

JAN 23 2015

A BILL FOR AN ACT

RELATING TO SHOOTING RANGE PROTECTION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that shooting ranges in
2 this state serve as valuable resources for target shooting and
3 firearm safety training. Shooting ranges and target shooting
4 facilities are important public recreation resources and provide
5 opportunities for law enforcement agencies and personnel to
6 maintain necessary firearms skills training at minimal cost. The
7 continued existence and viability of shooting ranges is impacted
8 by burdensome retroactive regulation and lawsuits, threatening
9 the availability of vital firearms training to local law
10 enforcement agencies, hunters, and the general public.

11 SECTION 2. Chapter 34, Hawaii Revised Statutes, is amended
12 by adding a new section to be appropriately designated and to
13 read as follows:

14 "§134- **Shooting Range Protection** (a) Notwithstanding
15 any other provision of law, a person who operates or uses a
16 sport shooting range in this state shall not be subject to civil
17 liability or criminal prosecution in any matter relating to
18 noise or noise pollution resulting from the operation or use of



1 a shooting range in compliance with applicable noise control
2 laws or ordinances established after to the date of initial
3 construction or operation of the range.

4 (b) A person who operates or uses a shooting range is not
5 subject to an action for nuisance and no court of the state
6 shall enjoin the use or operation of a range on the basis of
7 noise or noise pollution, if the range is in compliance with any
8 noise control laws or ordinances established on or prior to the
9 date of initial construction or operation of the range.

10 (c) Rules adopted by any state department or agency for the
11 purpose of limiting noise decibel levels that may occur in the
12 outdoor atmosphere do not apply to a shooting range exempted
13 from liability under this section.

14 (d) A person who acquires title to or who owns real property
15 adversely affected by the use of property with a permanently
16 located and improved shooting range shall not maintain a
17 nuisance action against an individual who owns the range to
18 restrain, enjoin, or impede the use of the range where there has
19 not been a substantial change in the nature of the use of the
20 range.

21 (e) Any sport shooting range that is lawfully operated pursuant
22 to existing law at the time of enactment of an ordinance shall



1 be permitted continued operational use of the shooting range
2 despite nonconformance to new ordinance or amendment to an
3 existing ordinance.

4 (f) A person who participates in sport shooting at a shooting
5 range accepts the risks associated with the sport to the extent
6 the risks are obvious and inherent. Those risks include, but are
7 not limited to, injuries that may result from noise, discharge
8 of projectile or shot, malfunction of sport shooting equipment
9 not owned by the shooting range, natural variations in terrain,
10 surface or subsurface, whether conditions, bare spots, rocks,
11 trees, and other forms of natural growth or debris.

12 (g) Except as otherwise provided in this section, this section
13 does not prohibit local government from regulating the location
14 and construction of a shooting range after the effective date of
15 this section.

16 (h) As used in this section "local government" means a county,
17 city, or town. "Shooting range" or "range" means an area
18 designed and operated for the use of firearms, rifles, shotguns,
19 pistols, silhouettes, skeet, trap, black powder, or any other
20 similar sport shooting."

21 SECTION 4. New statutory material is underscored.

22 SECTION 5. This Act shall take effect on July 1, 2015.



S.B. NO. 955

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INTRODUCED BY:

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S.B. NO. 955

Report Title:

Shooting Range Protection

Description:

Provides protections against burdensome retroactive regulation and lawsuits; prevents frivolous claims against shooting range operators and individuals engaging in target shooting.

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