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HOUSE BILL NO. 2658

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee for Militia and Police
on February 3, 2001)

(Patron Prior to Substitute—Delegate Ware)

A BILL to amend and reenact § 18.2-308 of the Code of Virginia, relating to carrying a concealed handgun while under the influence of alcohol or drugs, informed consent, and carrying a concealed handgun into a restaurant deemed a common nuisance; penalty.

Be it enacted by the General Assembly of Virginia:**1. That § 18.2-308 of the Code of Virginia is amended and reenacted as follows:**

§ 18.2-308. Personal protection; carrying concealed weapons; when lawful to carry.

A. If any person carries about his person, hidden from common observation, (i) any pistol, revolver, or other weapon designed or intended to propel a missile of any kind; (ii) any dirk, bowie knife, switchblade knife, ballistic knife, razor, slingshot, spring stick, metal knucks, or blackjack; (iii) any flailing instrument consisting of two or more rigid parts connected in such a manner as to allow them to swing freely, which may be known as a nun chahka, nun chuck, nunchaku, shuriken, or fighting chain; (iv) any disc, of whatever configuration, having at least two points or pointed blades which is designed to be thrown or propelled and which may be known as a throwing star or oriental dart; or (v) any weapon of like kind as those enumerated in this subsection, he shall be guilty of a Class 1 misdemeanor. A second violation of this section or a conviction under this section subsequent to any conviction under any substantially similar ordinance of any county, city, or town shall be punishable as a Class 6 felony, and a third or subsequent such violation shall be punishable as a Class 5 felony. Any weapon used in the commission of a violation of this section shall be forfeited to the Commonwealth and may be seized by an officer as forfeited, and such as may be needed for police officers, conservators of the peace, and the Division of Forensic Science shall be devoted to that purpose, subject to any registration requirements of federal law, and the remainder shall be disposed of as provided in § 18.2-310. For the purpose of this section, a weapon shall be deemed to be hidden from common observation when it is observable but is of such deceptive appearance as to disguise the weapon's true nature.

B. This section shall not apply to any person while in his own place of abode or the curtilage thereof.

Except as provided in subsection J1, this section shall not apply to:

1. Any person while in his own place of business;
2. Any police officers, including Capitol Police officers, sergeants, sheriffs, deputy sheriffs or regular game wardens appointed pursuant to Chapter 2 (§ 29.1-200 et seq.) of Title 29.1;
3. Any regularly enrolled member of a target shooting organization who is at, or going to or from, an established shooting range, provided that the weapons are unloaded and securely wrapped while being transported;
4. Any regularly enrolled member of a weapons collecting organization who is at, or going to or from, a bona fide weapons exhibition, provided that the weapons are unloaded and securely wrapped while being transported;
5. Any person carrying such weapons between his place of abode and a place of purchase or repair, provided the weapons are unloaded and securely wrapped while being transported;
6. Campus police officers appointed pursuant to Chapter 17 (§ 23-232 et seq.) of Title 23;
7. Any person actually engaged in lawful hunting, as authorized by the Board of Game and Inland Fisheries, under inclement weather conditions necessitating temporary protection of his firearm from those conditions; and
8. Any State Police officer retired from the Department of State Police, any local law-enforcement officer retired from a police department or sheriff's office within the Commonwealth and any special agent retired from the Alcoholic Beverage Control Board (i) with a service-related disability or (ii) following at least fifteen years of service with any such law-enforcement agency, board or any combination thereof, other than a person terminated for cause, provided such officer carries with him written proof of consultation with and favorable review of the need to carry a concealed handgun issued by the chief law-enforcement officer of the last such agency from which the officer retired or, in the case of special agents, issued by the Alcoholic Beverage Control Board. A copy of the proof of consultation and favorable review shall be forwarded by the chief or the Board to the Department of State Police for entry into the Virginia Criminal Information Network. The chief law-enforcement officer shall not without cause withhold such written proof if the retired law-enforcement officer otherwise meets the requirements of this section.

60 For purposes of applying the reciprocity provisions of subsection P, any person granted the privilege
61 to carry a concealed handgun pursuant to this subdivision, while carrying the proof of consultation and
62 favorable review required, shall be deemed to have been issued a concealed handgun permit.

63 C. This section shall also not apply to any of the following individuals while in the discharge of
64 their official duties, or while in transit to or from such duties:

- 65 1. Carriers of the United States mail;
- 66 2. Officers or guards of any state correctional institution;
- 67 3. [Repealed.]

68 4. Conservators of the peace, except that the following conservators of the peace shall not be
69 permitted to carry a concealed handgun without obtaining a permit as provided in subsection D hereof:
70 (a) notaries public; (b) registrars; (c) drivers, operators or other persons in charge of any motor vehicle
71 carrier of passengers for hire; or (d) commissioners in chancery;

72 5. Noncustodial employees of the Department of Corrections designated to carry weapons by the
73 Director of the Department of Corrections pursuant to § 53.1-29;

74 6. Law-enforcement agents of the Armed Forces of the United States and federal agents who are
75 otherwise authorized to carry weapons by federal law while engaged in the performance of their duties;

76 7. Law-enforcement agents of the United States Naval Criminal Investigative Service; and

77 8. Harbormaster of the City of Hopewell.

78 D. Any person twenty-one years of age or older may apply in writing to the clerk of the circuit court
79 of the county or city in which he resides for a five-year permit to carry a concealed handgun.
80 Notwithstanding § 15.2-915, a county or city may enact an ordinance which requires any applicant for a
81 concealed handgun permit to submit to fingerprinting for the purpose of obtaining the applicant's state or
82 national criminal history record. The application shall be made under oath before a notary or other
83 person qualified to take oaths and shall be made only on a form prescribed by the Department of State
84 Police, in consultation with the Supreme Court, requiring only that information necessary to determine
85 eligibility for the permit. The court shall consult with the law-enforcement authorities of the county or
86 city and receive a report from the Central Criminal Records Exchange. As a condition for issuance of a
87 concealed handgun permit, the applicant shall submit to fingerprinting if required by local ordinance in
88 the county or city where the applicant resides and provide personal descriptive information to be
89 forwarded with the fingerprints through the Central Criminal Records Exchange to the Federal Bureau of
90 Investigation for the purpose of obtaining criminal history record information regarding the applicant,
91 and obtaining fingerprint identification information from federal records pursuant to criminal
92 investigations by state and local law-enforcement agencies. Upon completion of the criminal history
93 records check, the State Police shall return the fingerprint cards to the submitting local agency. The
94 local agency shall then promptly notify the person that he has twenty-one days from the date of the
95 notice to request return of the fingerprint cards. All fingerprint cards not claimed by the applicant within
96 twenty-one days of notification by the local agency shall be destroyed. Fingerprints taken for the
97 purposes described in this section shall not be copied, held or used for any other purposes. The court
98 shall issue the permit within forty-five days of receipt of the completed application unless it is
99 determined that the applicant is disqualified. An application is deemed complete when all information
100 required to be furnished by the applicant is delivered to the clerk of court. If the applicant is later found
101 by the court to be disqualified, the permit shall be revoked.

102 E. The following persons shall be deemed disqualified from obtaining a permit:

103 1. An individual who is ineligible to possess a firearm pursuant to §§ 18.2-308.1:1, 18.2-308.1:2 or
104 § 18.2-308.1:3 or the substantially similar law of any other state or of the United States.

105 2. An individual who was ineligible to possess a firearm pursuant to § 18.2-308.1:1 and who was
106 discharged from the custody of the Commissioner pursuant to § 19.2-182.7 less than five years before
107 the date of his application for a concealed handgun permit.

108 3. An individual who was ineligible to possess a firearm pursuant to § 18.2-308.1:2 and whose
109 competency or capacity was restored pursuant to former § 37.1-134.1 or § 37.1-134.16 less than five
110 years before the date of his application for a concealed handgun permit.

111 4. An individual who was ineligible to possess a firearm under § 18.2-308.1:3 and who was released
112 from commitment less than five years before the date of this application for a concealed handgun
113 permit.

114 5. An individual who is subject to a restraining order, or to a protective order and prohibited by
115 § 18.2-308.1:4 from purchasing or transporting a firearm.

116 6. An individual who is prohibited by § 18.2-308.2 from possessing or transporting a firearm, except
117 that a permit may be obtained in accordance with subsection C of that section.

118 7. An individual who has been convicted of two or more misdemeanors within the five-year period
119 immediately preceding the application, if one of the misdemeanors was a Class 1 misdemeanor, but the
120 judge shall have the discretion to deny a permit for two or more misdemeanors that are not Class 1.
121 Traffic infractions or reckless driving shall not be considered for purposes of this disqualification.

122 8. An individual who is addicted to, or is an unlawful user or distributor of, marijuana or any
123 controlled substance.

124 9. An individual who has been convicted of a violation of § 18.2-266 or a substantially similar local
125 ordinance or of public drunkenness within the three-year period immediately preceding the application,
126 or who is a habitual drunkard as determined pursuant to § 4.1-333.

127 10. An alien other than an alien lawfully admitted for permanent residence in the United States.

128 11. An individual who has been discharged from the Armed Forces of the United States under
129 dishonorable conditions.

130 12. An individual who is a fugitive from justice.

131 13. An individual who it is alleged, in a sworn written statement submitted to the court by the
132 sheriff, chief of police or attorney for the Commonwealth in the opinion of such sheriff, chief of police
133 or attorney for the Commonwealth, is likely to use a weapon unlawfully or negligently to endanger
134 others. The statement of the sheriff, chief of police or the attorney for the Commonwealth shall be based
135 upon personal knowledge or upon the sworn written statement of a competent person having personal
136 knowledge.

137 14. An individual who has been convicted of any assault, assault and battery, sexual battery,
138 discharging of a firearm in violation of § 18.2-280 or § 18.2-286.1 or brandishing of a firearm in
139 violation of § 18.2-282 within the three-year period immediately preceding the application.

140 15. An individual who has been convicted of stalking.

141 16. An individual whose previous convictions or adjudications of delinquency were based on an
142 offense which would have been at the time of conviction a felony if committed by an adult under the
143 laws of any state, the District of Columbia, the United States or its territories. For purposes of this
144 disqualifier, only convictions occurring within sixteen years following the later of the date of (i) the
145 conviction or adjudication or (ii) release from any incarceration imposed upon such conviction or
146 adjudication shall be deemed to be "previous convictions."

147 17. An individual who has a felony charge pending or a charge pending for an offense listed in
148 subdivision 14 or 15.

149 18. An individual who has received mental health treatment or substance abuse treatment in a
150 residential setting within five years prior to the date of his application for a concealed handgun permit.

151 19. An individual not otherwise ineligible pursuant to this section, who, within the three-year period
152 immediately preceding the application for the permit, was found guilty of any criminal offense set forth
153 in Article 1 (§ 18.2-247 et seq.) of Chapter 7 of this title or of a criminal offense of illegal possession
154 or distribution of marijuana or any controlled substance, under the laws of any state, the District of
155 Columbia, or the United States or its territories.

156 20. An individual, not otherwise ineligible pursuant to this section, with respect to whom, within the
157 three-year period immediately preceding the application, upon a charge of any criminal offense set forth
158 in Article 1 (§ 18.2-247 et seq.) of Chapter 7 of this title or upon a charge of illegal possession or
159 distribution of marijuana or any controlled substance under the laws of any state, the District of
160 Columbia, or the United States or its territories, the trial court found that the facts of the case were
161 sufficient for a finding of guilt and disposed of the case pursuant to § 18.2-251 or the substantially
162 similar law of any other state, the District of Columbia, or the United States or its territories.

163 F. The making of a materially false statement in an application under this section shall constitute
164 perjury, punishable as provided in § 18.2-434.

165 G. The court may further require proof that the applicant has demonstrated competence with a
166 handgun and the applicant may demonstrate such competence by one of the following:

167 1. Completing any hunter education or hunter safety course approved by the Department of Game
168 and Inland Fisheries or a similar agency of another state;

169 2. Completing any National Rifle Association firearms safety or training course;

170 3. Completing any firearms safety or training course or class available to the general public offered
171 by a law-enforcement agency, junior college, college, or private or public institution or organization or
172 firearms training school utilizing instructors certified by the National Rifle Association or the
173 Department of Criminal Justice Services;

174 4. Completing any law-enforcement firearms safety or training course or class offered for security
175 guards, investigators, special deputies, or any division or subdivision of law enforcement or security
176 enforcement;

177 5. Presenting evidence of equivalent experience with a firearm through participation in organized
178 shooting competition or current military service or proof of an honorable discharge from any branch of
179 the armed services;

180 6. Obtaining or previously having held a license to carry a firearm in this Commonwealth or a
181 locality thereof, unless such license has been revoked for cause;

182 7. Completing any firearms training or safety course or class conducted by a state-certified or

183 National Rifle Association-certified firearms instructor; or

184 8. Completing any other firearms training which the court deems adequate.

185 A photocopy of a certificate of completion of any of the courses or classes; an affidavit from the
186 instructor, school, club, organization, or group that conducted or taught such course or class attesting to
187 the completion of the course or class by the applicant; or a copy of any document which shows
188 completion of the course or class or evidences participation in firearms competition shall constitute
189 evidence of qualification under this subsection.

190 H. The permit to carry a concealed handgun shall specify only the following information: name,
191 address, date of birth, gender, height, weight, color of hair, color of eyes, and signature of the permittee;
192 the signature of the judge issuing the permit, or of the clerk of court who has been authorized to sign
193 such permits by the issuing judge; the date of issuance; and the expiration date. The person issued the
194 permit shall have such permit on his person at all times during which he is carrying a concealed
195 handgun and must display the permit and a photo-identification issued by a government agency of the
196 Commonwealth or by the United States Department of Defense or United States State Department
197 (passport) upon demand by a law-enforcement officer. I. Persons who previously have held a concealed
198 handgun permit shall be issued, upon application as provided in subsection D, a new five-year permit
199 unless there is good cause shown for refusing to reissue a permit. If the circuit court denies the permit,
200 the specific reasons for the denial shall be stated in the order of the court denying the permit. Upon
201 denial of the application, the clerk shall provide the person with notice, in writing, of his right to an ore
202 tenus hearing. Upon request of the applicant made within twenty-one days, the court shall place the
203 matter on the docket for an ore tenus hearing. The applicant may be represented by counsel, but counsel
204 shall not be appointed, and the rules of evidence shall apply. The final order of the court shall include
205 the court's findings of fact and conclusions of law.

206 J. Any person convicted of an offense that would disqualify that person from obtaining a permit
207 under subsection E or who violates subsection F shall forfeit his permit for a concealed handgun to the
208 court. Upon receipt by the Central Criminal Records Exchange of a record of the arrest, conviction or
209 occurrence of any other event which would disqualify a person from obtaining a concealed handgun
210 permit under subsection E, the Central Criminal Records Exchange shall notify the court having issued
211 the permit of such disqualifying arrest, conviction or other event.

212 J1. a. Any person ~~permitted to carry a concealed handgun~~, who, *while carrying a concealed handgun*
213 *in a public place*, is under the influence of alcohol or ~~illegal drugs while carrying such handgun in a~~
214 ~~public place~~, shall be guilty of a Class 1 misdemeanor.

215 *If there was at that time 0.08 percent or more by weight by volume of alcohol in the accused's blood*
216 *or 0.08 grams or more per 210 liters of the accused's breath, it shall be presumed that the accused was*
217 *under the influence of alcohol at the time of the alleged offense.*

218 Conviction of any of the following offenses shall be prima facie evidence, subject to rebuttal, that
219 the person is "under the influence" of alcohol for purposes of this section: manslaughter in violation of
220 § 18.2-36.1, maiming in violation of § 18.2-51.4, driving while intoxicated in violation of § 18.2-266,
221 public intoxication in violation of § 18.2-388, or driving while intoxicated in violation of § 46.2-341.24.

222 Upon ~~such~~ conviction *pursuant to this subdivision* ~~that~~ the court shall revoke and take possession of
223 the person's permit for a concealed handgun and promptly notify the issuing circuit court. A person
224 convicted of a violation of this subsection shall be ineligible to apply for a concealed handgun permit
225 for a period of five years.

226 b. Any person who has a concealed handgun permit issued by the Commonwealth shall be deemed as
227 a condition of obtaining the permit to have consented to have samples of his blood, breath, or both
228 blood and breath taken for a chemical test to determine the alcohol or drug content of his blood upon
229 his arrest for carrying a concealed handgun in a public place while under the influence of alcohol or
230 drugs.

231 Upon arrest and after being advised by the arresting officer that an intoxicated person with a permit
232 to carry, and carrying, a concealed handgun is deemed to have consented to have samples of his blood
233 and breath taken for chemical tests to determine the alcohol or drug content of his blood and that the
234 unreasonable refusal to do so constitutes grounds for revocation of his concealed handgun permit, the
235 arresting officer shall take the person before a committing magistrate. If he refuses after having been
236 further advised by the magistrate of the law on refusal to submit to the tests and again declares his
237 refusal in writing upon a form provided by the Supreme Court or refuses or fails to so declare in
238 writing and such fact is certified, no blood or breath samples shall be taken even though he may later
239 request them.

240 The form shall contain a brief statement of law requiring the taking of blood or breath samples and
241 the penalty for refusal, a declaration of refusal, lines for the signature of the person from whom the
242 blood or breath sample is sought, the date, and the signature of a witness of the same. If the person
243 refuses or fails to execute the declaration, the magistrate shall certify such fact and that the magistrate
244 advised the person that a refusal to permit a blood or breath sample to be taken, if found to be

unreasonable, constitutes grounds for revocation of the person's concealed handgun permit and a civil penalty of not more than \$500.

The magistrate shall promptly issue a warrant or summons charging the person with a violation of this subsection. The warrant or summons for refusal shall be executed in the same manner as a criminal warrant. The declaration of refusal or certificate of the magistrate shall be prima facie evidence that the defendant refused to allow a blood or breath sample to be taken to determine the alcohol or drug content of his blood.

If the court finds beyond a reasonable doubt that the person unreasonably refused to have a blood or breath sample taken, it shall revoke and take possession of the person's concealed handgun permit and promptly notify the issuing circuit court. The person shall be subject to a civil penalty of not more than \$500 and shall be ineligible to hold a concealed handgun permit for a period of five years.

J2. An individual who has a felony charge pending or a charge pending for an offense listed in subdivision E 14 or E 15, holding a permit for a concealed handgun, may have the permit suspended by the court before which such charge is pending or by the court which issued the permit.

J3. No person shall carry a concealed handgun onto the premises of any restaurant or club as defined in § 4.1-100 for which a license to sell and serve alcoholic beverages for on-premises consumption has been granted by the Virginia Alcoholic Beverage Control Board under Title 4.1 of the Code of Virginia; ~~however, nothing~~ that has been found to be a common nuisance as defined herein. The Alcoholic Beverage Control Board, attorney for the Commonwealth, or any other interested local or state law-enforcement agencies may petition the court for such a determination in accordance with the procedures in § 18.2-258.01, applied mutatis mutandis. If the establishment is found by the general district court or the circuit court of the locality in which it is located to be a common nuisance, the establishment shall be required to post a sign at all points of entry to the premises that is at least five inches by eight inches in size, and in at least three-fourths inch bold capital letters, contains the words, "NO CONCEALED WEAPONS," or a symbolic picture of a handgun with a circle and slash superimposed. No other restaurants shall be restricted by this subsection. All concealed handgun permits when issued or re-issued on or after July 1, 2001 shall be accompanied by an illustration of the signs and explanations of their meaning, developed by the Department of State Police and provided by the circuit court issuing the permit.

Nothing herein shall prohibit any sworn law-enforcement officer from carrying a concealed handgun on the premises of ~~such~~ a restaurant or club deemed a common nuisance, or prohibit any owner or event sponsor or his employees from carrying a concealed handgun while on duty at such restaurant or club if such person has a concealed handgun permit.

Any person who carries a concealed handgun onto the premises of any restaurant or club posted as above is guilty of a Class 1 misdemeanor and shall forfeit his concealed weapon permit to the court and shall be ineligible to hold a permit for a period of five years following the conviction.

J4. Any individual for whom it would be unlawful to purchase, possess or transport a firearm under § 18.2-308.1:2 or § 18.2-308.1:3, who holds a concealed handgun permit, may have the permit suspended by the court which issued the permit during the period of incompetency, incapacity or disability.

K. No fee shall be charged for the issuance of such permit to a person who has retired from service (i) as a magistrate in the Commonwealth; (ii) as a law-enforcement officer with the Department of State Police or with a sheriff or police department, bureau or force of any political subdivision of the Commonwealth of Virginia, after completing twenty years' service or after reaching age fifty-five; or (iii) to any person who has retired after completing twenty years' service or after reaching age fifty-five from service as a law-enforcement officer with the United States Federal Bureau of Investigation, Bureau of Alcohol, Tobacco and Firearms, Secret Service Agency, Drug Enforcement Administration, Immigration and Naturalization Service, Customs Service, Department of State Diplomatic Security Service or Naval Criminal Investigative Service. The clerk shall charge a fee of ten dollars for the processing of an application or issuing of a permit, including his costs associated with the consultation with law-enforcement agencies. The local law-enforcement agency conducting the background investigation may charge a fee not to exceed thirty-five dollars to cover the cost of conducting an investigation pursuant to this section. The thirty-five-dollar fee shall include any amount assessed by the Federal Bureau of Investigation for providing criminal history record information, and the local law-enforcement agency shall forward the amount assessed by the Federal Bureau of Investigation to the State Police with the fingerprints taken from the applicant. The State Police may charge a fee not to exceed five dollars to cover their costs associated with processing the application. The total amount assessed for processing an application for a permit shall not exceed fifty dollars, with such fees to be paid in one sum to the person who accepts the application. Payment may be made by any method accepted by that court for payment of other fees or penalties. No payment shall be required until the application is accepted by the court as a complete application. The order issuing such permit shall be

306 provided to the State Police and the law-enforcement agencies of the county or city. The State Police
307 shall enter the permittee's name and description in the Virginia Criminal Information Network so that
308 the permit's existence and current status will be made known to law-enforcement personnel accessing the
309 Network for investigative purposes.

310 L. Any person denied a permit to carry a concealed handgun under the provisions of this section
311 may present a petition for review to the Court of Appeals. The petition for review shall be filed within
312 sixty days of the expiration of the time for requesting an ore tenus hearing pursuant to subsection I, or
313 if an ore tenus hearing is requested, within sixty days of the entry of the final order of the circuit court
314 following the hearing. The petition shall be accompanied by a copy of the original papers filed in the
315 circuit court, including a copy of the order of the circuit court denying the permit. Subject to the
316 provisions of § 17.1-410 B, the decision of the Court of Appeals or judge shall be final. Notwithstanding
317 any other provision of law, if the decision to deny the permit is reversed upon appeal, taxable costs
318 incurred by the person shall be paid by the Commonwealth.

319 M. For purposes of this section:

320 "Handgun" means any pistol or revolver or other firearm, except a machine gun, originally designed,
321 made and intended to fire a projectile by means of an explosion from one or more barrels when held in
322 one hand.

323 "Lawfully admitted for permanent residence" means the status of having been lawfully accorded the
324 privilege of residing permanently in the United States as an immigrant in accordance with the
325 immigration laws, such status not having changed.

326 N. As used in this article:

327 "Spring stick" means a spring-loaded metal stick activated by pushing a button which rapidly and
328 forcefully telescopes the weapon to several times its original length.

329 "Ballistic knife" means any knife with a detachable blade that is propelled by a spring-operated
330 mechanism.

331 "*Common nuisance*" means a restaurant or club, that has activities on the premises that result in a
332 frequency of violence on the premises or in close proximity to the establishment.

333 O. The granting of a concealed handgun permit shall not thereby authorize the possession of any
334 handgun or other weapon on property or in places where such possession is otherwise prohibited by law
335 or is prohibited by the owner of private property.

336 P. A valid concealed handgun permit or license issued by another state shall be valid in the
337 Commonwealth, provided (i) the issuing authority provides the means for instantaneous verification of
338 the validity of all such permits or licenses issued within that state, accessible twenty-four hours a day,
339 (ii) the requirements and qualifications of that state's law are substantially similar to or exceed the
340 provisions of this section, and (iii) a state meeting the requirements and qualifications of this section
341 grants the same privilege to residents of the Commonwealth who have valid concealed handgun permits
342 in their possession while carrying concealed weapons in that state. The Superintendent of State Police
343 shall (a) in consultation with the Office of the Attorney General determine which states meet the
344 requirements and qualifications of this section, (b) maintain a registry of such states on the Virginia
345 Criminal Information Network (VCIN), and (c) make the registry available to law-enforcement officers
346 for investigative purposes.

347 Q. The provisions of this statute or the application thereof to any person or circumstances which are
348 held invalid shall not affect the validity of other provisions or applications of this statute which can be
349 given effect without the invalid provisions or applications. This subsection is to reiterate § 1-17.1 and is
350 not meant to add to or delete from that provision.