

1 HB342  
2 197182-1  
3 By Representatives Faulkner and Rowe  
4 RFD: County and Municipal Government  
5 First Read: 03-APR-19

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8 SYNOPSIS: Under existing law, sport shooting ranges in  
9 existence and operating before August 1, 2001 and  
10 in compliance with noise control and lead control  
11 laws, during certain hours, are not subject to  
12 civil liability, criminal prosecution, or legal  
13 injunction in all private or public civil,  
14 injunctive, and nuisance actions relating to noise  
15 or noise pollution or lead or lead pollution.

16 This bill would extend those protections to  
17 all sport shooting ranges created after August 1,  
18 2001 that are in compliance with all noise control  
19 and lead control laws and have been in operation  
20 for over a year.

21  
22 A BILL  
23 TO BE ENTITLED  
24 AN ACT

25  
26 Relating to sport shooting ranges; to amend Section  
27 6-5-341 of the Code of Alabama 1975, to provide that sport

1 shooting ranges in existence for more than one year are not  
2 subject to civil liability, criminal prosecution, or legal  
3 injunction in any matter relating to noise or noise pollution  
4 or lead or lead pollution.

5 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

6 Section 1. Section 6-5-341 of the Code of Alabama  
7 1975, is amended to read as follows:

8 "§6-5-341.

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

11 "(1) GOVERNMENTAL BODY. The State of Alabama or any  
12 county or municipal governing body, agency, board, commission,  
13 committee, council, department, district, or any other public  
14 body corporate and politic created by constitution, statute,  
15 ordinance, rule, or order.

16 "(2) PROPERTY. Real property and buildings,  
17 structures, and improvements thereon.

18 "(3) SPORT SHOOTING RANGE. An area designed and used  
19 for rifle shooting, pistol shooting, trapshooting,  
20 skeetshooting, or other target shooting and related training  
21 or practice for the purpose of sharpshooting or improving in  
22 the use of firearms.

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

25 "(2) Notwithstanding any other provision of law, any  
26 person, firm, or entity who operates or uses a sport shooting  
27 range in this state shall not be subject to civil liability or

1 criminal prosecution in any matter relating to noise or noise  
2 pollution or lead or lead pollution resulting from the  
3 operation or use of the range if the range is being operated  
4 between the hours of 9:00 a.m. and 9:00 p.m. and if the range  
5 has been in existence prior to 1990 or is in compliance with  
6 any noise or lead control laws or ordinances that applied to  
7 the sport shooting range and its operation on August 1, 2001,  
8 or at the time the sport shooting range came into existence,  
9 whichever event occurs first.

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

21 "(4) Any sport shooting range in this state that  
22 begins operation after August 1, 2001, and is in compliance  
23 with any noise or lead control laws or ordinances that applied  
24 to the sport shooting range and its operation as of the date  
25 it began operation, shall not be subject to civil liability,  
26 criminal prosecution, or legal injunction in any matter

1 relating to noise or noise pollution or lead or lead pollution  
2 if the range has been in operation for at least one year.

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

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

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

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

23 Section 2. This act shall become effective on the  
24 first day of the third month following its passage and  
25 approval by the Governor, or its otherwise becoming law.