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SENATE BILL 285

45TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2001

INTRODUCED BY

Phil A. Griego

AN ACT

**RELATING TO WEAPONS; CREATING THE SPORT SHOOTING RANGE ACT;
PROVIDING STANDARDS FOR IMMUNITY FROM NUISANCE ACTIONS;
SPECIFYING LOCAL AUTHORITY.**

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. SHORT TITLE. -- This act may be cited as the
"Sport Shooting Range Act".

Section 2. PURPOSE OF ACT. -- The purpose of the Sport
Shooting Range Act is to protect the normal operation and use
of sport shooting ranges by establishing when a person who
owns, operates or uses a sport shooting range is liable for
civil penalties.

Section 3. DEFINITION. -- As used in the Sport Shooting
Range Act, a "sport shooting range" is an area designed and
operated for the use of rifles, shotguns or pistols as a means

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1 of silhouette, skeet, trap, black powder or other sport
2 shooting.

3 Section 4. IMMUNITY FROM NUISANCE ACTIONS. --

4 A. The use or operation of a sport shooting range
5 shall not be enjoined as a nuisance if the range is in
6 compliance with those statutes, rules and ordinances that
7 apply to the range and its operation at the time when the
8 initial operation of the range commenced. The use or
9 operation of a sport shooting range shall not be enjoined due
10 to subsequent changes in the statutes, rules or ordinances
11 pertaining to the normal operation and use of sport shooting
12 ranges.

13 B. The use or operation of a sport shooting range
14 may not be enjoined as a nuisance by a person who acquires
15 title to real property adversely affected by the normal
16 operation and use of a sport shooting range that commenced
17 operation prior to the time the person acquired title.

18 Section 5. LOCAL GOVERNMENT AUTHORITY. --The provisions
19 of the Sport Shooting Range Act shall not prohibit a local
20 government from regulating the location and construction of
21 sport shooting ranges after July 1, 2001.

22 Section 6. EXEMPTIONS. --

23 A. The provisions of the Sport Shooting Range Act
24 do not apply to recovery for an act or omission relating to
25 the operation or use of a sport shooting range based on

1 negligence or willful or wanton misconduct.

2 B. The provisions of the Sport Shooting Range Act
3 shall not apply if there has been a substantial change in the
4 primary use of a sport shooting range.

5 Section 7. EFFECTIVE DATE. -- The effective date of the
6 provisions of this act is July 1, 2001.

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