
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 659 Session of
2013

INTRODUCED BY WOZNIAK, ALLOWAY, WHITE, RAFFERTY AND WASHINGTON,
MARCH 13, 2013

REFERRED TO ENVIRONMENTAL RESOURCES AND ENERGY, MARCH 13, 2013

AN ACT

1 Protecting and managing sport shooting clubs and firing ranges
2 in this Commonwealth; establishing the Range Clean-up Trust
3 Fund and the Task Force for the Protection and Management of
4 Sport Shooting and Training Ranges; and providing for limited
5 immunity for sport shooting and training ranges.

6 The General Assembly of the Commonwealth of Pennsylvania
7 hereby enacts as follows:

8 Section 1. Short title.

9 This act shall be known and may be cited as the Freedom to
10 Shoot Act.

11 Section 2. Legislative findings.

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

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

18 (2) Projectiles and targets are integral to sport
19 shooting and training range activity and to the ownership and

1 use of privately owned firearms.

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

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

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

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

29 (b) Applicability.--This act does not apply to private
30 parties or guests of private parties performing recreational

1 sport shooting or firearms training on private, leased or rented
2 parcels where that activity has been approved by the owner of
3 the property.

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

19 Section 3. Definitions.

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

23 "Commission." The Pennsylvania Game Commission.

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

25 "Projectile." A component of ammunition that is propelled
26 from a handgun, shotgun, rifle or any variation of firearm that
27 is legal for use within this Commonwealth.

28 "Sport shooting." All forms of target shooting with rifles,
29 shotguns or handguns or any other firearm that is not illegal
30 for use within this Commonwealth as well as training and

1 education in the use of said firearms.

2 "Sport shooting and training range." Any parcel of real
3 estate or portion thereof that is used in whole or in part for
4 any form of sport shooting or training or education in the use
5 of firearms.

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

9 (1) ITRC (Interstate Technology Regulatory Cooperative)
10 rules and regulations; or

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

14 "Task force." The Task Force for Protection and Management
15 of Sport Shooting and Training Ranges established in section 5.
16 Section 4. Range Clean-up Trust Fund.

17 The Range Clean-up Trust Fund is established within the
18 General Fund and shall be administered by the commission. The
19 fund shall include the proceeds of reclamation operations
20 performed by the commission on training ranges and sport
21 shooting facilities choosing to relinquish any reclamation
22 operations. The fund shall be used for the operation of the task
23 force.

24 Section 5. Task force.

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

27 (b) Membership.--The task force shall consist of the
28 following members:

29 (1) The Secretary of Conservation and Natural Resources
30 or a designee.

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

3 (3) A delegate of the Pennsylvania Amateur Trapshooting
4 Association.

5 (4) A delegate of the Pennsylvania Skeet Shooting
6 Association.

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

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

11 (7) A representative of the Pennsylvania Muzzle Loading
12 Rifle Association.

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

14 (9) A representative from the Pennsylvania Federation of
15 Sportsmen's clubs.

16 (10) A representative from an organized sport shooting
17 club or facility.

18 (11) A representative from the general sport shooting
19 community.

20 (12) The director.

21 (c) Organization.--The director shall serve as the
22 chairperson of the task force. Seven members of the task force
23 shall constitute a quorum. Meetings of the task force shall be
24 held as required at the discretion of the director.

25 (d) Expenses.--Members' reasonable meeting expenses shall be
26 borne by the commission.

27 (e) Powers and duties.--The task force shall have the
28 following powers and duties:

29 (1) To study lead management and reclamation at firing
30 ranges.

1 (2) Determine and establish qualifications for lead
2 management and reclamation professionals.

3 (3) To ensure that the best management practices for
4 sport shooting ranges are implemented, including those
5 pertaining to projectiles and targets. The task force shall
6 develop a training and notification program to assist sport
7 shooting facilities and training ranges to identify, develop
8 and implement best management practices for their particular
9 facility.

10 (4) To develop an inventory of sport shooting facilities
11 and training ranges by inquiry of the public members of the
12 task force and sportsmen's associations within this
13 Commonwealth.

14 Section 6. Implementation.

15 (a) Environmental management.--Not later than January 1,
16 2014, sport shooting and training range owners, operators,
17 tenants and occupants shall initiate environmental management or
18 stewardship plans with implementation of situation-appropriate
19 environmental practices including projectiles and targets.

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

29 (c) Contamination.--If contamination is suspected or
30 identified by a third-party complaint or by adjacent property

1 sampling events, the task force shall give 60 days' notice to
2 the sport shooting or training range facility of the task
3 force's intent to enter upon the site for the purpose of
4 investigating potential sources of contamination. The task force
5 may assist with or perform a contamination assessment including,
6 but not limited to, assistance with preparing and implementing a
7 plan to confirm the absence or presence of any contamination.
8 The cost of an assessment shall be borne by the complaining
9 party. If the task force confirms contamination, principles of
10 risk-based corrective action pursuant to ITRC best management
11 practices shall be implemented immediately with the intent to:

- 12 (1) correct the situation; and
- 13 (2) insure that the sport shooting or training range
14 facility will continue to be operated within its original
15 intent.

16 Section 7. Limited immunity.

17 Notwithstanding any other provision of law, a public or
18 private owner, operator, employee, agent, contractor, customer,
19 lender, insurer or user of any sport shooting or training range
20 located in this Commonwealth shall have immunity from lawsuits
21 and other legal actions brought by the Commonwealth or any of
22 its agencies, nongovernmental entities or units of local
23 government for any claim associated with the use, release,
24 placement, deposition or accumulation of any projectile or
25 target in the environment on or under that sport shooting or
26 training range or any property over which the range has an
27 easement, leasehold or other legal right of use, if the sport
28 shooting or training range owner or operator has made a good
29 faith effort to comply with section 6(a).

30 Section 8. Withdrawal of claims and recovery of expenses and

1 attorney fees.

2 (a) Claims.--Within 90 days after the effective date of this
3 act, all claims by the Commonwealth and any agencies and units
4 of local government against sport shooting or training ranges,
5 including projectiles and targets, pending within any agency or
6 before any court of law shall be withdrawn. The termination of
7 the cases shall have no effect on the defendant's cause of
8 action for damages, attorney fees and expenses.

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

13 (c) Reimbursement.--Within 90 days of the effective date of
14 this act, the expenses of any sport shooting or training range
15 facility that has been operating on any real property within
16 this Commonwealth, including, but not limited to, Commonwealth,
17 county or municipal government or private property, in response
18 to closure forced by a Commonwealth, county or municipal agency
19 within this Commonwealth prior to the effective date of this
20 act, will be reimbursed to the sport shooting or training range
21 facility by the Commonwealth, county or municipal agency
22 effecting the closure of the facility.

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

27 Section 9. Penalties.

28 Any official, agent or employee of a Commonwealth agency or a
29 unit of local government who intentionally and maliciously
30 violates the provisions of this act or is party to bringing an

1 action in violation of this act, while acting in an official
2 capacity and within the scope of official employment or office,
3 commits a misdemeanor of the third degree.

4 Section 10. Zoning.

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

14 Section 11. Preemption.

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

20 Section 12. Construction.

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

23 Section 13. Inconsistent repeal.

24 All acts and parts of acts are repealed insofar as they are
25 inconsistent with this act.

26 Section 14. Effective date.

27 This act shall take effect in 60 days.