



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2017 Senate Bill 691

**Senate Substitute
Amendment 1**

Memo published: February 6, 2018

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SENATE SUBSTITUTE AMENDMENT 1

2017 Senate Substitute Amendment 1 to Senate Bill 691 generally prohibits the closure of all or a portion of a sport shooting range (range) by a law enforcement officer or a court because of an alleged or actual unsafe condition at, or originating from, the range unless the process provided in the substitute amendment is used.

The substitute amendment allows the issuance of a temporary court order closing a portion of the operation of a range, prohibiting the use of a particular firearm type at the range, or prohibiting the conduct of a particular activity at the range if a law enforcement officer seeks such an order or a local government or a person petitions a court for an order, if the court concludes that there may be a clear and immediate public safety hazard¹ at the range.

The substitute amendment allows an owner or operator of a range, to which such an order applies, to arrange for an evaluation of the range by a qualified professional engineer, architect, or certified range technician designated by the Department of Natural Resources (DNR),² to identify any deficiencies in public safety measures employed at the range as compared to general safe range design and operation practices, and to provide recommendations to rectify any deficiencies that exist.

¹ “Clear and immediate public safety hazard” means an unsafe condition that originates from, or is at, a sport shooting range and that could reasonably be expected to cause death or serious injury to an individual.

² The substitute amendment requires the DNR to create a list on its website of professional engineers and architects who are qualified to evaluate a range to identify any deficiencies in public safety measures employed, as compared with general safe range design and operation practices, and to recommend solutions to any deficiencies found. If the DNR receives a request that a person or organization be added to the list under this section, it is required to evaluate the qualifications of the person or organization to perform these functions.

The consultant's report on his or her findings must be submitted to the court. If no deficiencies exist, or if the owner or operator of the range provides proof that such deficiencies have been remedied, the court must rescind the temporary order and dismiss the proceedings. If the report identifies deficiencies that cannot be remedied in the range's location, the court may order permanent cessation of a portion of the range operation, use of a particular firearm type at the range, or the conduct of a particular activity at the range to which the deficiency applies.

If a court dismisses a petition on the grounds that the petitioner failed to demonstrate that a portion of a range's operation constitutes a clear and immediate public safety hazard, or if the court rescinds an order on the grounds that a report of a qualified professional engineer, architect, or certified range technician finds no deficiencies in public safety measures, the court may order the petitioner to pay the defending party's costs of litigation, including reasonable attorney fees and consultant fees.

The substitute amendment specifies that there is a rebuttable presumption that no portion of a range's operation constitutes a clear and immediate public safety hazard. The procedure for closure of a range applies retroactively under the substitute amendment.

BILL HISTORY

Senate Substitute Amendment 1 was introduced by Senator Tiffany on February 2, 2018. On February 6, 2018, the Senate Committee on Sporting Heritage, Mining, and Forestry voted to recommend adoption of the substitute amendment and to recommend passage of the bill, as amended, on votes of Ayes, 4; Noes, 1.

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