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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. 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 134, Hawaii Revised Statutes, is  
12 amended by adding a new section to Part I to be appropriately  
13 designated and to read as follows:

14           "§134- Shooting Range Protection (a) Notwithstanding any  
15 other provision of law, a person who operates or uses a sport  
16 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 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  
11 the purpose of limiting noise decibel levels that may occur in  
12 the 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  
15 property adversely affected by the use of property with a  
16 permanently located and improved shooting range shall not  
17 maintain a nuisance action against an individual who owns the  
18 range to restrain, enjoin, or impede the use of the range where  
19 there has not been a substantial change in the nature of the use  
20 of the range.

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



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

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

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

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

22 SECTION 4. New statutory material is underscored.



# H.B. NO. 1205

1 SECTION 5. This Act shall take effect on July 1, 2017.

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INTRODUCED BY:

*Alman*

JAN 24 2017



# H.B. NO. 1205

**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.

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

