
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 Hawaii 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 essential facilities and services, at minimal cost, for state
6 and local law enforcement agency personnel to better enhance
7 their required firearm skills training.

8 The continued existence and viability of shooting ranges is
9 currently under threat and still negatively impacted in the
10 State of Hawaii. Hawaii has not yet passed legislation related
11 to shooting ranges and their immediate surroundings and
12 acoustics. The legislature finds that it is time to pass
13 relevant legislation to encourage hunters, law enforcement
14 agencies, and the general public to freely exercise their
15 constitutional right.

16 The purpose of this Act is to provide protections to
17 shooting range operators and individuals engaged in target



1 shooting from burdensome regulations related to noise pollution
2 and similar noise control ordinances.

3 SECTION 2. Chapter 134, Hawaii Revised Statutes, is
4 amended by adding a new section to Part I to be appropriately
5 designated and to read as follows:

6 "§134- Shooting Range Protection (a) Notwithstanding any
7 other provision of law, a person who operates or uses a sport
8 shooting range in this state shall not be subject to civil
9 liability or criminal prosecution in any matter relating to
10 noise or noise pollution resulting from the operation or use of
11 a shooting range in compliance with applicable noise control
12 laws or ordinances established after the date of initial
13 construction or operation of the range.

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

20 (c) Rules adopted by any state department or agency for
21 the purpose of limiting noise decibel levels that may occur in



1 the outdoor atmosphere do not apply to a shooting range exempted
2 from liability under this section.

3 (d) A person who acquires title to, or who owns, real
4 property adversely affected by the use of property with a
5 permanently located and improved shooting range shall not
6 maintain a nuisance action against an individual who owns the
7 range to restrain, enjoin, or impede the use of the range where
8 there has not been a substantial change in the nature of the use
9 of the range.

10 (e) Any sport shooting range that is lawfully operated
11 pursuant to existing law at the time of enactment of an
12 ordinance shall be permitted continued operational use of the
13 shooting range despite nonconformance to new ordinance or
14 amendment to an existing ordinance.

15 (f) A person who participates in sport shooting at a
16 shooting range accepts the risks associated with the sport to
17 the extent the risks are obvious and inherent. Those risks
18 include, but are not limited to, injuries that may result from
19 noise, discharge of projectile or shot, malfunction of sport
20 shooting equipment not owned by the shooting range, natural
21 variations in terrain, surface or subsurface, weather



1 conditions, bare spots, rocks, trees, and other forms of natural
2 growth or debris.

3 (g) Except as otherwise provided in this section, this
4 section does not prohibit local government from regulating the
5 location and construction of a shooting range after the
6 effective date of this section.

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

12 SECTION 4. New statutory material is underscored.

13 SECTION 5. This Act shall take effect on July 1, 2019.

14

INTRODUCED BY: RL METCAL

JAN 23 2019



H.B. NO. 1160

Report Title:

Shooting Ranges; Protections

Description:

Provides protections to shooting range operators and individuals engaged in target shooting from burdensome regulations related to noise pollution and similar noise control ordinances.

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

