

State of South Dakota

EIGHTY-EIGHTH SESSION
LEGISLATIVE ASSEMBLY, 2013

529U0657

HOUSE BILL NO. 1234

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 § 21-10-29 be amended to read as follows:

14 21-10-29. The use or operation of a sport shooting range may not be enjoined as a nuisance



1 by a person who acquires title to real property adversely affected by the normal operation and
2 use of a sport shooting range which commenced operation prior to the time the person acquired
3 title except as provided in section 1 of this Act.

4 Section 3. That chapter 21-10 be amended by adding thereto a NEW SECTION to read as
5 follows:

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