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# 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.  
7 The continued existence and viability of shooting ranges is  
8 impacted by burdensome retroactive regulation and lawsuits,  
9 threatening the availability of vital firearms training to local  
10 law enforcement agencies, hunters, and the general public.

11           The purpose of this Act is to protect shooting ranges from  
12 criminal and civil penalties regarding claims of noise,  
13 nuisance, and frivolous negligence, which are executed after the  
14 initial construction or operation of the shooting range.

15           SECTION 2. Chapter 134, Hawaii Revised Statutes, is  
16 amended by adding a new section to part I to be appropriately  
17 designated and to read as follows:



1        "§134- Shooting range protection. (a) Notwithstanding  
2 any other provision of law, a person who operates or uses a  
3 shooting range in this state shall not be subject to civil  
4 liability or criminal prosecution in any matter relating to  
5 noise or noise pollution resulting from the operation or use of  
6 a shooting range, if the range is in compliance with applicable  
7 noise control laws or ordinances established on or prior to the  
8 date of initial construction or operation of the range.

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

15        (c) Rules adopted by any department or agency for the  
16 purpose of limiting noise decibel levels that may occur in the  
17 atmosphere do not apply to a shooting range exempted from  
18 liability under this section.

19        (d) A person who acquires title to or who owns real  
20 property adversely affected by the use of property with a  
21 permanently located and improved shooting range shall not



1 maintain a nuisance action against an individual who owns the  
2 range to restrain, enjoin, or impede the use of the range where  
3 there has not been a substantial change in the nature of the use  
4 of the range.

5 (e) Any shooting range that is lawfully operated pursuant  
6 to existing law at the time of enactment of an ordinance shall  
7 be permitted continued operational use of the shooting range  
8 despite nonconformance to an ordinance or amendment to an  
9 existing ordinance.

10 (f) A person who participates in sport shooting at a  
11 shooting range accepts the risks associated with the sport to  
12 the extent that the risks are inherent, as used in section 663-  
13 1.54. Those risks include, but are not limited to, injuries  
14 that may result from noise, discharge of projectile or shot,  
15 malfunction of sport shooting equipment not owned by the  
16 shooting range, natural variations in terrain, surface or  
17 subsurface, weather conditions, bare spots, rocks, trees, and  
18 other forms of natural growth or debris.

19 (g) Except as otherwise provided in this section, this  
20 section does not prohibit a local government from regulating the  
21 location and construction of a shooting range.



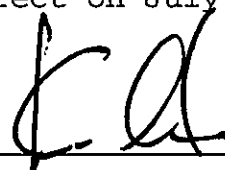
1        (h) As used in this section, "shooting range" or "range"  
2 means an area designed and operated for the use of firearms,  
3 rifles, shotguns, pistols, silhouettes, skeet, trap, black  
4 powder, or any other similar sport shooting."

5        SECTION 3. New statutory material is underscored.

6        SECTION 4. This Act shall take effect on July 1, 2015.

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INTRODUCED BY: \_\_\_\_\_

A handwritten signature in black ink, appearing to be 'J.A.', written over a horizontal line.

JAN 21 2015



# H.B. NO. 50

**Report Title:**

Shooting Range Protection

**Description:**

Provides for shooting range exemptions regarding retroactive regulation, civil and criminal noise or nuisance violations, and frivolous negligence claims.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

