
By: Delegates Harkins, Edwards, Poole, McKee, Donoghue, Preis, D. Murphy, Jacobs, M. Burns, O'Donnell, Bissett, and Hutchins

Introduced and read first time: January 23, 1997

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 25, 1997

CHAPTER ____

1 AN ACT concerning

2 **Sport Shooting Ranges - Private Civil Nuisance Actions**

3 FOR the purpose of prohibiting a person from bringing a private civil nuisance action for
4 noise against a person who owns, operates, or uses a sport shooting range under
5 certain circumstances; establishing a certain exception; providing for the
6 construction of this Act; and generally relating to sport shooting ranges and private
7 civil nuisance actions.

8 BY adding to

9 Article - Courts and Judicial Proceedings

10 Section 5-399.8

11 Annotated Code of Maryland

12 (1995 Replacement Volume and 1996 Supplement)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

14 MARYLAND, That the Laws of Maryland read as follows:

15 **Article - Courts and Judicial Proceedings**

16 5-399.8.

17 (A) IN THIS SECTION, "SPORT SHOOTING RANGE" MEANS AN AREA DESIGNED
18 AND USED FOR TRAPSHOOTING, SKEETSHOOTING, OR OTHER TARGET SHOOTING.

19 (B) THIS SECTION APPLIES ONLY TO PRIVATE NUISANCE ACTIONS AND DOES
20 NOT APPLY TO PUBLIC NUISANCE ACTIONS.

21 (C) IF THERE HAS BEEN NO SHOOTING ACTIVITY AT A SPORT SHOOTING
22 RANGE FOR A PERIOD OF 3 CONSECUTIVE YEARS, THE DATE OF RESUMPTION OF

1 SHOOTING ACTIVITY IS CONSIDERED THE DATE OF THE ESTABLISHMENT OF A
2 SPORT SHOOTING RANGE FOR PURPOSES OF THIS SECTION.

3 ~~(B)~~ (D) (1) EXCEPT AS PROVIDED IN PARAGRAPHS ~~(2) AND (4)~~
4 PARAGRAPH (2) OF THIS SUBSECTION, A PERSON MAY NOT BRING A CIVIL NUISANCE
5 ACTION FOR NOISE AGAINST A PERSON WHO OWNS, OPERATES, OR USES A SPORT
6 SHOOTING RANGE LOCATED WITHIN THE VICINITY OF THE PROPERTY OF THE
7 PERSON BRINGING THE ACTION IF THE SPORT SHOOTING RANGE WAS ESTABLISHED
8 AS OF THE DATE THE PERSON ACQUIRED THE PROPERTY.

9 ~~(2) A PERSON WHO OWNS PROPERTY IN THE VICINITY OF A SPORT~~
10 ~~SHOOTING RANGE THAT WAS ESTABLISHED AFTER THE PERSON ACQUIRED THE~~
11 ~~PROPERTY MAY BRING A CIVIL NUISANCE ACTION FOR NOISE AGAINST THE SPORT~~
12 ~~SHOOTING RANGE ONLY IF THE ACTION IS BROUGHT WITHIN 5 YEARS AFTER~~
13 ~~ESTABLISHMENT OF THE SPORT SHOOTING RANGE OR 3 YEARS AFTER A~~
14 ~~SUBSTANTIAL CHANGE IN THE USE OF THE SPORT SHOOTING RANGE.~~

15 ~~(3) IF THERE HAS BEEN NO SHOOTING ACTIVITY AT A SPORT SHOOTING~~
16 ~~RANGE FOR A PERIOD OF 3 CONSECUTIVE YEARS, THE RESUMPTION OF SHOOTING~~
17 ~~IS CONSIDERED ESTABLISHMENT OF A NEW SPORT SHOOTING RANGE FOR~~
18 ~~PURPOSES OF THIS SECTION.~~

19 ~~(4)~~ (2) THIS SECTION MAY NOT BE CONSTRUED TO LIMIT A NUISANCE
20 ACTION AGAINST A SPORT SHOOTING RANGE ESTABLISHED ON OR AFTER ~~OCTOBER~~
21 JUNE 1, 1997.

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed
23 only prospectively and may not be applied or interpreted to have any effect on or
24 application to any case filed before the effective date of this Act.

25 SECTION 2- 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
26 ~~October~~ June 1, 1997.