

SECOND REGULAR SESSION

# HOUSE BILL NO. 2034

## 94TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES MUNZLINGER (Sponsor), SANDER, DOUGHERTY, HOBBS, JONES (117), BROWN (30), WHORTON, WILSON (119), McGHEE, NIEVES, DAY, FISHER, SATER, RUZICKA, WALLACE, SCHOELLER, ONDER, FUNDERBURK, NANCE, MEADOWS, SCHIEFFER, PARSON, FRAME, DARROUGH AND SCHARNHORST (Co-sponsors).

Read 1st time February 6, 2008 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

4708L.02I

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### AN ACT

To repeal section 537.294, RSMo, and to enact in lieu thereof one new section relating to firearm ranges and hunting preserves.

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*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Section A. Section 537.294, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 537.294, to read as follows: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] **following terms shall mean:**

(1) "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) "**Hunting preserve**", any hunting preserve or licensed shooting area operating under a permit granted by the Missouri department of conservation.

2. All owners **and users** of firearm ranges in existence on August 13, 1988, shall be immune from any criminal **and civil** liability arising out of or as a consequence of noise or sound emission resulting from the normal use of any such firearm range. Owners of such firearm ranges 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 on the basis of noise or sound emission resulting from the normal use of any such firearm range. The term "normal use" of a

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, as used in this subsection, means the average level of use of the firearm range  
14 during the twelve months preceding August 13, 1988.

15       3. All owners **and users** of firearms ranges placed in operation after August 13, 1988,  
16 shall be immune from any criminal liability and shall not be subject to any **civil action in tort**  
17 **or subject to any action** for public or private nuisance or trespass arising out of or as a  
18 consequence of noise or sound emission resulting from the normal use of any such firearm range,  
19 if such firearm range conforms to any one of the 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 and users of existing hunting preserves or areas that are designated**  
29 **as hunting preserves after the effective date of this section shall be immune from any**  
30 **criminal and civil liability arising out of or as a consequence of noise or sound emission**  
31 **resulting from the normal use of any such hunting preserve. Owners or users of such**  
32 **hunting preserves shall not be subject to any action for public or private nuisance or**  
33 **trespass, and no court in this state shall enjoin the use or operation of such hunting**  
34 **preserves on the basis of noise or sound emission resulting from normal use of any such**  
35 **hunting preserve.**

36       **5. Notwithstanding any other provision of law to the contrary, nothing in this**  
37 **section shall be construed to limit civil liability for compensatory damage arising from**  
38 **physical injury to another human, physical injury to tangible personal property, or**  
39 **physical injury to fixtures or structures placed on real property.**

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