

Statement by Attorney General Lynn Fitch on Suppressors Under Mississippi Law

Over the past several weeks, my office has been reviewing recent court decisions and federal regulatory guidance related to requirements under the National Firearms Act (NFA) to determine their impact for Mississippians. Based on our review, given the Bureau of Alcohol, Tobacco, Firearms, and Explosives' (ATF) decision on October 9 to make ATF Form 4 voluntary, and based on Mississippi's statutes, it is our opinion that ATF Form 4 for suppressors is voluntary for Mississippians as well.

Because this is the current position of the ATF under the current Administration and only expressed through guidance, it can easily be reversed by future Administrations. To ensure that the Second Amendment victory achieved in *Silencer Shop* has lasting impact in Mississippi, I will continue to seek clarifying language in Mississippi law to eliminate the reference to federal law during the 2027 Legislative Session. [Last month, I also wrote Congress](#) asking that it fully repeal the unconstitutional provisions of the National Firearms Act.

In addition to this change, I will also seek amendment to other related Code sections, including Section 97-37-1, which makes concealed carry of "any muffler or silencer for any firearm" punishable by fines and/or imprisonment. I am grateful for the assistance of the NRA and American Suppressor Association for working with me to identify necessary amendments to protect the Second Amendment rights of Mississippians pursuant to this new legal landscape.

Background:

By way of background, in August, the U.S. District Court for the Northern District of Texas, in *Silencer Shop Foundation v. BATFE*, No. 6:25-CV-056-H, 2026 WL 2255460 (N.D. Tex. Aug. 5, 2026) (the "*Silencer Shop* injunction"), enjoined the use of ATF Form 4 for suppressors for certain individuals, companies, or associations. The court provided this summary in *Silencer Shop*:

"In 1934, Congress invoked its taxing power to enact the National Firearms Act – a scheme to constrict the market for certain classes of firearms. As passed, the NFA required individuals to pay a tax before transferring or making a covered firearm. And it included burdensome regulatory provisions to aid the collection and enforcement of those taxes. At that time the NFA possessed the key feature of any tax: It produced some revenue for the government.

"But that is no longer true. In 2025, Congress eliminated the NFA's transfer and making taxes for four categories of firearms: short-barreled shotguns, short-barreled rifles, silencers, and a final defined group of miscellaneous firearms. Because today's NFA does not generate any revenue from any untaxed firearms, its regulatory provisions cannot be upheld under the taxing power....Thus, the regulatory provisions must be enjoined as unconstitutional because they exceed Congress's enumerated powers."

The Court restricted the injunction to the plaintiffs in the case, including current and future customers of the "commercial members of the associational plaintiffs," and associational members themselves. However, Section 97-37-31 of the Mississippi

Code makes it unlawful to make, manufacture, sell, or possess suppressors unless “duly authorized under federal law.” As a result of Mississippi’s reference to federal law, Mississippi was one of 15 states in which registration requirements became ambiguous following the court’s opinion.

On October 9, 2026, the ATF determined that it would “exercise its enforcement discretion to create greater uniformity” and would “administer the NFA on a voluntary basis.” Based on this guidance from ATF, the operative language of Section 97-37-31, that is, “duly authorized under federal law,” would also make use of Form 4 voluntary in Mississippi.

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