



Sen. William R. Haine

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10000SB0571sam001

LRB100 04840 HEP 28118 a

1 AMENDMENT TO SENATE BILL 571

2 AMENDMENT NO. _____. Amend Senate Bill 571 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Premises Liability Act is amended by
5 changing Section 5 as follows:

6 (740 ILCS 130/5)

7 Sec. 5. Firearm ranges; liability.

8 (a) As used in this Section, "firearm range" means a rifle,
9 pistol, silhouette, skeet, trap, black powder, or other similar
10 range in this State used for discharging firearms in a sporting
11 event, for practice or instruction in the use of a firearm, or
12 for the testing of a firearm. "Firearm range" also includes
13 licensed shooting preserves and public hunting areas operated
14 or licensed by the Department of Natural Resources.

15 (b) An owner or operator of a firearm range in existence on
16 January 1, 1994, is immune from any criminal liability arising

1 out of or as a consequence of noise or sound emissions
2 resulting from the normal use of the firearm range. An owner or
3 operator of a firearm range is not subject to any action for
4 public or private nuisance or trespass and no court in this
5 State shall enjoin the use or operation of a firearm range on
6 the basis of noise or sound emissions resulting from the normal
7 use of the firearm range.

8 (c) Except as provided in subsection (d) of this Section,
9 an ~~An~~ owner or operator of a firearm range placed in operation
10 after January 1, 1994, is immune from any criminal liability
11 and is not subject to any action for public or private nuisance
12 or trespass arising out of or as a consequence of noise or
13 sound emissions resulting from the normal use of the firearm
14 range, if the firearm range conforms to any one of the
15 following requirements:

16 (1) All areas from which a firearm may be properly
17 discharged are at least 1,000 yards from any occupied
18 permanent dwelling on adjacent property.

19 (2) All areas from which a firearm may be properly
20 discharged are enclosed by a permanent building or
21 structure that absorbs or contains sound energy escaping
22 from the muzzle of firearms in use.

23 (3) If the firearm range is situated on land otherwise
24 subject to land use zoning, the firearm range is in
25 compliance with the requirements of the zoning authority.

26 (4) The firearm range is operated by a governmental

1 entity or is licensed by the Department of Natural
2 Resources.

3 (5) The firearm range met the requirements of clause
4 (1) of this subsection (c) at the time the range began its
5 operation and subsequently an occupied permanent dwelling
6 on adjacent property was built within 1,000 yards from an
7 area of the range from which a firearm may be properly
8 discharged.

9 (d) An owner or operator of an indoor firearm range placed
10 in operation after July 9, 2013 is immune from any criminal
11 liability and is not subject to any action for public or
12 private nuisance or trespass arising out of or as a consequence
13 of noise or sound emissions resulting from the normal use of
14 the indoor firearm range if:

15 (1) all areas from which a firearm may be properly
16 discharged are enclosed by a permanent building or
17 structure that absorbs or contains sound energy escaping
18 from the muzzle of firearms in use; and

19 (2) the indoor firearm range conforms to any one of the
20 following requirements:

21 (A) All areas from which a firearm may be properly
22 discharged are at least 1,000 yards from any occupied
23 permanent dwelling on adjacent property.

24 (B) If the indoor firearm range is situated on land
25 otherwise subject to land use zoning, the indoor
26 firearm range is in compliance with the requirements of

1 the zoning authority.

2 (C) The indoor firearm range is operated by a
3 governmental entity or is licensed by the Department of
4 Natural Resources.

5 (D) The indoor firearm range met the requirements
6 of clause (A) of this paragraph (2) at the time the
7 range began its operation and subsequently an occupied
8 permanent dwelling on adjacent property was built
9 within 1,000 yards from an area of the range from which
10 a firearm may be properly discharged.

11 (e) A municipality, State's Attorney, or private party may
12 file an action for injunctive relief seeking the mitigation of
13 sound emissions resulting from the normal use of an indoor
14 firing range against the owner or operator of an indoor firing
15 range that does not meet the conditions of subsection (d) of
16 this Section. If the court grants injunctive relief in an
17 action filed by a private party, the court shall award
18 attorney's fees to the private party plaintiff.

19 (f) The changes made by this amendatory Act of the 100th
20 General Assembly preempt and supersede any previous immunity
21 granted under this Section prior to the effective date of this
22 amendatory Act of the 100th General Assembly, to the extent the
23 previous immunity is inconsistent with the provisions of this
24 amendatory Act of the 100th General Assembly. Any previous
25 immunity that existed under this Section and is inconsistent
26 with this amendatory Act of the 100th General Assembly is void

1 on and after the effective date of this amendatory Act of the
2 100th General Assembly.
3 (Source: P.A. 94-387, eff. 7-29-05.)".