

SENATE BILL REPORT

SB 5862

As Reported By Senate Committee On:
Law & Justice, March 3, 1997

Title: An act relating to sport shooting ranges.

Brief Description: Protecting sport shooting ranges.

Sponsors: Senators Roach, Hargrove, Johnson, Swecker, Loveland, Benton, Morton, Hochstatter, Rossi, Goings, Hale, Long, Rasmussen and Oke.

Brief History:

Committee Activity: Law & Justice: 2/28/97, 3/3/97 [DP, DNP].

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass.

Signed by Senators Roach, Chair; Johnson, Vice Chair; Goings, Hargrove, Long, McCaslin, Stevens and Zarelli.

Minority Report: Do not pass.

Signed by Senators Fairley, Haugen and Kline.

Staff: Mal Murphy (786-7412)

Background: Shooting ranges are used by members of the general public and by many law enforcement personnel for recreational shooting as well as firearms training and safety training. Such ranges are owned and operated both publicly and privately.

Pressure from population growth, land development, and land use regulations have caused concern about the continued use of some sport shooting ranges. In some instances, ranges that have been operating for years are now finding themselves increasingly surrounded by residential neighbors who object to the noise and express concern over safety issues.

In 1994 the Legislature passed a bill prohibiting local governments from closing a firearm range training and practicing facility unless the government replaced that facility with another one of at least equal quality. That bill was vetoed by the Governor.

Summary of Bill: Operators of "sport shooting ranges" are given immunity from certain civil and criminal liabilities. Ranges that conform to existing laws and regulations must be permitted to continue to operate.

If a range was in compliance with whatever noise control ordinances were in effect when the range was built or first operated, then an operator or user of that range is immune from liability, or injunctive action, for noise pollution or nuisance. State agency rules limiting noise in the outdoor atmosphere do not apply to such a range.

If there has been no substantial change in the operation of a permanently located and improved range, then other property owners may not maintain an action based on nuisance against the range. Actions based on negligence or recklessness are not prohibited. Persons who participate in sport shooting at a range accept the obvious and inherent risks associated with the sport.

Ranges in operation and in compliance with existing laws as of the effective date of the act must be allowed to continue in operation even though the range might become out of conformance with subsequent laws.

Local governments are not prohibited from regulating the location and construction of ranges after the effective date of the act.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: Sportsmen and women are not the only users of shooting ranges. Law enforcement is a major beneficiary of such facilities. Except for the State Patrol and major cities, most law enforcement firearms training is provided at private sport shooting ranges, usually for free. It would cost several million dollars to replace these ranges if they are closed. Many clubs also donate the use of their facilities to various groups such as the Boy Scouts, Special Olympics, schools, etc. Where these ranges were in compliance with all laws when they opened, they should be grandfathered and allowed to continue operating.

Testimony Against: Counties and cities are opposed to any preemption of their powers.

Testified: Mert Cooper, Joe Waldron, Washington Rifle and Pistol Association, Washington Arms Collectors (pro); Jim Williams, Tacoma Sportsmen's Club (pro); Mike Shaw, Washington Association of Counties (con); Kathy Gerke, Association of Washington Cities (con).