

FIRST REGULAR SESSION

# HOUSE BILL NO. 1085

## 94TH GENERAL ASSEMBLY

---

INTRODUCED BY REPRESENTATIVES SMITH (14) (Sponsor), MUNZLINGER, SCHOELLER, HUNTER, DOUGHERTY, VIEBROCK, POLLOCK, WELLS, McGHEE, JETTON, HOBBS, SCHIEFFER, FUNDERBURK, RUZICKA, ONDER, NOLTE AND FRANZ (Co-sponsors).

Read 1st time March 7, 2007 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

2538L.01I

---

### AN ACT

To repeal section 537.294, RSMo, and to enact in lieu thereof one new section relating to noise ordinances.

---

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Section 537.294, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 537.294, to read as follows:

537.294. 1. As used in this section, the term "firearm range" means any rifle, pistol, silhouette, skeet, trap, blackpowder or other similar range in this state used for discharging firearms in a sporting event or for practice or instruction in the use of a firearm, or for the testing of a firearm.

2. All owners of firearm ranges **or wildlife preserves** in existence on August 13, 1988, shall be immune from any criminal liability arising out of or as a consequence of noise or sound emission resulting from the normal use of any such firearm range **or wildlife preserve**. Owners of such firearm ranges **or wildlife preserves** shall not be subject to any action for public or private nuisance or trespass and no court in this state shall enjoin the use or operation of such firearm ranges **or wildlife preserves** on the basis of noise or sound emission resulting from the normal use of any such firearm range **or wildlife preserve**. The term "normal use" of a firearm range **or wildlife preserve**, as used in this subsection, means the average level of use of the

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

13 firearm range **or the average level of noise emanating from the wildlife preserve** during the  
14 twelve months preceding August 13, 1988.

15 3. All owners of firearms ranges placed in operation after August 13, 1988, shall be  
16 immune from any criminal liability and shall not be subject to any action for public or private  
17 nuisance or trespass arising out of or as a consequence of noise or sound emission resulting from  
18 the normal use of any such firearm range, if such firearm range conforms to any one of the  
19 following requirements:

20 (1) Any area from which any firearm may be properly discharged is at least one thousand  
21 yards from any occupied permanent dwelling on adjacent property;

22 (2) Any area from which any rifle or pistol may be properly discharged is enclosed by  
23 a permanent building or structure that absorbs or contains the sound energy escaping from the  
24 muzzle of firearms in use; or

25 (3) If the firearm range is situated on land otherwise subject to land use zoning, the  
26 firearm range is in compliance with the requirements of the zoning authority regarding the sound  
27 deflection or absorbent baffles, barriers, or other sound emission control requirements.

28 **4. All owners of wildlife preserves shall be immune from any criminal liability**  
29 **arising out of or as a consequence of noise or sound emission resulting from the normal use**  
30 **of any such wildlife preserve. Owners of such wildlife preserves shall not be subject to any**  
31 **action for public or private nuisance or trespass and no court in this state shall enjoin the**  
32 **use or operation of such wildlife preserves on the basis of noise or sound emission resulting**  
33 **from the use of any such wildlife preserve.**

34 **5. Any firearm range or wildlife preserve operating or approved for construction**  
35 **within the state that has been condemned through eminent domain proceedings, and that**  
36 **relocates to another site within the same political subdivision within two years of the final**  
37 **condemnation order, shall not be subject to any noise control standard more stringent than**  
38 **those in effect at the time the firearm range or wildlife preserve was initially approved for**  
39 **construction.**

✓