

By: Representatives Hood, Crawford

To: Judiciary B

HOUSE BILL NO. 1300

1 AN ACT TO AMEND SECTIONS 17-25-15 AND 95-13-1, MISSISSIPPI
2 CODE OF 1972, TO PROVIDE GUIDELINES FOR SPORTS SHOOTING RANGES;
3 AND FOR RELATED PURPOSES.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

5 **SECTION 1.** Section 17-25-15, Mississippi Code of 1972, is
6 amended as follows:

7 17-25-15. (1) An established sport shooting range that is
8 not in violation of a state law or an ordinance of a unit of local
9 government prior to the enactment of a new ordinance of a unit of
10 local government affecting the range may continue in operation
11 even if, at or after the time of the enactment of the new
12 ordinance, the operation of the sport_shooting range is not in
13 compliance with the new ordinance.

14 In order to qualify for the provisions of this subsection, an
15 established outdoor shooting range must be:

16 (a) Constructed in a manner not reasonably expected to
17 allow a projectile to cross the boundary of the tract; or



18 (b) Located on a tract of land of ten (10) acres or
19 more and with any firing line more than one hundred fifty (150)
20 feet from a residence or occupied building located on another
21 property if a shotgun, air rifle or air pistol, BB gun or bow and
22 arrow is discharged; or

23 (c) Located on a tract of land of fifty (50) acres or
24 more and with any firing line more than three hundred (300) feet
25 from a residence or occupied building located on another property
26 if a center fire or rim fire rifle or pistol or a muzzle-loading
27 rifle or pistol of any caliber is discharged.

28 (2) No new ordinance of a local unit of government shall
29 prohibit an established sport-shooting range that is in existence
30 on March 31, 2008, from doing any of the following within the
31 existing geographic boundaries of the sport-shooting range:

32 (a) Repair, remodel or reinforce any building or
33 improvement as may be necessary in the interest of public safety
34 or to secure the continued use of the building or improvement;

35 (b) Reconstruct, repair, rebuild or resume the use of a
36 facility or building damaged or destroyed, in whole or in part, by
37 fire, collapse, explosion, act of nature or act of war occurring
38 after March 31, 2008;

39 (c) Expand or enhance its membership or opportunities
40 for public participation;

41 (d) * * * Expand or increase facilities or activities.



42 (3) The right to operate as a sport-shooting range shall not
43 be amended, restricted, or terminated due to a change of
44 circumstances regarding the use of adjacent or surrounding
45 properties to the extent that any sport-shooting range has been
46 issued permission to operate as a sport-shooting range, whether as
47 of right or by special exception, variance, or otherwise, by any
48 entity having zoning or zoning appeal authority.

49 (* * *4) A person who subsequently acquires title to or
50 leases or otherwise uses or exercises control over real property
51 adversely affected by the normal operation or use of property with
52 an established sport-shooting range shall not maintain a nuisance
53 action against the range or the person who owns, leases or
54 otherwise uses or exercises control over the range to restrain,
55 enjoin or impede the use of the range unless it is authorized by
56 Section 95-13-1 * * *.

57 **SECTION 2.** Section 95-13-1, Mississippi Code of 1972, is
58 amended as follows:

59 95-13-1. (1) It is the policy of this state to provide for
60 the health, safety, and welfare of the citizens of the state by
61 promoting the safety and enjoyment of the shooting sports among
62 the citizens of the state and by protecting the locations of and
63 investment in shooting ranges for shotgun, rifle, and pistol
64 shooting.

65 (* * *2) As used in this section, unless the context
66 otherwise requires:



67 (a) "Expert" means a person who is:

68 (i) Giving opinion testimony about the appropriate
69 standard of care for the operation or use of a sport-shooting
70 range, an owner or operator of a sport-shooting range, or the
71 owner of real property on which a sport-shooting range is
72 operated, or the causal relationship between the injury, harm, or
73 damages claimed and the alleged departure from the applicable
74 standard of care; and

75 (ii) Qualified to render opinions on the standards
76 and causal relationship described by the Rules of Evidence of this
77 state.

78 (* * *b) "Local unit of government" means a county,
79 municipality or other entity of local government;

80 (* * *c) "Person" means an individual, proprietorship,
81 partnership, corporation, club, or other legal entity; and

82 (* * *d) "Sport-shooting range" or "range" means an
83 area designed and operated for the use of rifles, shotguns,
84 pistols, silhouettes, skeet, trap, black powder or any other
85 similar sport shooting which complies with the provisions of
86 subsection (3) of this section.

87 * * *

88 (3) (a) A local unit of governmental unit may not bring
89 suit against a sport-shooting range, the owner, operator, or
90 lessee of a sport-shooting range, or the owner of real property on



91 which a sport-shooting range is operated, for the lawful discharge
92 of firearms on the sport-shooting range.

93 (b) A person who owns, operates, leases, or uses a
94 sport-shooting range is not subject to civil or criminal
95 prosecution or liability for noise or noise pollution, nuisance,
96 or any other claim not involving physical injury to another human
97 or physical damage to property, resulting from the operation or
98 use of the sport-shooting range as a sport-shooting range and no
99 court may enjoin or restrain the operation or use of a
100 sport-shooting range on the basis of noise or noise pollution
101 including, but not limited to, as a result of any subsequent
102 change in any statute, regulation, or ordinance pertaining to the
103 normal operation or use of a sport-shooting range.

104 (c) A person who is shooting in the customary or a
105 generally acceptable manner at a sport-shooting range is presumed
106 to not be engaging in disorderly or other unlawful conduct merely
107 because of the noise caused by the shooting.

108 (d) Except as provided in paragraph (e), an established
109 sport-shooting range may not be prevented from operation by a
110 state agency, local unit of government, or court unless the
111 sport-shooting range presents a clear and provable safety hazard
112 to the adjacent population.

113 (e) If a pressing public need exists because of
114 incompatibility with nearby population or land use, an established
115 sport-shooting range may be relocated by an agency of state



116 government, local unit of government, or court, but only if all of
117 the following conditions are met:

118 (i) Pressing public need is documented through
119 hearings, testimony, and a clear and precise statement of need by
120 the agency, unit of local government, or court involved;

121 (ii) The agency or unit of local government
122 obtaining the closure pays the fair market value of the land
123 together with improvements to the owners of the sport-shooting
124 range or the land on which it is located. In return, the owners
125 of the sport-shooting range or the land on which it is located
126 shall relinquish their interest in the property to the agency or
127 unit of local government obtaining the closure.

128 (iii) The owners of the sport-shooting range or
129 the land on which it is located shall not be required to pay the
130 costs of, or otherwise be responsible for, any cleanup of the
131 land, nor shall such costs be counted against the fair market
132 value of the land and improvements as contemplated in subparagraph
133 (ii).

134 (f) If a sport-shooting range presents a clear and
135 provable safety hazard to adjacent population, the sport range may
136 be suspended from operation if:

137 (a) Reasonable notice and opportunity to respond
138 are afforded the sport-shooting range operators; and

139 (b) Reasonable opportunity is afforded the
140 sport-shooting range operators to correct any safety defects.



141 (4) Each person who participates in sport-shooting at a
142 sport-shooting range accepts the risks associated with the sport
143 to the extent the risks are obvious and inherent. Those risks
144 include, but are not limited to, injuries that may result from
145 noise, the discharge of firearms, and the firing of live
146 ammunition.

147 (5) Expert report. (a) In a suit against a sport-shooting
148 range, an owner, operator, or lessee of a sport-shooting range, or
149 the owner of real property on which a sport-shooting range is
150 operated, a claimant shall, not later than the 90th day after the
151 date the original petition was filed, serve on each party or the
152 party's attorney one or more expert reports, with a curriculum
153 vitae of each expert listed in the report for each defendant
154 against whom a claim is asserted. The date for serving the report
155 may be extended by written agreement of the affected parties. Each
156 defendant whose conduct is implicated in a report must file and
157 serve any objection to the sufficiency of the report not later
158 than the 21st day after the date the report is served or all
159 objections are waived.

160 (b) If, as to a defendant, an expert report has not
161 been served within the period specified by paragraph (a), the
162 court, on the motion of the affected defendant, shall, subject to
163 paragraph (c), enter an order that:

164 (i) Awards to the affected defendant attorney's
165 fees and costs of court incurred by the defendant; and



166 (ii) Dismisses the claim with prejudice with
167 respect to the affected defendant.

168 (c) If an expert report has not been served within the
169 period specified by paragraph (a) because elements of the report
170 are found deficient, the court may grant one extension of not more
171 than thirty 30 days to the claimant in order to cure the
172 deficiency. If the claimant does not receive notice of the
173 court's ruling granting the extension until after the 90th day
174 after the date the deadline has passed, then the thirty (30) day
175 extension runs from the date the plaintiff first receives the
176 notice.

177 (d) Notwithstanding any other provision of this
178 section, a claimant may satisfy any requirement of this section
179 for serving an expert report by serving reports of separate
180 experts regarding different defendants or regarding different
181 issues arising from the conduct of a defendant, including issues
182 of liability and causation. Nothing in this section shall be
183 construed to mean that a single expert must address all liability
184 and causation issues with respect to all defendants or with
185 respect to both liability and causation issues for a defendant.

186 (e) A court shall grant a motion challenging the
187 adequacy of an expert report only if it appears to the court,
188 after a hearing, that the report does not represent an objective,
189 good faith effort to comply with the requirements of an expert
190 report.



191 (f) Until a claimant has served the expert report and
192 curriculum vitae as required by paragraph (a), all discovery is
193 stayed except that after a claim is filed all claimants,
194 collectively, may take not more than two depositions before the
195 expert report is served as required by paragraph (a).

196 **SECTION 3.** This act shall take effect and be in force from
197 and after July 1, 2016.

