

SHORT TITLE: Shooting ranges; directing shooting ranges to notify sheriff of certain information; allowing for temporary suspension of range activities; emergency.

STATE OF OKLAHOMA

1st Session of the 46th Legislature (1997)

SENATE BILL NO. 630

By: Shurden

AS INTRODUCED

An Act relating to shooting ranges; amending Section 21, Chapter 191, O.S.L. 1996, Section 22, Chapter 191, O.S.L. 1996, and Section 23, Chapter 191, O.S.L. 1996 (63 O.S. Supp. 1996, Sections 709, 709.1 and 709.2), which relate to definitions, permits, and noise; modifying language; removing authority of the Department of Wildlife Conservation to permit ranges and set certain safety standards; modifying certain definitions; directing shooting ranges to notify the county sheriff of certain information; authorizing certain investigation of complaint; allowing temporary suspension of range activities for certain reason; requiring written notice; modifying certain date; and declaring an emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY Section 21, Chapter 191, O.S.L. 1996 (63 O.S. Supp. 1996, Section 709), is amended to read as follows:

Section 709. As used in Sections ~~22~~ 709.1 and ~~23~~ 709.2 of this ~~act~~ title:

1. "Shooting range" means any public or private establishment, whether the establishment is indoor, outdoor, or mobile, and whether

it operates for profit or not-for-profit or whether a commercial or noncommercial range, that supervises or designates an area for the discharge or other use of firearms or archery equipment for silhouette, skeet, trap, black powder, target, self-defense, hunter safety, or similar recreational or competitive shooting, provided the noise decibel level when measured at any point along the property line of the range does not exceed one hundred fifty (150) decibels;

2. "Indoor shooting range" means a shooting range established inside a building or other structure which is fully or partially enclosed in which persons may fire a weapon ~~for a fee or other consideration~~;

3. "Outdoor shooting range" means a shooting range established outside on open property on which persons may fire a weapon ~~for a fee or other consideration~~, and shall not include any lease of property for hunting purposes;

4. "Mobile shooting range" means a shooting range established inside a structure, trailer, or compartment which is partially or fully enclosed and which is capable of being moved by motor vehicle, motor carrier, or other conveyance from one place to another in which persons may fire a weapon ~~for a fee or other consideration~~;

5. "Commercial range" means a shooting range operated as a business for profit;

6. "Noncommercial range" means a shooting range operated by any not-for-profit organization or any club, association or group which is formed for social or recreational purposes; and

7. "Local unit of government" means a county, city, town, or village, or any governmental entity, board, council, or committee operating pursuant to the authority of a county, city, town, or village.

SECTION 2. AMENDATORY Section 22, Chapter 191, O.S.L. 1996 (63 O.S. Supp. 1996, Section 709.1), is amended to read as follows:

Section 709.1 A. Every indoor, outdoor, or mobile shooting range shall ~~be required to conform to safety standards adopted by the Department of Wildlife Conservation pursuant to the provisions of this section before beginning~~ notify the county sheriff of its operation. The ~~Department~~ notification shall ~~inspect each shooting range established in this state, and, if the range is deemed in compliance with the safety standards adopted by the Department, the shooting range shall be issued a two-year permit to operate. Any~~ state the name and address of the owner or operator of a the shooting range ~~who fails to obtain an inspection and permit, or whose range fails to meet the safety standards adopted by the Department of Wildlife Conservation~~ and the normal hours of operation. The county sheriff shall, upon the receipt of a bona fide complaint relating to unsafe conduct or an accident on a shooting range within his or her jurisdiction, make a prompt investigation of the complaint and range activities. When the complaint is investigated and it is determined, in the discretion of the sheriff, that the shooting range is operating in an unsafe manner, the sheriff may temporarily suspend range activities not to exceed thirty (30) days until the unsafe conditions can be rectified. The sheriff shall deliver a written notice to the owner and operator of the range stating the nature of any unsafe condition or practices and the time allowed to correct the same. Any shooting range owner or operator who willfully violates the sheriff's directive to temporarily suspend range activities and correct unsafe conditions or practices by allowing shooting activities to continue in an unsafe manner shall be deemed guilty of operating an unlawful unsafe shooting range. Any owner or operator who continues the operation of the shooting range after failing to meet the inspection

~~standards and without a permit as provided in this section shall be~~
~~is found guilty of a misdemeanor punishable operating an unsafe~~
~~shooting range shall, upon conviction, be punished by a fine of One~~
Hundred Dollars (\$100.00).

B. ~~The Department of Wildlife Conservation is directed to~~
~~promulgate rules and adopt safety standards for shooting ranges~~
~~operating in this state within thirty (30) days of the effective~~
~~date of this act. In determining safety standards, the Department~~
~~may adopt those standards and practices recommended by a nationally~~
~~recognized nonprofit membership organization that provides voluntary~~
~~firearm safety programs, including training of individuals in safe~~
~~handling and use of firearms, or the Department may adopt other~~
~~recognized standards. The Department shall from time to time review~~
~~and revise the safety standards for shooting ranges as deemed~~
~~necessary by the Department to maintain public safety and the~~
~~Department shall provide necessary forms to implement the provisions~~
~~of this section.~~

C. ~~Within two (2) years from the effective date of this act,~~
~~the Department shall cause to be inspected all shooting ranges~~
~~operating in this state on the effective date of this act.~~
~~Following the inspection, the Department shall issue a written~~
~~notification to the owner or operator of any range deemed deficient~~
~~in safety standards, specifically enumerating the deficiencies to be~~
~~corrected and the owner or operator shall be required to correct~~
~~such deficiencies within the time provided in this subsection. Any~~
~~owner or operator of a commercial range shall have sixty (60) days~~
~~from the date of notification to be in compliance with the safety~~
~~standards. Noncommercial ranges shall have one (1) year after the~~
~~date of notification to be in compliance with the safety standards.~~
~~Shooting ranges in existence on the effective date of this act may~~
~~continue to operate until inspected, and thereafter as provided by~~
~~the provisions of this section.~~

~~D.~~ Any owner or operator of a shooting range may appeal any ~~ruling of the Department of Wildlife Conservation as provided in the Administrative Procedures Act~~ temporary suspension of range activities to the district court.

SECTION 3. AMENDATORY Section 23, Chapter 191, O.S.L. 1996 (63 O.S. Supp. 1996, Section 709.2), is amended to read as follows:

Section 709.2 A. Notwithstanding any municipal ordinance or rule regulating noise to the contrary, a governmental official may not seek a civil or criminal penalty or injunction against a shooting range, or its owner or operators, on the basis of noise emanating from the range, provided the noise at the property line of the shooting range does not exceed one hundred fifty (150) decibels.

B. No person shall bring any suit in law or equity or any other claim for relief against a shooting range, or its owners or operators, based upon noise emanating from the shooting range, provided the noise at the property line of the range does not exceed one hundred fifty (150) decibels.

C. Notwithstanding any law to the contrary, any ordinance or rule relating to noise adopted by any local unit of government, whether before, on, or after ~~the effective date of this act~~ May 16, 1996, shall not be deemed to be enforceable against a shooting range, provided the noise at the property line of the range does not exceed one hundred fifty (150) decibels. The ordinance or rule shall not serve as the basis for any suit in law or equity, whether brought by a governmental official or person. In no event shall the provisions of this subsection affect the outcome of any suit brought prior to ~~the effective date of this act~~ May 16, 1996, in which a final order of judgment or relief has been entered.

SECTION 4. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby

declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

46-1-0829

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