



## 1997 ASSEMBLY BILL 308

April 24, 1997 - Introduced by Representatives HUEBSCH, JOHNSRUD, ALBERS, MUSSER, M. LEHMAN, SCHAFFER, KREIBICH, PORTER, HANDRICK, OTT, POWERS, HOVEN, JENSEN, KAUFERT, GUNDERSON, GOETSCH, FREESE, SYKORA, SERATTI and GROTHMAN, cosponsored by Senators ZIEN, SCHULTZ, DRZEWIECKI, RUDE and PANZER. Referred to Committee on Natural Resources.

- 1 **AN ACT to amend** 895.52 (1) (g); and **to create** 895.527 of the statutes; **relating**  
2 **to:** sport shooting range immunity and responsibilities.

---

### *Analysis by the Legislative Reference Bureau*

Under current law, the owner of property has no duty to keep the property safe for recreational activities, to inspect the property or to warn of unsafe conditions on the property and is immune from liability for damages occurring on the property while a person is engaged in a recreational activity on the property. This immunity does not apply if the property owner charges for the recreational use of the property and the total annual value of the charges exceeds \$2,000. Generally, recreational activity includes every kind of activity, sport or game that can be engaged in by an individual, but does not include organized team sport activity sponsored by the property owner. This bill adds "shooting" to the list of recreational activities, which includes camping, picnicking, bicycling, bird-watching, fishing, sledding, skating, rock-climbing and harvesting the products of nature.

The bill provides that sport shooting range operators and owners are immune from civil and criminal liability related to noise pollution if the operator or owner of the range complies in good faith with noise control ordinances that applied to the range at the time that the range was constructed or initially operated. Under the bill, persons who own or operate a sport shooting range are not subject to an action for nuisance related to noise. The bill also provides that users of sport shooting ranges accept the risks associated with those ranges. The bill permits a sport shooting range operating when this bill becomes effective to continue to operate in violation of a local zoning ordinance if the range was a lawful use or a legal nonconforming use under any local zoning ordinance in effect on the effective date of the bill.

**ASSEMBLY BILL 308**

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

---

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

1           **SECTION 1.** 895.52 (1) (g) of the statutes is amended to read:

2           895.52 (1) (g) “Recreational activity” means any outdoor activity undertaken  
3 for the purpose of exercise, relaxation or pleasure, including practice or instruction  
4 in any such activity. “Recreational activity” includes, ~~but is not limited to,~~ hunting,  
5 fishing, trapping, camping, picnicking, exploring caves, nature study, bicycling,  
6 horseback riding, bird-watching, motorcycling, operating an all-terrain vehicle,  
7 ballooning, hang gliding, hiking, tobogganing, sledding, sleigh riding,  
8 snowmobiling, skiing, skating, water sports, sight-seeing, rock-climbing, cutting or  
9 removing wood, climbing observation towers, animal training, harvesting the  
10 products of nature, shooting and any other outdoor sport, game or educational  
11 activity, ~~but.~~ “Recreational activity” does not include any organized team sport  
12 activity sponsored by the owner of the property on which the activity takes place.

13           **SECTION 2.** 895.527 of the statutes is created to read:

14           **895.527 Sport shooting range activities. (1)** In this section, “sport shooting  
15 range” means an area designed and operated for the use of firearms.

16           **(2)** A person who owns or operates a sport shooting range is immune from civil  
17 liability related to noise pollution resulting from the operation of the sport shooting  
18 range if the owner or operator of the sport shooting range complies in good faith with  
19 any ordinance related to noise control that applied to the sport shooting range at the  
20 time of construction or initial operation of the sport shooting range.

