



**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 1995 ASSEMBLY BILL 527**

February 5, 1996 - Offered by Representative JOHNSRUD.

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

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

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

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

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

2 **895.527 Sport shooting range activities. (1)** In this section:

3 (a) “Compliance with the rules” means compliance with every rule promulgated
4 by the department of natural resources under sub. (2), and with every modification
5 of those rules within one year after the effective date of the rule modification.

6 (b) “Sport shooting range” means an area designed and operated for the use of
7 firearms.

8 (2) The department of natural resources shall promulgate rules establishing
9 generally accepted practices for the design and operation of sport shooting ranges
10 within one year after the effective date of this subsection [revisor inserts date].
11 The department of natural resources shall consider practices for the design and
12 operation of sport shooting ranges developed by nationally recognized, nonprofit,
13 membership organizations that provide firearm safety programs when developing
14 proposed rules under this subsection. The department shall review and modify the
15 rules promulgated under this subsection as necessary to incorporate changes in the
16 practices recommended by nationally recognized, nonprofit, membership
17 organizations that provide firearm safety programs.

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

24 (4) A person who owns or operates a sport shooting range in compliance with
25 the rules is not subject to an action for nuisance related to noise. No court may enjoin

1 or restrain the operation or use of a sport shooting range on the basis of noise
2 pollution if the owner or operator of a sport shooting range is in compliance with the
3 rules and complies in good faith with any ordinance related to noise control that
4 applied to the sport shooting range at the time of construction or initial operation of
5 the sport shooting range.

6 (5) Any person who participates in activities at a sport shooting range whose
7 owner or operator is in compliance with the rules accepts the risks associated with
8 sport shooting ranges to the extent that those risks are obvious and inherent. Those
9 risks include injuries that may result from noise, discharge of a projectile,
10 malfunction of equipment or of a firearm not owned by the sport shooting range,
11 natural variations in terrain, snow or ice conditions or other natural conditions.

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(END)