

SENATE BILL REPORT

SHB 1541

As Reported By Senate Committee On:
Law & Justice, February 24, 1998

Title: An act relating to protecting sport shooting ranges.

Brief Description: Protecting sport shooting ranges.

Sponsors: House Committee on Law & Justice (originally sponsored by Representatives Sump, McMorris, Sheahan, Sheldon, Crouse, Sherstad, Honeyford, DeBolt, Koster, Chandler, Linville, Clements, Boldt, Sterk, Smith, Conway and Bush).

Brief History:

Committee Activity: Law & Justice: 4/1/97; 2/19/98, 2/24/98 [DPA, DNPA].

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass as amended.

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

Minority Report: Do not pass as amended.

Signed by Senators Fairley and Kline.

Staff: David Johnson (786-7754)

Background: Firearms 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. Some of these ranges are owned and operated by public entities, and some are owned by private entities.

Pressures of population growth, land development, and land use regulations have caused concern about the continued use of some firearms ranges. In some instances, range facilities that have been operating for years have been increasingly surrounded by residential neighbors who express concern over noise and safety issues.

In 1994, the Legislature enacted a law that restricted local government's ability to close firearms ranges. Under the 1994 law, a local government could close a firearms range training and practice facility only if the government replaced the closed facility with another facility of at least equal capacity. The Governor vetoed this provision.

Summary of Amended Bill: Operators and users of sport shooting ranges are given immunity from certain civil and criminal liabilities, and ranges that conform to existing laws must be permitted to continue operation.

If a range is in compliance with whatever noise control laws were in place when the range was built, then an operator or user of the range is immune from civil and criminal liability, and from injunctive action for noise or noise pollution. No state agency rule limiting noise in the outdoor atmosphere applies to such a range.

If there has been no substantial change in the nature of the use of a permanently located and improved range, then other property owners whose property has been adversely affected by the use of the range may not bring a nuisance action against the range. This provision does not affect legal actions against a range operator or user for negligence. Users of ranges are deemed to have accepted the "obvious and inherent" risks associated with sport shooting.

A range that is in operation and in compliance with existing laws as of the effective date of a new or amended ordinance must be allowed to continue operation even if the range is out of conformance with the new ordinance or amendment.

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

Amended Bill Compared to Substitute Bill: The amendment requires the range to be in compliance with noise control laws when the range was built. State agency rules regarding noise are inapplicable to ranges.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: None.

Testimony Against: None.

Testified: No one.