

724.1A Firearm suppressors — certification.

1. As used in [this section](#), unless the context otherwise requires:

a. “*Certification*” means the participation and assent of the chief law enforcement officer of the jurisdiction where the applicant resides or maintains an address of record, that is necessary under federal law for the approval of an application to make or transfer a firearm suppressor.

b. “*Chief law enforcement officer*” means the county sheriff, chief of police, or the designee of such official, that the federal bureau of alcohol, tobacco, firearms and explosives, or any successor agency, has identified by regulation or has determined is otherwise eligible to provide any required certification for making or transferring a firearm suppressor.

c. “*Firearm suppressor*” means a mechanical device specifically constructed and designed so that when attached to a firearm it silences, muffles, or suppresses the sound when fired and that is considered a “*firearm silencer*” or “*firearm muffler*” as defined in 18 U.S.C. §921.

2. a. A chief law enforcement officer is not required to make any certification under [this section](#) the chief law enforcement officer knows to be false, but the chief law enforcement officer shall not refuse, based on a generalized objection, to issue a certification to make or transfer a firearm suppressor.

b. When the certification of the chief law enforcement officer is required by federal law or regulation for making or transferring a firearm suppressor, the chief law enforcement officer shall, within thirty days of receipt of a request for certification, issue such certification if the applicant is not prohibited by law from making or transferring a firearm suppressor or is not the subject of a proceeding that could result in the applicant being prohibited by law from making or transferring the firearm suppressor. If the chief law enforcement officer does not issue a certification as required by [this section](#), the chief law enforcement officer shall provide the applicant with a written notification of the denial and the reason for the denial.

c. A certification that has been approved under [this section](#) grants the person the authority to make or transfer a firearm suppressor as provided by state and federal law.

3. An applicant whose request for certification is denied may appeal the decision of the chief law enforcement officer to the district court for the county in which the applicant resides or maintains an address of record. The court shall review the decision of the chief law enforcement officer to deny the certification de novo. If the court finds that the applicant is not prohibited by law from making or transferring the firearm suppressor, and is not the subject of a proceeding that could result in such prohibition, or that no substantial evidence supports the decision of the chief law enforcement officer, the court shall order the chief law enforcement officer to issue the certification and award court costs and reasonable attorney fees to the applicant. If the court determines the applicant is not eligible to be issued a certification, the court shall award court costs and reasonable attorney fees to the political subdivision of the state representing the chief law enforcement officer.

4. In making a determination about whether to issue a certification under [subsection 2](#), a chief law enforcement officer may conduct a criminal background check, including an inquiry of the national instant criminal background check system maintained by the federal bureau of investigation or any successor agency, but shall only require the applicant to provide as much information as is necessary to identify the applicant for this purpose or to determine the disposition of an arrest or proceeding relevant to the eligibility of the applicant to lawfully possess or receive a firearm suppressor. A chief law enforcement officer shall not require access to or consent to inspect any private premises as a condition of providing a certification under [this section](#).

5. A chief law enforcement officer and employees of the chief law enforcement officer who act in good faith are immune from liability arising from any act or omission in making a certification as required by [this section](#).

2016 Acts, ch 1044, §2, 4

NEW section