

1 HB190  
2 172676-1  
3 By Representatives South, Poole and Harper  
4 RFD: Judiciary  
5 First Read: 11-FEB-16

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8 SYNOPSIS: Under existing law, a sport shooting range  
9 is immune from civil liability or criminal  
10 prosecution in any matter relating to noise or  
11 noise pollution or lead or lead pollution if the  
12 range operates between the hours of 9:00 a.m. and  
13 9:00 p.m. and was in existence prior to 1990 or is  
14 in compliance with any noise control or lead  
15 control laws or ordinances applying to the range on  
16 August 1, 2001, or at the time the range came into  
17 existence, whichever occurred first.

18 This bill would extend this immunity to  
19 sport shooting ranges that are in compliance with  
20 any noise control or lead control laws or  
21 ordinances applying to the range on June 1, 2016,  
22 or at the time the range came into existence,  
23 whichever occurs first.

24  
25 A BILL  
26 TO BE ENTITLED  
27 AN ACT

1  
2 To amend Section 6-5-341, Code of Alabama 1975,  
3 relating to liability for the operation or use of sport  
4 shooting ranges, to extend immunity for civil and criminal  
5 claims relating to violations of noise and lead laws and  
6 regulations to ranges in compliance with any noise control or  
7 lead control laws applying to the range on June 1, 2016, or at  
8 the time the range came into existence, whichever occurs  
9 first.

10 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

11 Section 1. Section 6-5-341, Code of Alabama 1975, is  
12 amended to read as follows:

13 "§6-5-341.

14 "(a) As used in this section, the following words  
15 shall have the following meanings:

16 "(1) GOVERNMENTAL BODY. The State of Alabama or any  
17 county or municipal governing body, agency, board, commission,  
18 committee, council, department, district, or any other public  
19 body corporate and politic created by constitution, statute,  
20 ordinance, rule, or order.

21 "(2) PROPERTY. Real property and buildings,  
22 structures, and improvements thereon.

23 "(3) SPORT SHOOTING RANGE. An area designed and used  
24 for rifle shooting, pistol shooting, trapshooting,  
25 skeetshooting, or other target shooting and related training  
26 or practice for the purpose of sharpshooting or improving in  
27 the use of firearms.

1           "(b) (1) This section applies to all private or  
2 public civil, injunctive, and nuisance actions.

3           "(2) Notwithstanding any other provision of law, any  
4 person, firm, or entity who operates or uses a sport shooting  
5 range in this state shall not be subject to civil liability or  
6 criminal prosecution in any matter relating to noise or noise  
7 pollution or lead or lead pollution resulting from the  
8 operation or use of the range if the range is being operated  
9 between the hours of 9:00 a.m. and 9:00 p.m. and if the range  
10 has been in existence prior to 1990 or is in compliance with  
11 any noise or lead control laws or ordinances that applied to  
12 the sport shooting range and its operation on ~~August 1, 2001~~  
13 June 1, 2016, or at the time the sport shooting range came  
14 into existence, whichever event occurs first.

15           "(3) Any person, firm, or entity who operates or  
16 uses a sport shooting range is not subject to an action for  
17 nuisance and is not subject to injunction to stop the use or  
18 operation of the shooting range on the basis of noise or noise  
19 pollution or lead or lead pollution if the range is being  
20 operated between the hours of 9:00 a.m. and 9:00 p.m. and if  
21 the range has been in existence prior to 1990 or is in  
22 compliance with any noise control or lead control laws or  
23 ordinances applying to the sport shooting range and its  
24 operation on ~~August 1, 2001~~ June 1, 2016, or at the time the  
25 sport shooting range came into existence, whichever event  
26 occurs first.

1           "(4) Except as expressly provided herein, nothing in  
2 this section nor the common law doctrine of attractive  
3 nuisance shall create any duty of care or grounds for  
4 liability toward any person using the property of another for  
5 a sport shooting range.

6           "(c) No public street or alley shall be opened  
7 through a tract of property used or occupied as a sport  
8 shooting range, unless the necessity of the street or alley is  
9 first established by verdict of a jury upon a showing of  
10 extreme need and impossibility of redirecting or rerouting the  
11 street or alley to accommodate the sport shooting range.

12           "(d) Rules or regulations adopted by any  
13 governmental body limiting levels of noise in terms of decibel  
14 level which may occur in the atmosphere shall not apply to a  
15 sport shooting range exempted from liability under this  
16 section.

17           "(e) Rules or regulations adopted by any  
18 governmental body limiting levels of lead occurring in the  
19 atmosphere shall not apply to a sport shooting range exempted  
20 from liability under this section."

21           Section 2. This act shall become effective on June  
22 1, 2016, following its passage and approval by the Governor,  
23 or its otherwise becoming law.