

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 754 Session of 2011

INTRODUCED BY GABLER, BARRAR, BEAR, BOBACK, BOYD, CALTAGIRONE, CAUSER, CLYMER, CONKLIN, CREIGHTON, CUTLER, DENLINGER, GEIST, GINGRICH, GODSHALL, GOODMAN, GROVE, HARRIS, HESS, HICKERNELL, HORNAMAN, KAUFFMAN, M.K. KELLER, KORTZ, METCALFE, METZGAR, MILLARD, MOUL, PYLE, RAPP, READSHAW, ROAE, ROCK, SACCONI, STERN, TALLMAN, VULAKOVICH AND WHITE, FEBRUARY 17, 2011

REFERRED TO COMMITTEE ON GAME AND FISHERIES, FEBRUARY 17, 2011

AN ACT

1 Providing for limitations on certain shooting ranges, for
2 suspension of operation of shooting ranges and for powers and
3 duties of Department of Conservation and Natural Resources.

4 The General Assembly finds and declares that:

5 (1) Section 21 of Article I of the Constitution of
6 Pennsylvania and the second amendment to the Constitution of
7 the United States recognize a fundamental right to keep and
8 bear arms.

9 (2) Citizens are entitled to properly use such arms, in
10 addition to other shooting implements, at shooting ranges
11 located on Commonwealth property in accordance with relevant
12 Commonwealth law.

13 (3) Shooting ranges on Commonwealth property should be
14 encouraged to adopt management practices and create physical
15 structures to ensure their safe operation.

16 (4) Shooting ranges on Commonwealth property should not

1 be unduly burdened or suffer undue delays regarding operation
2 of the range for the enjoyment of shooting sports.

3 (5) Shooting ranges on Commonwealth property should not
4 be utilized for purposes inconsistent with shooting sports.

5 (6) It is, therefore, in the best interest of this
6 Commonwealth to promote shooting sports, consistent with good
7 management practices and safe operation, at shooting ranges
8 located on Commonwealth property.

9 The General Assembly of the Commonwealth of Pennsylvania
10 hereby enacts as follows:

11 Section 1. Short title.

12 This act shall be known and may be cited as the Shooting
13 Range Protection Act.

14 Section 2. Definitions.

15 The following words and phrases when used in this act shall
16 have the meanings given to them in this section unless the
17 context clearly indicates otherwise:

18 "Department." The Department of Conservation and Natural
19 Resources of the Commonwealth.

20 "Shooting range." A hunting club, rifle club, rifle range,
21 shotgun range, pistol range or other firing range on property
22 owned or controlled by the Department of Conservation and
23 Natural Resources and that was in operation as of January 1,
24 2003, by:

25 (1) A nonprofit corporation or similar entity.

26 (2) The Commonwealth or an agency of the Commonwealth.

27 (3) A political subdivision or an agency of a political
28 subdivision.

29 Section 3. Protection for shooting ranges.

30 The department may not:

1 (1) Transfer or utilize a shooting range for any purpose
2 other than a shooting range.

3 (2) Suspend the normal and accepted shooting activity on
4 any shooting range except as provided in section 4.

5 Section 4. Suspension of operation of shooting ranges.

6 (a) General rule.--The department may suspend the normal and
7 accepted shooting activity on a shooting range to the extent
8 necessary to improve or modify the physical characteristics of
9 the shooting range in order to properly protect and ensure the
10 health, safety and welfare of the residents of the surrounding
11 area and the local environment.

12 (b) Limitation.--Except as provided in subsection (c), no
13 suspension under subsection (a) shall last for more than six
14 months from the date the suspension is imposed by the
15 department, including a suspension which commenced prior to the
16 effective date of this section, and no more than one suspension
17 may be imposed in any ten-year period.

18 (c) Court order.--

19 (1) In order to impose a suspension of the normal and
20 accepted shooting activities on a shooting range for a period
21 greater than six months, or to impose more than one period of
22 suspension in any ten-year period, the department must
23 petition the court of common pleas in the county where the
24 shooting range is located for an order authorizing the
25 suspension for the minimum period necessary to achieve the
26 purposes of the suspension.

27 (2) The court may not grant a suspension order unless
28 the department demonstrates, by clear and convincing
29 evidence, that both:

30 (i) the requested suspension is necessary for the

1 health, safety and welfare of the residents of the
2 surrounding area or the local environment; and

3 (ii) the terms of the requested suspension are
4 narrowly tailored to achieve that goal.

5 (d) Notice and standing.--

6 (1) Except for a shooting range operated by the
7 department, notice of a petition filed under subsection (c)
8 shall be provided to any entity, public or private, operating
9 the shooting range.

10 (2) An entity operating a shooting range may, at its
11 option, be a party to the proceeding under subsection (a).

12 Section 5. Effective date.

13 This act shall take effect immediately.