

---

By: Senators Astle and Pipkin, Pipkin, DeGrange, Dyson, Harris, Hooper, Jacobs, Jimeno, Klausmeier, Kramer, Middleton, Miller, Mooney, and Stoltzfus

Introduced and read first time: February 14, 2006

Assigned to: Rules

Re-referred to: Judicial Proceedings, February 23, 2006

---

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 24, 2006

---

CHAPTER \_\_\_\_\_

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.

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

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

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

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

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

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

21 [(2)] (3) (4) [This] ~~EXCEPT AS PROVIDED IN SUBPARAGRAPH (H) OF~~  
22 ~~THIS PARAGRAPH, THIS~~ section may not be construed to limit a nuisance action  
23 against a sport shooting range established on or after June 1, 1997.

24 (H) ~~THE PROHIBITION UNDER PARAGRAPH (2) OF THIS SUBSECTION~~  
25 ~~APPLIES REGARDLESS OF WHEN THE SPORT SHOOTING RANGE WAS ESTABLISHED.~~

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