

HCS HB 2034 -- FIREARM RANGES AND HUNTING PRESERVES

SPONSOR: Hobbs (Munzlinger)

COMMITTEE ACTION: Voted "do pass" by the Committee on Conservation and Natural Resources by a vote of 9 to 0.

This substitute expands the criminal liability immunity for owners of firearm ranges in existence on August 13, 1988, to include authorized users of the ranges and owners and authorized users of existing hunting preserves and immunity from any civil liability for actions arising out of the normal use of the firearm range or hunting preserve.

The criminal and civil liability immunity for actions arising out of the normal use of the firearm range on any firearm range placed in operation after August 13, 1988, or those that have expanded or modified their operation since that date is expanded to include situations in which the firearm range begins operation prior to the construction of a permanent dwelling on adjacent property within 1,000 yards of the range or the range is owned, leased, or operated by the state or a political subdivision of the state.

All owners and operators who begin operation after the effective date of the substitute and are within 1,000 yards of a permanent occupied dwelling must either meet the owners in person and obtain a written waiver of liability or send each owner a written notice via certified or registered mail in which the owner must respond that he or she does not intend to retain all legal rights with regard to the construction of the firearm range in order for the owner and operator of the range to have criminal and civil liability immunity.

The substitute also specifies that an owner of land who invites or allows any person to use the property for recreational purposes without charge confers upon the person the legal status of trespasser and does not assume responsibility for or incur liability for any injury to any person or property caused by an act or omission of the person while engaged in recreational activities without the failure to exercise just ordinary care.

FISCAL NOTE: No impact on state funds in FY 2009, FY 2010, and FY 2011.

PROPOSERS: Supporters say that the bill clarifies existing language regarding the building of dwellings within 1,000 yards of a firearm range and limits civil liability for hunting preserves and firearm ranges.

Testifying for the bill were Representative Munzlinger;
Department of Conservation; and National Rifle Association of
America.

OPPONENTS: There was no opposition voiced to the committee.