

State of South Dakota

EIGHTY-EIGHTH SESSION
LEGISLATIVE ASSEMBLY, 2013

529U0657

SENATE COMMERCE AND ENERGY ENGROSSED NO. **HB 1234** - 02/26/2013

Introduced by: Representatives Ecklund, Bolin, Hansen, Heinemann (Leslie), Hickey, Kopp, Latterell, Miller, Olson (Betty), Rozum, Stalzer, Tulson, and Westra and Senators Rave, Krebs, and Tieszen

1 FOR AN ACT ENTITLED, An Act to provide a limited exception to the provisions that exempt
2 sport shooting ranges from the public nuisance laws.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 21-10-28 be amended to read as follows:

5 21-10-28. The use or operation of a sport shooting range may not be enjoined as a nuisance
6 if the range is in compliance with those statutes, regulations, and ordinances that applied to the
7 range and its operation at the time when the initial operation of the range commenced. The use
8 or operation of a sport shooting range may not be enjoined as a nuisance due to any subsequent
9 change in any ~~statute~~, local regulation; or ordinance pertaining to the normal operation and use
10 of sport shooting ranges. However, if the usage or design of the range results in a significant
11 threat to human life or private habitations, a nuisance is constituted and an injunction may
12 prescribe appropriate relief.

13 Section 2. That chapter 21-10 be amended by adding thereto a NEW SECTION to read as
14 follows:



1 As used in section 1 of this Act, a significant threat to human life or private habitations
2 exists, if shots or ricochets from a sport shooting range not infrequently strike or pass over
3 private property which is frequented by persons or where a private habitation exists. A
4 significant threat to human life or private habitations continues to exist unless or until shooting
5 protocols are altered and enforced or the shooting range is redesigned so that shots or ricochets
6 no longer strike or pass over private property as described in this section.

7 Section 3. That § 21-10-33 be amended to read as follows:

8 21-10-33. For the purposes of §§ 21-10-28 to 21-10-34, inclusive, a sport shooting range is
9 an area designed and operated for the use of rifles, shotguns, or pistols as a means of silhouette,
10 skeet, trap, black powder, or other sport shooting. A sport shooting range includes any shooting
11 range located on public or private land or operated by a private entity or by a public entity, and
12 includes a law enforcement shooting range.

13 Section 4. Whereas, this Act is necessary for the immediate preservation of the public peace,
14 health, or safety, an emergency is hereby declared to exist, and this Act shall be in full force and
15 effect from and after its passage and approval.