
By: **Senators Astle and Pipkin**

Introduced and read first time: February 14, 2006

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Nuisance Actions - Noise - Sport Shooting Ranges**

3 FOR the purpose of altering a certain limitation on the applicability of a certain
4 prohibition on nuisance actions against a sport shooting range; prohibiting a
5 governmental entity from bringing a public nuisance action against a sport
6 shooting range under certain circumstances; defining certain terms; providing
7 for the application of this Act; and generally relating to nuisance actions against
8 sport shooting ranges.

9 BY repealing and reenacting, with amendments,
10 Article - Courts and Judicial Proceedings
11 Section 5-403.1
12 Annotated Code of Maryland
13 (2002 Replacement Volume and 2005 Supplement)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
15 MARYLAND, That the Laws of Maryland read as follows:

16 **Article - Courts and Judicial Proceedings**

17 5-403.1.

18 (a) (1) In this section[, "sport shooting range" means an area designed and
19 used for trapshooting, skeetshooting, or other target shooting] THE FOLLOWING
20 WORDS HAVE THE MEANINGS INDICATED.

21 (2) "GOVERNMENTAL ENTITY" MEANS THE STATE, A COUNTY, OR A
22 MUNICIPAL CORPORATION OR AN AGENCY OR INSTRUMENTALITY OF THE STATE, A
23 COUNTY, OR A MUNICIPAL CORPORATION.

24 (3) "SPORT SHOOTING RANGE" MEANS AN AREA DESIGNED AND USED
25 FOR TRAPSHOOTING, SKEETSHOOTING, OR OTHER TARGET SHOOTING.

26 (b) This section [applies only to private nuisance actions and does not apply to
27 public] APPLIES TO PRIVATE AND PUBLIC nuisance actions.

1 (c) If there has been no shooting activity at a sport shooting range for a period
2 of 3 consecutive years, the date of resumption of shooting activity is considered the
3 date of the establishment of a sport shooting range for purposes of this section.

4 (d) (1) Except as provided in paragraph [(2)] (3) of this subsection, a person
5 OR GOVERNMENTAL ENTITY may not bring a civil nuisance action for noise against a
6 person who owns, operates, or uses a sport shooting range located within the vicinity
7 of the property of the person OR GOVERNMENTAL ENTITY bringing the action if the
8 sport shooting range was established as of the date the person OR GOVERNMENTAL
9 ENTITY acquired the property.

10 (2) A GOVERNMENTAL ENTITY MAY NOT BRING A PUBLIC NUISANCE
11 ACTION AGAINST A PERSON WHO OWNS, OPERATES, OR USES A SPORT SHOOTING
12 RANGE UNLESS THE PROPERTY AFFECTED BY THE NOISE IS OWNED BY THAT
13 GOVERNMENTAL ENTITY, EXCLUSIVE OF PUBLIC ROAD OR RIGHT-OF-WAY.

14 [(2)] (3) (I) [This] EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF
15 THIS PARAGRAPH, THIS section may not be construed to limit a nuisance action
16 against a sport shooting range established on or after June 1, 1997.

17 (II) THE PROHIBITION UNDER PARAGRAPH (2) OF THIS SUBSECTION
18 APPLIES REGARDLESS OF WHEN THE SPORT SHOOTING RANGE WAS ESTABLISHED.

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
20 October 1, 2006.