

IN THE SENATE

SENATE BILL NO. 1055

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO SPORT SHOOTING RANGES; AMENDING SECTION 55-2604, IDAHO CODE, TO REVISE DEFINITIONS AND TO DEFINE TERMS; AMENDING SECTION 55-2605, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 55-2604, Idaho Code, be, and the same is hereby amended to read as follows:

55-2604. DEFINITIONS. As used in this act:

(1) "Local unit of government" means a county, city or a town.

(2) "Person" means an individual, proprietorship, partnership, corporation, club, or other legal entity.

(3) "Sport shooting range" or "range" means an area designed and operated for the use of rifles, shotguns, pistols, silhouettes, skeet, trap, black powder, archery, or any other similar sport shooting. In the case of shotgun sports utilizing portable target throwers and shooting positions, the range area shall be deemed to encompass the entire parcel of real property whereupon shooting activities may be safely conducted, provided that shotfall occurs entirely upon the property of the person owning or controlling the range.

(4) "Outdoor sport shooting range" means any range described in subsection (3) of this section, including any range operated exclusively for the use of law enforcement, with the exception of:

(a) Any totally enclosed facility that is designed to offer a totally controlled shooting environment that includes impenetrable walls, floors, and ceilings, adequate ventilation, lighting systems and acoustical treatment for sound attenuation; or

(b) Any range described in chapter 91, title 67, Idaho Code.

(5) "Expanding" means the enlargement of scale, scope, or membership as it relates to shooting activities on a range.

(6) "Increasing" means to become more numerous as it relates to shooting opportunities, locations, or membership on a range.

(7) "Substantial change in use" means that the current primary use of the range no longer represents the activity previously engaged in at the range or the acquisition of additional real property for the purpose of range expansion. The following actions shall not constitute a substantial change in use:

(a) Expanding or increasing membership or opportunities for public, private, or law enforcement participation related to the primary activity as a shooting range;

(b) Making repairs or improvements to enhance safety or noise abatement;

- 1 (c) Increasing events and activities related to the primary activity as
2 a shooting range;
3 (d) Acquiring additional lands to be used for buffer zones or noise mit-
4 igation efforts;
5 (e) Establishing or expanding range use hours between 7:00 a.m. and
6 10:00 p.m.;
- 7 (f) Establishing or expanding law enforcement agency range use hours
8 between 10:00 p.m. and 7:00 a.m.; or
9 (g) Any location, relocation, or increase in the number of portable
10 shotgun shooting positions as described in subsection (3) of this sec-
11 tion.

12 SECTION 2. That Section 55-2605, Idaho Code, be, and the same is hereby
13 amended to read as follows:

14 55-2605. PREEMPTION OF LOCAL AUTHORITY -- NOISE STANDARDS -- ZON-
15 ING. Local governmental law is herein preempted and local governments shall
16 not have authority to establish or enforce noise standards for outdoor
17 sport shooting ranges, not otherwise exempted from local regulation by
18 this chapter, more restrictive than any standards established for state
19 outdoor shooting ranges in chapter 91, title 67, Idaho Code, nor shall a
20 local government have the authority to make any action described in section
21 55-2604(~~57~~), Idaho Code, a violation of a local zoning ordinance nor shall
22 the undertaking of any such action cause an outdoor sport shooting range to
23 be in violation of any zoning ordinance.

24 SECTION 3. An emergency existing therefor, which emergency is hereby
25 declared to exist, this act shall be in full force and effect on and after its
26 passage and approval.