

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 714 Session of  
2011

INTRODUCED BY WOZNIAK, ALLOWAY, D. WHITE, RAFFERTY AND FONTANA,  
FEBRUARY 28, 2011

REFERRED TO ENVIRONMENTAL RESOURCES AND ENERGY, FEBRUARY 28,  
2011

AN ACT

1 Protecting and managing sport shooting clubs and firing ranges  
2 in this Commonwealth.

3 The General Assembly of the Commonwealth of Pennsylvania  
4 hereby enacts as follows:

5 Section 1. Short title.

6 This act shall be known and may be cited as the Freedom to  
7 Shoot Act.

8 Section 2. Legislative findings.

9 (a) Findings.--The General Assembly finds that:

10 (1) Sport shooting and training ranges are widely used  
11 and enjoyed by the residents of this Commonwealth and are a  
12 necessary component of the guarantees of the Second Amendment  
13 to the United States Constitution and the Constitution of  
14 Pennsylvania.

15 (2) Projectiles and targets are integral to sport  
16 shooting and training range activity and to the ownership and  
17 use of privately owned firearms.

1           (3) Over years of operation, projectiles and targets  
2 have accumulated in the environment at many existing ranges.  
3 Whether this accumulation has caused or will cause  
4 degradation of the environment or harm to human health  
5 depends on factors that are situational. Therefore, sport  
6 shooting and training ranges must be allowed flexibility to  
7 apply appropriate environmental management practices at  
8 ranges. The use of environmental management practices can be  
9 implemented to avoid or reduce any potential for adverse  
10 environmental impact or harm to human health.

11           (4) Environmental management practices to maintain or  
12 improve the condition of sport shooting and training ranges  
13 is evolving and will continue to evolve.

14           (5) Unnecessary litigation and unnecessary and  
15 burdensome regulation by governmental agencies of sport  
16 shooting and training ranges impair the ability of residents  
17 of this Commonwealth to ensure training in the safe handling  
18 of firearms and to enjoy the recreational opportunities  
19 ranges provide. The cost of defending these actions is  
20 prohibitive and threatens to curtail and destroy the sport  
21 shooting and training range industry.

22           (6) The elimination of sport shooting ranges and  
23 training facilities will unnecessarily impair the ability of  
24 residents of this Commonwealth to exercise and practice their  
25 Constitutional guarantees under the Second Amendment to the  
26 United States Constitution and the Constitution of  
27 Pennsylvania.

28           (7) This act does not apply to private parties or guests  
29 of said private parties performing recreational sport  
30 shooting or firearms training on private, leased or rented

1 parcels where that activity has been approved by the owner of  
2 said property.

3 (b) Intentions.--The General Assembly intends to protect  
4 public and private sport shooting and training range owners,  
5 operators, users, employees, agents, contractors, customers,  
6 lenders, insurers and concessionaires from lawsuits and other  
7 legal actions by the Commonwealth, political subdivisions or  
8 private parties relating to and in order to promote maximum  
9 flexibility for effective implementation of environmental  
10 management practices. It is also the intent of the General  
11 Assembly that any action by any agency of the Commonwealth or  
12 private party relating to normal operating circumstances and  
13 while adhering to approved best management practices in effect  
14 at the time of the implementation of this act be reversed  
15 immediately and any expenses incurred by the shooting facility  
16 or organization be refunded by the agency or private party  
17 causing the facility or organization to incur these expenses.

18 (c) Establishment.--The General Assembly will assist the  
19 Game Commission in establishing a Range Clean-up Trust Fund  
20 within its operating budget which will be augmented with  
21 proceeds gained from the reclamation operations performed by the  
22 Game Commission on training ranges and sport shooting facilities  
23 choosing to relinquish any reclamation operations and assumed  
24 revenue deemed necessary by the task force.

25 Section 3. Definitions.

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

29 "Commission." The Pennsylvania Game Commission.

30 "Director." The executive director of the commission.

1 "Projectile." Any component of ammunition that is propelled  
2 from a handgun, shotgun, rifle or any variation of firearm which  
3 is legal for use within this Commonwealth.

4 "Sport shooting." All forms of target shooting with rifles,  
5 shotguns or handguns or any other firearm that is not illegal  
6 for use within this Commonwealth as well as training and  
7 education in the use of said firearms.

8 "Standard." The best management practices for lead at  
9 outdoor shooting ranges, established by the Environmental  
10 Protection Agency, or:

11 (1) ITRC (Interstate Technology Regulatory Cooperative)  
12 rules and regulations; or

13 (2) environmental stewardship plans established by the  
14 particular facility by a certified lead management  
15 professional.

16 "Task force." The Task Force for Protection and Management  
17 of Sport Shooting and Training Ranges established in section 4.

18 "Training range." Any parcel of real estate or portion  
19 thereof that is used in whole or in part for any form of sport  
20 shooting or training or education in the use of firearms.

21 Section 4. Task force.

22 (a) Establishment.--The Task Force for Protection and  
23 Management of Sport Shooting and Training Ranges is established.

24 (b) Membership.--The task force will consist of the  
25 following:

26 (1) The Secretary of Conservation and Natural Resources  
27 or a designee.

28 (2) The Secretary of Environmental Protection or a  
29 designee.

30 (3) A delegate of the Pennsylvania Amateur Trapshooting

1 Association.

2 (4) A delegate of the Pennsylvania Skeet Shooting  
3 Association.

4 (5) A delegate of the Pennsylvania Sporting Clays  
5 Association.

6 (6) A representative of the Pennsylvania Rifle and  
7 Pistol Association.

8 (7) A representative of the Pennsylvania Muzzle Loading  
9 Rifle Association.

10 (8) A representative of the National Rifle Association.

11 (9) A representative from the Pennsylvania Federation of  
12 Sportsmen's clubs.

13 (10) A representative at large from an organized sport  
14 shooting club or facility.

15 (11) A representative at large from the general sport  
16 shooting community.

17 (12) The director.

18 (c) Organization.--

19 (1) The director shall serve as chair.

20 (2) Seven members shall constitute a quorum.

21 (3) Meetings will be held as required at the discretion  
22 of the director.

23 (4) Members' meeting expenses will be borne by the  
24 director.

25 (d) Functions.--The task force has the following functions:

26 (1) To study lead management and reclamation at firing  
27 ranges.

28 (2) To ensure that the best management practices under  
29 section 3 or the provisions of subparagraph (i) or (ii) are  
30 implemented, including those pertaining to projectiles and

1 targets.

2 (i) The task force shall develop a training and  
3 notification program to assist sport shooting facilities  
4 and training ranges to identify, develop and implement  
5 best management practices for their particular facility.

6 (ii) The task force shall develop an inventory of  
7 sport shooting facilities and training ranges by inquiry  
8 of the public members of the task force and sportsmen's  
9 associations within this Commonwealth.

10 (3) Determine and establish qualifications for lead  
11 management and reclamation professionals.

12 Section 5. Implementation.

13 (a) Environmental management.--No later than January 1,  
14 2012, sport shooting and training range owners, operators,  
15 tenants and occupants shall initiate environmental management or  
16 stewardship plans with implementation of situation-appropriate  
17 environmental practices including projectiles and targets.

18 (b) Site analysis.--If any contamination is suspected or  
19 identified by any owner, operator, tenant or occupant of a sport  
20 shooting or training range, the owner, operator, tenant or  
21 occupant may request the task force to perform a site analysis  
22 or assessment including, but not limited to, assistance in  
23 preparing a plan to confirm the presence or absence of any  
24 suspected contamination. Any costs incurred for risk analysis,  
25 environmental impact analysis or site-specific environmental  
26 stewardship plans will be borne by the commission.

27 (c) Contamination.--If contamination is suspected or  
28 identified by a third-party complaint or by adjacent property  
29 sampling events, the task force shall give 60 days' notice to  
30 the sport shooting or training range facility of the task

force's intent to enter upon the site for the purpose of investigating potential sources of contamination. The task force may assist with or perform a contamination assessment including, but not limited to, assistance with preparing and implementing a plan to confirm the absence or presence of any contamination. The cost of an assessment shall be borne by the complaining party. If the task force confirms contamination, principles of risk-based corrective action pursuant to ITRC best management practices will be implemented immediately with the intent to:

(1) correct the situation; and

(2) insure that the sport shooting or training range facility will continue to be operated within its original intent.

#### Section 6. Protection.

Notwithstanding any other provision of law, any public or private owner, operator, employee, agent, contractor, customer, lender, insurer or user of any sport shooting or training range located in this Commonwealth shall have immunity from lawsuits and other legal actions brought by the Commonwealth or any of its agencies, nongovernmental entities or units of local government for any claim associated with the use, release, placement, deposition or accumulation of any projectile or target in the environment on or under that sport shooting or training range or any property over which the range has an easement, leasehold or other legal right of use, if the sport shooting or training range owner or operator has made a good faith effort to comply with section 5(a).

#### Section 7. Withdrawal of claims and recovery of expenses and attorney fees.

(a) Claims.--Within 90 days after the effective date of this

1 act, all claims by the Commonwealth and any agencies and units  
2 of local government against sport shooting or training ranges,  
3 including projectiles and targets pending within any agency or  
4 before any court of law, shall be withdrawn.

5 (b) Leases.--Leases or rental agreements held by any sport  
6 shooting facility or training range having operated on any  
7 property leased or rented from any agency of the Commonwealth  
8 shall be immediately reinstated.

9 (c) Reimbursement.--Within 90 days of the effective date of  
10 this act, any and all expenses committed or spent by any sport  
11 shooting or training range facility that has been operating on  
12 any real property within this Commonwealth including, but not  
13 limited to, ownership by Commonwealth, county or municipal  
14 government or private property, in response to closure forced by  
15 any Commonwealth, county or municipal agency within this  
16 Commonwealth prior to the effective date of this act, will be  
17 reimbursed to the sport shooting or training range facility by  
18 the Commonwealth, county or municipal agency effecting the  
19 closure of said facility. The termination of such cases shall  
20 have no effect on the defendant's cause of action for damages,  
21 attorney fees and expenses.

22 (d) Recovery of expenses.--In any action filed in violation  
23 of this act after the effective date of this act, the defendant  
24 shall recover all expenses resulting from such action by the  
25 governmental body or entity bringing such unlawful action.

26 Section 8. Penalties.

27 Any official, agent or employee of a Commonwealth agency or a  
28 unit of local government while he or she was acting in his or  
29 her official capacity and within the scope of his or her  
30 official employment or office, who intentionally and maliciously



violates the provisions of this act or is party to bringing an action in violation of this act, commits a misdemeanor of the third degree.

#### Section 9. Zoning.

Notwithstanding any provision of State or municipal law or ordinance, after the effective date of this act, no action shall be taken by a county or municipality to zone or rezone any real property on which there is then located a sport shooting or training range if the zoning or rezoning would cause the elimination of or the cessation of the operation of that sport shooting or training range, unless the owner of the real property on which the sport shooting or training range is located petitions for or consents to the zoning or rezoning.

#### Section 10. Preemption.

Except as expressly provided by law, the General Assembly hereby declares that it is occupying the full field of regulation of firearms and ammunition use at sport shooting or training ranges, including the environmental effects of projectile deposition at sport shooting or training ranges.

#### Section 11. Other laws.

The provisions of this act supersede any conflicting provisions of any other acts of this Commonwealth.

#### Section 12. Construction.

This act shall be liberally construed to effectuate its remedial and deterrent purposes.

#### Section 13. Effective date.

This act shall take effect in 60 days.