



# California

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### AB-3071 Lead ammunition: shooting ranges. (2019-2020)

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CALIFORNIA LEGISLATURE— 2019–2020 REGULAR SESSION

## ASSEMBLY BILL

## NO. 3071

Introduced by Assembly Member Mullin  
(Coauthor: Senator Wieckowski)

February 21, 2020

An act to add Section 30313 to the Penal Code, relating to ammunition.

### LEGISLATIVE COUNSEL'S DIGEST

AB 3071, as introduced, Mullin. Lead ammunition: shooting ranges.

Existing law requires the sale of ammunition to be conducted by or processed through a licensed ammunition vendor. Existing law also requires the use of nonlead ammunition when taking big game mammals, nongame birds, or nongame mammals within the California condor range. Existing law requires the Fish and Game Commission to maintain, by regulation, a public process to certify ammunition as nonlead ammunition and to establish and annually update a list of certified nonlead ammunition.

This bill would prohibit a sport shooting range or an indoor shooting range, as defined, from selling or giving away ammunition unless that ammunition is certified as nonlead ammunition by the commission. The bill would also prohibit patrons or employees of a sport shooting range or an indoor shooting range from firing ammunition unless it is nonlead certified and would require a sport shooting range and an indoor shooting range to post a specified sign to that effect.

Vote: majority Appropriation: no Fiscal Committee: no Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

**SECTION 1.** The Legislature finds and declares all of the following:

(a) Fifty years of research has shown that the presence of lead in the environment poses an ongoing threat to the health of the general public, whether at the workplace, the home, or in recreational endeavors.

(b) The United States Environmental Protection Agency defines lead as toxic to both humans and animals. Lead can affect almost every organ and system in the human body, including the heart, bones, intestines, kidneys, and reproductive and nervous systems. It interferes with the development of the nervous system and is therefore particularly toxic to children, causing potentially permanent learning and behavior disorders.

(c) Lead is a potent neurotoxin, for which no safe exposure level exists for humans. The use of lead has been outlawed in and removed from paint, gasoline, children's toys, and many other items to protect human health and wildlife.

(d) In order to limit wildlife exposure to lead ammunition, California banned the use of lead ammunition for hunting in AB 711 (Chapter 742 of the Statutes of 2013), which was fully implemented on July 1, 2019.

(e) Ammunition that does not contain lead is readily available. Studies have shown that nonlead ammunition performs as well as, or better than, lead ammunition.

(f) A shooting range, especially an indoor shooting range, is a location that is a high-risk area for exposure to toxic lead. There are multiple documented examples of employees, patrons, and people in adjoining properties being exposed to lead dust from shooting ranges.

(g) Lead is spread through the vapor when a gun is fired and by the dust that comes off the bullet when it is fired. While some ranges have filters and other devices to remediate the lead dust, containment of lead dust in shooting ranges varies considerably between facilities. The only means to ensure that there will not be exposure to those inside and outside of the range is to stop using lead ammunition.

**SEC. 2.** Section 30313 is added to the Penal Code, to read:

**30313.** (a) A sport shooting range or indoor shooting range, as defined in Section 3482.1 of the Civil Code, shall not sell or give away ammunition unless that ammunition is certified as nonlead ammunition pursuant to Section 3004.5 of the Fish and Game Code.

(b) Only nonlead ammunition may be fired by patrons or employees within a sport shooting range or indoor shooting range.

(c) A sport shooting range or indoor shooting range shall conspicuously display, in a place where it can be seen by employees and patrons, a notice that reads, "The use of lead ammunition is prohibited in this facility."



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(a) As used in this section:

- (1) "Person" means an individual, proprietorship, partnership, corporation, club, or other legal entity.
- (2) "Sport shooting range" or "range" means an area designed and operated for the use of rifles, shotguns, pistols, silhouettes, skeet, trap, black powder, or any other similar sport or law enforcement training purpose.
- (3) "Indoor shooting range" means a totally enclosed facility designed to offer a totally controlled shooting environment that includes impenetrable walls, floor and ceiling, adequate ventilation and lighting systems, and acoustical treatment for sound attenuation suitable for the range's approved use.
- (4) "Nighttime" means between the hours of 10 p.m. and 7 a.m.

(b)(1) Except as provided in subdivision (f), a person who operates or uses a sport shooting range in this state shall not be subject to civil liability or criminal prosecution in any matter relating to noise or noise pollution resulting from the operation or use of the range if the range is in compliance with any noise control laws or ordinances that applied to the range and its operation at the time construction or operation of the range was approved by a local public entity having jurisdiction in the matter, or if there were no such laws or ordinances that applied to the range and its operation at that time.

(2) Except as provided in subdivision (f), a person who operates or uses a sport shooting range or law enforcement training range is not subject to an action for nuisance, and a court shall not enjoin the use or operation of a range, on the basis of noise or noise pollution if the range is in compliance with any noise control laws or ordinances that applied to the range and its operation at the time construction or operation of the range was approved by a local public entity having jurisdiction in the matter, or if there were no such laws or ordinances that applied to the range and its operation at that time.



(3) Rules or regulations adopted by any state department or agency for limiting levels of noise in terms of decibel level which may occur in the outdoor atmosphere shall not apply to a sport shooting range exempted from liability under this section.

(c) A person who acquires title to or who owns real property adversely affected by the use of property with a permanently located and improved sport shooting range may not maintain a nuisance action with respect to noise or noise pollution against the person who owns the range to restrain, enjoin, or impede the use of the range where there has been no substantial change in the nature or use of the range. This section does not prohibit actions for negligence or recklessness in the operation of the range or by a person using the range.

(d) A sport shooting range that is in operation and not in violation of existing law at the time of the enactment of an ordinance described in subdivision (b) shall be permitted to continue in operation even if the operation of the sport shooting range at a later date does not conform to a new ordinance or an amendment to an existing ordinance if there has been no substantial change in the nature or use of the range. Nothing in this section shall be construed to limit the authority of a local agency to enforce any term of a conditional use permit.

(e) Except as otherwise provided in this section, this section does not prohibit a local public entity having jurisdiction in the matter from regulating the location and construction of a sport shooting range after the effective date of this section.

(f) This section does not prohibit a local public entity having jurisdiction in the matter from requiring that noise levels at the nearest residential property line to a range not exceed the level of normal city street noise which shall not be more than 60 decibels for nighttime shooting. The subdivision does not abrogate any existing local standards for nighttime shooting. The operator of a sport shooting range shall not unreasonably refuse to use trees, shrubs, or barriers, when appropriate, to mitigate the noise generated by nighttime shooting. For the purpose of this section, a reasonable effort to mitigate is an action that can be accomplished in a manner and at a cost that does not impose an unreasonable financial burden upon the operator of the range.

(g) This section does not apply to indoor shooting ranges.

(h) This section does not apply to a range in existence prior to January 1, 1998, that is operated for law enforcement training purposes by a county of the sixth class if the range is located without the boundaries of that county and within the boundaries of another county. This subdivision shall become operative on July 1, 1999.

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