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HOUSE BILL 112

45TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2002

INTRODUCED BY

Lorenzo A. Larranaga

AN ACT

**RELATING TO WEAPONS; CREATING THE SPORT SHOOTING RANGE ACT;
PROVIDING STANDARDS FOR IMMUNITY FROM NUISANCE ACTIONS BASED
ON NOISE OR NOISE POLLUTION; 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 or firearms training.

3 Section 4. IMMUNITY FROM NUISANCE ACTIONS BASED ON NOISE
4 OR NOISE POLLUTION. --

5 A. The use or operation of a sport shooting range
6 shall not be enjoined as a nuisance on the basis of noise or
7 noise pollution:

8 (1) if the sport shooting range is in
9 compliance with noise control statutes, rules or ordinances
10 that apply to the range and its operation at the time that the
11 initial operation of the range commenced;

12 (2) due to changes made to noise control
13 statutes, rules or ordinances that apply to the sport shooting
14 range and its operation, if the changes take effect after the
15 initial operation of the range commenced; or

16 (3) if noise control statutes, rules or
17 ordinances were not in effect at the time that the original
18 operation of the sport shooting range commenced.

19 B. The use or operation of a sport shooting range
20 may not be enjoined as a nuisance on the basis of noise or
21 noise pollution by a person who acquires an interest in real
22 property adversely affected by the normal operation and use of
23 a sport shooting range that commenced operation prior to the
24 time the person acquired the interest in real property.

25 Section 5. LOCAL GOVERNMENT AUTHORITY. --The provisions

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1 of the Sport Shooting Range Act shall not prohibit a local
2 government from regulating the location and construction of
3 sport shooting ranges after July 1, 2002.

4 Section 6. EXEMPTIONS. --The provisions of the Sport
5 Shooting Range Act do not apply:

6 A. to recovery for an act or omission relating to
7 recklessness, negligence, wanton misconduct or willful
8 misconduct in the operation or use of a sport shooting range;

9 B. to a nuisance action on the basis of trespass
10 involving the operation or use of a sport shooting range;

11 C. to the operation or use of a sport shooting
12 range that substantially and adversely affects public health
13 or public safety; or

14 D. if there has been a substantial change in the
15 primary use of a sport shooting range.

16 Section 7. EFFECTIVE DATE. --The effective date of the
17 provisions of this act is July 1, 2002.