

HB2037



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB2037

Introduced 2/18/2009, by Rep. Michael J. Madigan - Barbara Flynn Currie - John A. Fritchey

SYNOPSIS AS INTRODUCED:

740 ILCS 130/5

Amends the Premises Liability Act. Makes a technical change in a Section concerning firearm ranges.

LRB096 05510 AJO 15576 b

A BILL FOR

1 AN ACT concerning civil law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

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 ~~the~~ use of a firearm,
12 or 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
17 out of or as a consequence of noise or sound emissions
18 resulting from the normal use of the firearm range. An owner or
19 operator of a firearm range is not subject to any action for
20 public or private nuisance or trespass and no court in this
21 State shall enjoin the use or operation of a firearm range on
22 the basis of noise or sound emissions resulting from the normal
23 use of the firearm range.

1 (c) An owner or operator of a firearm range placed in
2 operation after January 1, 1994, is immune from any criminal
3 liability and is not subject to any action for public or
4 private nuisance or trespass arising out of or as a consequence
5 of noise or sound emissions resulting from the normal use of
6 the firearm range, if the firearm range conforms to any one of
7 the following requirements:

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

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

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

18 (4) The firearm range is operated by a governmental
19 entity or is licensed by the Department of Natural
20 Resources.

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

1 (Source: P.A. 94-387, eff. 7-29-05.)