

SENATE BILL REPORT

SB 6198

As of February 2, 2014

Title: An act relating to protecting sport shooting ranges.

Brief Description: Protecting sport shooting ranges.

Sponsors: Senators Roach, Hargrove, Angel and Conway.

Brief History:

Committee Activity: Law & Justice: 1/31/14.

SENATE COMMITTEE ON LAW & JUSTICE

Staff: Aldo Melchiori (786-7439)

Background: Firearms ranges are used by members of the general public and by many law enforcement personnel for recreational shooting as well as firearms training and safety training. Some of these ranges are owned and operated by public entities, and some are owned by private entities.

Private nonprofit firearm range training and practice facilities may be supported in part by public money. Private entities receiving matching funds or grants of public funds must keep facilities open on a regular basis and available for use by law enforcement personnel and the general public for hunter and firearm safety classes. The firearms range account is administered by the Recreation and Conservation Funding Board and is authorized to make grants for the construction or maintenance of range facilities, safety or environmental improvements, noise abatement, and other purposes. The firearms range account is funded by a portion of the fees paid for concealed pistol licenses.

Sport shooting ranges (ranges) can be impacted by local land use regulations or noise ordinances and the civil actions for nuisance by neighboring property owners as a result of the pressures of population growth and land development. Nuisances occur, generally, when there is a substantial and unreasonable interference with another individual's use and enjoyment of the individual's land. In determining whether a person's conduct constitutes an unreasonable interference, courts will balance the competing interests of the defendant's conduct and the resulting harm to the plaintiff. Remedies for nuisance can include damages or injunctive relief.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Summary of Bill: Operators and users of ranges are given immunity from certain civil and criminal liabilities, and ranges that conform to existing laws must be permitted to continue operation despite subsequent noncompliance with changing laws.

If a sport shooting range was in compliance with the noise control laws that were in effect and applied when the range was built or first operated, then an operator or user of the range is immune from civil and criminal liability, including nuisance actions and injunctive actions, for noise or noise pollution. No state agency rule limiting noise levels in the outdoor atmosphere applies to such a range.

Property owners whose property has been adversely affected by the use of a permanently located and improved range may not bring a nuisance action against the range if there has been no substantial change in the nature of the use of the range. This provision does not affect legal actions for negligence in the operation or use of a range. With respect to potential liability of range operators for injuries to range users, the users of ranges are deemed to have accepted the obvious and inherent risks associated with sport shooting. Examples of inherent and obvious risks of sport shooting are provided.

A range that is in operation and in compliance with existing laws at the time of enactment of an ordinance must be allowed to continue operation even if the range becomes out of conformance with a new ordinance or an amendment to an existing ordinance.

Local governments are not prohibited from regulating the location and construction of ranges after the effective date of the act, except as otherwise provided in the act.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: The bill contains an emergency clause and takes effect immediately.

Staff Summary of Public Testimony: PRO: Law enforcement officers use these ranges for training and we want them to have the opportunity to practice as much as possible. There are not that many sport ranges left, so we need to preserve them.

CON: This creates a special right for sport shooting ranges. It precludes the balancing of interests currently performed by the court. There were no noise regulations when many of these ranges were constructed. Some sport shooting ranges were modified after people had moved to the area, but before local regulation.

Persons Testifying: PRO: Senator Roach, prime sponsor.

CON: Neil Wachter, Kitsap County Deputy Prosecuting Attorney; Gail Gross, citizen.