allowing suppressors for taking game animals does not affect existing laws controlling the possession and use of suppressors or the legal protections in place for game animals and landowners.

## Communication and Feedback

- Hunting stakeholders notified by email
- Proposal available on MyFWC.com, Commission meeting page
- Media coverage
- Online hunting forums
- Comments on proposal:
  - Positive and negative
  - Concerns relate to increased opportunity for illegal activity, safety, and negative perception of hunting
  - Supporters point to increased freedom/reduced regulation, hearing protection, reduced recoil, and desire to use suppressors for hunting game



## Suppressors for Hunting Game

### Other States' Experiences

- Interviewed staff from 14 other southeastern states
- Suppressors recently allowed (2013-2014) for taking game: AL, GA, LA, NC, OK, TX
- Suppressors allowed for taking game for many years: AR, KY, MO, MS, SC, TN, VA, WV
- Allowing suppressors for hunting has resulted in no noteworthy issues or concerns.
  - No link to increased poaching or other hunting violations
  - No user conflicts
  - No safety problems
  - Few hunters use them (expensive, highly regulated, etc.)



FWC staff interviewed staff from the 14 other states making up the Southeastern Association of Fish and Wildlife Agencies (SEAFWA) to learn about their experiences related to this issue.

## Private Lands Alligator Program Application

**Proposed Change:** Require landowner/landowner's representative signature to be notarized on permit applications

**Effect:** Improve assurances that the landowner has authorized alligator harvests on the property



Persons who wish to participate in the private lands alligator program must submit an application to the FWC.

**Rule 68A-25.032 Regulations Governing the Establishment of Alligator Management Programs** – The proposed rule would require that the signatures of the landowner or landowner's representative be notarized on application for this program. The change is being made to address a program improvement suggestion to help ensure that the landowner authorizes the activities allowed by this program, specifically the harvest of alligators and collection of hatchlings and eggs, and strengthen enforcement efforts.

## Private Lands Alligator Program Application

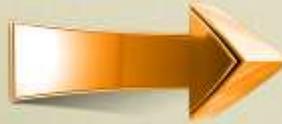
### Stakeholder feedback:

- Solicited input from permittees and landowners
- Majority of feedback supportive of proposed change



A total of 75 current year (2014) Private Lands Alligator Management Program permittees and landowners was solicited for input and feedback regarding the proposed change. Of those responding, the majority were supportive of the change.

## Staff Recommendation



- Approve draft rule amendments for advertising in Florida Administrative Register:
  1. Suppressors for hunting game
  2. Private lands alligator program application
- Provide direction or guidance to staff as we continue working with the public



Staff recommends that the Commission approve draft rule amendments for advertising in the Florida Administrative Register. If approved, staff recommends returning for final public hearing at the November, 2014 Commission meeting.

Staff requests that the Commission provide any additional guidance and direction as we move forward.