

## CO-SPONSORSHIP MEMORANDUM

TO: All Legislators

From: Representative Scott Krug

Date: January 21, 2014

RE: Liability and immunity of sport shooting ranges:

The Shooting Range Protection Act of 2014 contains 3 simple but very important provisions to assist shooting ranges in our state. These ranges are typically run on an all-volunteer basis, with little or no budget. As more people move into rural areas, the tradition of hunting and shooting is often not as accepted and some town boards have tried to push these small ranges into closing or restricting their use.

The first change closes an inadvertent loophole in the current range protection law by including shore-land zoning and nonconforming use ordinances in the list of local ordinances that cannot be used against existing, grandfathered, shooting ranges.

The second change provides liability protection from the deposition of lead shot on a shooting range grounds, but does not affect any property rights of adjoining lands.

The third change provides liability protection to the range and its operators and workers for any negligent act of a user of the facility.

Small ranges don't have the assets to spend thousands on attorney fees fighting often frivolous lawsuits and regulatory actions.

**Deadline: Friday, January 24<sup>th</sup>, 2014 @ 4:00 pm.**

### *Analysis by the Legislative Reference Bureau*

Under current law, a person who owns or operates an area designed and operated for the use and discharge of firearms (sport shooting range) is immune from civil liability relating to noise and is not subject to an action for nuisance or to zoning conditions related to noise. Current law also provides that if a sport shooting range lawfully existed on July 16, 2013, it may continue to operate as a sport shooting range at that location even if certain zoning ordinances or laws regulating the discharge of firearms would otherwise prohibit the operation of the sport shooting range.

Under this bill, a sport shooting range is not subject to any state or local zoning conditions or rules related to noise or to nonconforming use. The bill expands those zoning laws that do not apply to sport shooting ranges to include zoning laws related to shore-lands on navigable waters. The bill also provides the owner or operator of a sports shooting range, and their agents, contractors, customers, lenders, and insurers immunity from civil liability in any action by the state or its political subdivisions or by a special purpose district related to the use, release, placement, or accumulation of any projectiles on or under the sport shooting range or other contiguous real property that the owner or operator has the legal right to use. The bill provides immunity from civil action to the owner, operator, officer, or board member of a sport shooting range, and to any employee or volunteer acting on behalf of the owner or operator, for any negligent action of a user of the sport shooting range and to any person who provides a

firearms training course in good faith at a sports shooting range if the course is approved by a national or state organization.

**If you would like to co-sponsor this legislation, please e-mail my office or call 6-0216 before 4:00 pm Friday January 24<sup>th</sup>, 2014.**

Thank you.

**Scott Krug**  
*State Representative*  
72<sup>nd</sup> Assembly District