



State of Wisconsin
2017 - 2018 LEGISLATURE

LRBs0285/1
MLJ&EHS:ahc

**ASSEMBLY SUBSTITUTE AMENDMENT 2,
TO ASSEMBLY BILL 820**

February 2, 2018 - Offered by Representative STAFSHOLT.

1 **AN ACT to create** 23.43 and 895.08 of the statutes; **relating to:** closure of a sport
2 shooting range based on an unsafe condition.

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

3 **SECTION 1.** 23.43 of the statutes is created to read:

4 **23.43 Entities qualified to evaluate the safety of sport shooting ranges.**

5 **(1)** In this section, "sport shooting range" has the meaning given in s. 895.527 (1).

6 **(2)** The department shall establish and post on its Internet site a list of
7 professional engineers, architects, and certified range technicians who are qualified
8 to evaluate a sport shooting range to identify any deficiencies in public safety
9 measures employed, as compared with general safe range design and operation
10 practices, and to recommend solutions to any deficiencies found. If the department
11 receives a request that a person or organization be added to the list under this

1 section, the department shall evaluate the qualifications of the person or
2 organization to perform the relevant functions.

3 **SECTION 2.** 895.08 of the statutes is created to read:

4 **895.08 Sport shooting ranges; actions related to safety. (1) DEFINITIONS.**

5 In this section:

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

9 (b) “Local unit of government” means the governing body of a county, city, town,
10 village, or the elected tribal governing body of a federally recognized American
11 Indian tribe or band in this state.

12 (c) “Sport shooting range” has the meaning given in s. 895.527 (1).

13 **(2) TEMPORARY CLOSURE.** (a) Except as provided in par. (b), no law enforcement
14 officer or court may require the owner or operator of a sport shooting range to cease
15 or suspend any portion of its operation, the use of a particular firearm type at the
16 sport shooting range, or the conduct of a particular activity at the sport shooting
17 range because of an alleged or actual unsafe condition at, or originating from, the
18 sport shooting range.

19 (b) 1. A court may, upon petition by a law enforcement officer, temporarily order
20 the owner or operator of a sport shooting range to cease or suspend a portion of its
21 operation, the use of a particular firearm type at the sport shooting range, or the
22 conduct of a particular activity at the sport shooting range if it finds that there is
23 probable cause to believe that the portion of the operation, the use of a particular
24 firearm type at the sport shooting range, or the conduct of a particular activity at the
25 sport shooting range constitutes a clear and immediate public safety hazard.

1 2. A court may, upon petition by a local unit of government or an individual,
2 temporarily order the owner or operator of a sport shooting range to cease or suspend
3 a portion of its operation, the use of a particular firearm type at the sport shooting
4 range, or the conduct of a particular activity at the sport shooting range if the court
5 finds, upon a preponderance of the evidence presented, that the portion of the sport
6 shooting range's operation, the use of a particular firearm type at the sport shooting
7 range, or the conduct of a particular activity at the sport shooting range constitutes
8 a clear and immediate public safety hazard.

9 3. There is a rebuttable presumption that no portion of a sport shooting range's
10 operation, use of a particular firearm type at the sport shooting range, or conduct of
11 a particular activity at the sport shooting range constitutes a clear and immediate
12 public safety hazard.

13 **(3) CONTINUING OPERATIONS.** (a) An owner or operator of a sport shooting range
14 who has been ordered by a court under sub. (2) to temporarily cease or suspend a
15 portion of its operation, the use of a particular firearm type at the sport shooting
16 range, or the conduct of a particular activity at the sport shooting range may arrange
17 for an evaluation of the sport shooting range by an entity designated by the
18 department of natural resources under s. 23.43 as qualified to evaluate the sport
19 shooting range. The evaluation shall identify any deficiencies in public safety
20 measures employed at the range as compared to general safe range design and
21 operation practices and provide recommendations to rectify any deficiencies that
22 exist. The entity's report on the findings of the evaluation shall be submitted to the
23 court upon completion of the evaluation.

24 (b) After receiving a report under par. (a) that states that no deficiencies in
25 public safety measures employed at the range as compared to general safe range

1 design and operation practices exist, the court shall rescind the order issued under
2 sub. (2) and dismiss the proceedings.

3 (c) After receiving a report under par. (a) that identifies any deficiency in public
4 safety measures employed at the range as compared to general safe range design and
5 operation practices that poses a clear and immediate public safety hazard, the court
6 shall allow the range owner or operator to provide proof that such deficiencies have
7 been remedied. If the range owner or operator provides proof that the deficiencies
8 have been remedied, the court shall rescind the order issued under sub. (2) and
9 dismiss the proceedings.

10 (d) After receiving a report under par. (a) that identifies any deficiency in public
11 safety measures employed at the range as compared to general safe range design and
12 operation practices that poses a clear and immediate public safety hazard and that
13 cannot be remedied in the range's location, the court may order permanent cessation
14 of a portion of the sport shooting range operation, use of a particular firearm type at
15 the sport shooting range, or the conduct of a particular activity at the sport shooting
16 range to which the deficiency applies.

17 (e) If a court dismisses a petition on the grounds that the petitioner failed to
18 demonstrate that a portion of a sport shooting range's operation constitutes a clear
19 and immediate public safety hazard, or if the court rescinds an order issued under
20 sub. (2) on the grounds that a report filed under par. (a) finds no deficiencies in public
21 safety measures employed at the range as compared to general safe range design and
22 operation practices that constitute a clear and immediate public safety hazard, the
23 court may order the petitioner to pay the defending party's costs of litigation,
24 including reasonable attorneys fees and consultant fees.

25 **SECTION 3. Initial applicability.**

