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**SUBSTITUTE HOUSE BILL 1225**

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**State of Washington**

**66th Legislature**

**2019 Regular Session**

**By** House Civil Rights & Judiciary (originally sponsored by Representatives Jenkins, Peterson, Thai, Morgan, Macri, Senn, Appleton, Frame, Kloba, Doglio, Pollet, Hudgins, Valdez, Lovick, Lekanoff, Walen, Bergquist, Stanford, Slatter, Tarleton, Wylie, Tharinger, Fey, Gregerson, and Goodman)

1 AN ACT Relating to establishing policies and requirements  
2 regarding law enforcement response to domestic violence incidents to  
3 enhance the safety of domestic violence victims, families, and  
4 officers; amending RCW 10.99.030, 10.99.040, and 9.41.345; and adding  
5 new sections to chapter 10.99 RCW.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

7 **Sec. 1.** RCW 10.99.030 and 2016 c 136 s 5 are each amended to  
8 read as follows:

9 ~~(1) ((All training relating to the handling of domestic violence~~  
10 ~~complaints by law enforcement officers shall stress enforcement of~~  
11 ~~criminal laws in domestic situations, availability of community~~  
12 ~~resources, and protection of the victim. Law enforcement agencies and~~  
13 ~~community organizations with expertise in the issue of domestic~~  
14 ~~violence shall cooperate in all aspects of such training.~~

15 ~~(2) The criminal justice training commission shall implement by~~  
16 ~~January 1, 1997, a course of instruction for the training of law~~  
17 ~~enforcement officers in Washington in the handling of domestic~~  
18 ~~violence complaints. The basic law enforcement curriculum of the~~  
19 ~~criminal justice training commission shall include at least twenty~~  
20 ~~hours of basic training instruction on the law enforcement response~~  
21 ~~to domestic violence. The course of instruction, the learning and~~

1 performance objectives, and the standards for the training shall be  
2 developed by the commission and focus on enforcing the criminal laws,  
3 safety of the victim, and holding the perpetrator accountable for the  
4 violence. The curriculum shall include training on the extent and  
5 prevalence of domestic violence, the importance of criminal justice  
6 intervention, techniques for responding to incidents that minimize  
7 the likelihood of officer injury and that promote victim safety,  
8 investigation and interviewing skills, evidence gathering and report  
9 writing, assistance to and services for victims and children,  
10 verification and enforcement of court orders, liability, and any  
11 additional provisions that are necessary to carry out the intention  
12 of this subsection.

13 ~~(3) The criminal justice training commission shall develop and~~  
14 ~~update annually an in-service training program to familiarize law~~  
15 ~~enforcement officers with the domestic violence laws. The program~~  
16 ~~shall include techniques for handling incidents of domestic violence~~  
17 ~~that minimize the likelihood of injury to the officer and that~~  
18 ~~promote the safety of all parties. The commission shall make the~~  
19 ~~training program available to all law enforcement agencies in the~~  
20 ~~state.~~

21 ~~(4) Development of the training in subsections (2) and (3) of~~  
22 ~~this section shall be conducted in conjunction with agencies having a~~  
23 ~~primary responsibility for serving victims of domestic violence with~~  
24 ~~emergency shelter and other services, and representatives to the~~  
25 ~~statewide organization providing training and education to these~~  
26 ~~organizations and to the general public.~~

27 ~~(5))~~ The primary duty of peace officers, when responding to a  
28 domestic violence situation, is to enforce the laws allegedly  
29 violated and to protect the complaining party.

30 ~~((6))~~ (2)(a) When a peace officer responds to a domestic  
31 violence call and has probable cause to believe that a crime has been  
32 committed, the peace officer shall exercise arrest powers with  
33 reference to the criteria in RCW 10.31.100. The officer shall notify  
34 the victim of the victim's right to initiate a criminal proceeding in  
35 all cases where the officer has not exercised arrest powers or  
36 decided to initiate criminal proceedings by citation or otherwise.  
37 The parties in such cases shall also be advised of the importance of  
38 preserving evidence.

1 (b) A peace officer responding to a domestic violence call shall  
2 take a complete offense report including the officer's disposition of  
3 the case.

4 ~~((7))~~ (3)(a) A peace officer who responds to a domestic  
5 violence call and has probable cause to believe that a crime has been  
6 committed shall remove all firearms and ammunition the peace officer  
7 has reasonable grounds to believe were used or threatened to be used  
8 in the commission of the offense. In addition, the peace officer  
9 shall request consent to take temporary custody of any firearms and  
10 ammunition to which the alleged abuser has access until a judicial  
11 officer has heard the matter.

12 (b) The peace officer shall separate the parties and then inquire  
13 of the victim: (i) If there are any firearms or ammunition in the  
14 home that are owned or possessed by either party; (ii) if the alleged  
15 abuser has access to any other firearms located off-site; and (iii)  
16 whether the alleged abuser has an active concealed pistol license, so  
17 that there is a complete record for future court proceedings. The  
18 inquiry should make clear to the victim that the peace officer is not  
19 asking only about whether a firearm was used at the time of the  
20 incident but also under other circumstances, such as whether the  
21 alleged abuser has kept a firearm in plain sight in a manner that is  
22 coercive, has threatened use of firearms in the past, or has  
23 additional firearms in a vehicle or other location. Law enforcement  
24 personnel may use a pictorial display of common firearms to assist  
25 the victim in identifying firearms.

26 (c) The peace officer shall document all information about  
27 firearms and concealed pistol licenses in the incident report. The  
28 incident report must be coded to indicate the presence of or access  
29 to firearms so that personal recognizance screeners, prosecutors, and  
30 judicial officers address the heightened risk to victim, family, and  
31 peace officer safety due to the alleged abuser's access to firearms.

32 (d) A law enforcement agency shall comply with the provisions of  
33 RCW 9.41.340 and 9.41.345 before the return of any firearm or  
34 ammunition seized under this subsection to the owner or individual  
35 from who the firearm or ammunition was obtained.

36 (4) When a peace officer responds to a domestic violence call,  
37 the officer shall advise victims of all reasonable means to prevent  
38 further abuse, including advising each person of the availability of  
39 a shelter or other services in the community, and giving each person  
40 immediate notice of the legal rights and remedies available. The

1 notice shall include handing each person a copy of the following  
2 statement:

3 "IF YOU ARE THE VICTIM OF DOMESTIC VIOLENCE, you can ask the  
4 city or county prosecuting attorney to file a criminal  
5 complaint. You also have the right to file a petition in  
6 superior, district, or municipal court requesting an order  
7 for protection from domestic abuse which could include any of  
8 the following: (a) An order restraining your abuser from  
9 further acts of abuse; (b) an order directing your abuser to  
10 leave your household; (c) an order preventing your abuser  
11 from entering your residence, school, business, or place of  
12 employment; (d) an order awarding you or the other parent  
13 custody of or visitation with your minor child or children;  
14 ~~((and))~~ (e) an order restraining your abuser from molesting  
15 or interfering with minor children in your custody; and (f)  
16 an order requiring your abuser to turn in any firearms and  
17 concealed pistol license in the abuser's possession or  
18 control to law enforcement and prohibiting the abuser from  
19 possessing or accessing firearms or a concealed pistol  
20 license for the duration of the civil order. The forms you  
21 need to obtain a protection order are available in any  
22 municipal, district, or superior court.

23 Information about shelters and alternatives to domestic  
24 violence is available from a statewide twenty-four-hour toll-  
25 free hotline at (include appropriate phone number). The  
26 battered women's shelter and other resources in your area  
27 are . . . . (include local information)"

28 ~~((8))~~ (5) The peace officer may offer, arrange, or facilitate  
29 transportation for the victim to a hospital for treatment of injuries  
30 or to a place of safety or shelter.

31 ~~((9) The law enforcement agency shall forward the offense report~~  
32 ~~to the appropriate prosecutor within ten days of making such report~~  
33 ~~if there is probable cause to believe that an offense has been~~  
34 ~~committed, unless the case is under active investigation. Upon~~  
35 ~~receiving the offense report, the prosecuting agency may, in its~~  
36 ~~discretion, choose not to file the information as a domestic violence~~  
37 ~~offense, if the offense was committed against a sibling, parent,~~  
38 ~~stepparent, or grandparent.~~

1       ~~(10) Each law enforcement agency shall make as soon as~~  
2 ~~practicable a written record and shall maintain records of all~~  
3 ~~incidents of domestic violence reported to it.~~

4       ~~(11) Records kept pursuant to subsections (6) and (10) of this~~  
5 ~~section shall be made identifiable by means of a departmental code~~  
6 ~~for domestic violence.~~

7       ~~(12) Commencing January 1, 1994, records of incidents of domestic~~  
8 ~~violence shall be submitted, in accordance with procedures described~~  
9 ~~in this subsection, to the Washington association of sheriffs and~~  
10 ~~police chiefs by all law enforcement agencies. The Washington~~  
11 ~~criminal justice training commission shall amend its contract for~~  
12 ~~collection of statewide crime data with the Washington association of~~  
13 ~~sheriffs and police chiefs:~~

14       ~~(a) To include a table, in the annual report of crime in~~  
15 ~~Washington produced by the Washington association of sheriffs and~~  
16 ~~police chiefs pursuant to the contract, showing the total number of~~  
17 ~~actual offenses and the number and percent of the offenses that are~~  
18 ~~domestic violence incidents for the following crimes: (i) Criminal~~  
19 ~~homicide, with subtotals for murder and nonnegligent homicide and~~  
20 ~~manslaughter by negligence; (ii) forcible rape, with subtotals for~~  
21 ~~rape by force and attempted forcible rape; (iii) robbery, with~~  
22 ~~subtotals for firearm, knife or cutting instrument, or other~~  
23 ~~dangerous weapon, and strongarm robbery; (iv) assault, with subtotals~~  
24 ~~for firearm, knife or cutting instrument, other dangerous weapon,~~  
25 ~~hands, feet, aggravated, and other nonaggravated assaults; (v)~~  
26 ~~burglary, with subtotals for forcible entry, nonforcible unlawful~~  
27 ~~entry, and attempted forcible entry; (vi) larceny theft, except motor~~  
28 ~~vehicle theft; (vii) motor vehicle theft, with subtotals for autos,~~  
29 ~~trucks and buses, and other vehicles; (viii) arson; and (ix)~~  
30 ~~violations of the provisions of a protection order or no-contact~~  
31 ~~order restraining the person from going onto the grounds of or~~  
32 ~~entering a residence, workplace, school, or day care, provided that~~  
33 ~~specific appropriations are subsequently made for the collection and~~  
34 ~~compilation of data regarding violations of protection orders or no-~~  
35 ~~contact orders;~~

36       ~~(b) To require that the table shall continue to be prepared and~~  
37 ~~contained in the annual report of crime in Washington until that time~~  
38 ~~as comparable or more detailed information about domestic violence~~  
39 ~~incidents is available through the Washington state incident based~~

1 ~~reporting system and the information is prepared and contained in the~~  
2 ~~annual report of crime in Washington; and~~

3 ~~(c) To require that, in consultation with interested persons, the~~  
4 ~~Washington association of sheriffs and police chiefs prepare and~~  
5 ~~disseminate procedures to all law enforcement agencies in the state~~  
6 ~~as to how the agencies shall code and report domestic violence~~  
7 ~~incidents to the Washington association of sheriffs and police~~  
8 ~~chiefs.)~~

9 (6) An appointed or elected public official, public employee, or  
10 public agency as defined in RCW 4.24.470, or units of local  
11 government and its employees, as provided in RCW 36.28A.010, are  
12 immune from civil liability for damages arising out of the seizure of  
13 a firearm, unless it is shown that the official, employee, or agency  
14 acted with gross negligence or in bad faith.

15 NEW SECTION. Sec. 2. A new section is added to chapter 10.99  
16 RCW to read as follows:

17 (1) All training relating to the handling of domestic violence  
18 complaints by law enforcement officers must stress enforcement of  
19 criminal laws in domestic situations, availability of community  
20 resources, and protection of the victim. Law enforcement agencies and  
21 community organizations with expertise in the issue of domestic  
22 violence shall cooperate in all aspects of such training.

23 (2) The criminal justice training commission shall implement by  
24 the effective date of this section, a course of instruction for the  
25 training of law enforcement officers in Washington in the handling of  
26 domestic violence complaints. The basic law enforcement curriculum of  
27 the criminal justice training commission must include at least twenty  
28 hours of basic training instruction on the law enforcement response  
29 to domestic violence. The course of instruction, the learning and  
30 performance objectives, and the standards for the training must be  
31 developed by the commission and focus on enforcing the criminal laws,  
32 safety of the victim, and holding the perpetrator accountable for the  
33 violence. The curriculum must include training on the extent and  
34 prevalence of domestic violence, the importance of criminal justice  
35 intervention, techniques for responding to incidents that minimize  
36 the likelihood of officer injury and that promote victim safety,  
37 investigation and interviewing skills, evidence gathering and report  
38 writing, assistance to and services for victims and children,  
39 verification and enforcement of court orders, liability, and any

1 additional provisions that are necessary to carry out the intention  
2 of this subsection.

3 (3) The criminal justice training commission shall develop and  
4 update annually an in-service training program to familiarize law  
5 enforcement officers with domestic violence laws. The program must  
6 include techniques for handling incidents of domestic violence that  
7 minimize the likelihood of injury to the officer and that promote the  
8 safety of all parties. The commission shall make the training program  
9 available to all law enforcement agencies in the state.

10 (4) Development of the training in subsections (2) and (3) of  
11 this section must be conducted in conjunction with agencies having a  
12 primary responsibility for serving victims of domestic violence with  
13 emergency shelter and other services, and representatives to the  
14 statewide organization providing training and education to these  
15 organizations and to the general public.

16 NEW SECTION. **Sec. 3.** A new section is added to chapter 10.99  
17 RCW to read as follows:

18 (1) A law enforcement agency shall forward the offense report  
19 regarding any incident of domestic violence to the appropriate  
20 prosecutor within ten days of making such report if there is probable  
21 cause to believe that an offense has been committed, unless the case  
22 is under active investigation. Upon receiving the offense report, the  
23 prosecuting agency may, in its discretion, choose not to file the  
24 information as a domestic violence offense, if the offense was  
25 committed against a sibling, parent, stepparent, or grandparent.

26 (2) Each law enforcement agency shall make as soon as practicable  
27 a written record and shall maintain records of all incidents of  
28 domestic violence reported to it.

29 (3) Records kept pursuant to RCW 10.99.030 and this section must  
30 be made identifiable by means of a departmental code for domestic  
31 violence.

32 (4) Commencing on the effective date of this section, records of  
33 incidents of domestic violence must be submitted, in accordance with  
34 procedures described in this subsection, to the Washington  
35 association of sheriffs and police chiefs by all law enforcement  
36 agencies. The criminal justice training commission shall amend its  
37 contract for collection of statewide crime data with the Washington  
38 association of sheriffs and police chiefs:

1 (a) To include a table, in the annual report of crime in  
2 Washington produced by the Washington association of sheriffs and  
3 police chiefs pursuant to the contract, showing the total number of  
4 actual offenses and the number and percent of the offenses that are  
5 domestic violence incidents for the following crimes: (i) Criminal  
6 homicide, with subtotals for murder and nonnegligent homicide and  
7 manslaughter by negligence; (ii) forcible rape, with subtotals for  
8 rape by force and attempted forcible rape; (iii) robbery, with  
9 subtotals for firearm, knife or cutting instrument, or other  
10 dangerous weapon, and strongarm robbery; (iv) assault, with subtotals  
11 for firearm, knife or cutting instrument, other dangerous weapon,  
12 hands, feet, aggravated, and other nonaggravated assaults; (v)  
13 burglary, with subtotals for forcible entry, nonforcible unlawful  
14 entry, and attempted forcible entry; (vi) larceny theft, except motor  
15 vehicle theft; (vii) motor vehicle theft, with subtotals for autos,  
16 trucks and buses, and other vehicles; (viii) arson; and (ix)  
17 violations of the provisions of a protection order or no-contact  
18 order restraining the person from going onto the grounds of or  
19 entering a residence, workplace, school, or day care, provided that  
20 specific appropriations are subsequently made for the collection and  
21 compilation of data regarding violations of protection orders or no-  
22 contact orders;

23 (b) To require that the table shall continue to be prepared and  
24 contained in the annual report of crime in Washington until that time  
25 as comparable or more detailed information about domestic violence  
26 incidents is available through the Washington state incident-based  
27 reporting system and the information is prepared and contained in the  
28 annual report of crime in Washington; and

29 (c) To require that, in consultation with interested persons, the  
30 Washington association of sheriffs and police chiefs prepare and  
31 disseminate procedures to all law enforcement agencies in the state  
32 as to how the agencies shall code and report domestic violence  
33 incidents to the Washington association of sheriffs and police  
34 chiefs.

35 **Sec. 4.** RCW 10.99.040 and 2015 c 287 s 9 are each amended to  
36 read as follows:

37 (1) Because of the serious nature of domestic violence, the court  
38 in domestic violence actions:



1 (a) Shall not dismiss any charge or delay disposition because of  
2 concurrent dissolution or other civil proceedings;

3 (b) Shall not require proof that either party is seeking a  
4 dissolution of marriage prior to instigation of criminal proceedings;

5 (c) Shall waive any requirement that the victim's location be  
6 disclosed to any person, other than the attorney of a criminal  
7 defendant, upon a showing that there is a possibility of further  
8 violence: PROVIDED, That the court may order a criminal defense  
9 attorney not to disclose to his or her client the victim's location;  
10 and

11 (d) Shall identify by any reasonable means on docket sheets those  
12 criminal actions arising from acts of domestic violence.

13 (2)(a) Because of the likelihood of repeated violence directed at  
14 those who have been victims of domestic violence in the past, when  
15 any person charged with or arrested for a crime involving domestic  
16 violence is released from custody before arraignment or trial on bail  
17 or personal recognizance, the court authorizing the release may  
18 prohibit that person from having any contact with the victim. The  
19 jurisdiction authorizing the release shall determine whether that  
20 person should be prohibited from having any contact with the victim.  
21 If there is no outstanding restraining or protective order  
22 prohibiting that person from having contact with the victim, the  
23 court authorizing release may issue, by telephone, a no-contact order  
24 prohibiting the person charged or arrested from having contact with  
25 the victim or from knowingly coming within, or knowingly remaining  
26 within, a specified distance of a location.

27 (b) In issuing the order, the court shall consider the provisions  
28 of RCW 9.41.800, and shall order the defendant to surrender, and  
29 prohibit the person from possessing, all firearms, dangerous weapons,  
30 and any concealed pistol license as required in RCW 9.41.800.

31 (c) The no-contact order shall also be issued in writing as soon  
32 as possible, and shall state that it may be extended as provided in  
33 subsection (3) of this section. By January 1, 2011, the  
34 administrative office of the courts shall develop a pattern form for  
35 all no-contact orders issued under this chapter. A no-contact order  
36 issued under this chapter must substantially comply with the pattern  
37 form developed by the administrative office of the courts.

38 (3)(a) At the time of arraignment the court shall determine  
39 whether a no-contact order shall be issued or extended. So long as  
40 the court finds probable cause, the court may issue or extend a no-

1 contact order even if the defendant fails to appear at arraignment.  
2 The no-contact order shall terminate if the defendant is acquitted or  
3 the charges are dismissed.

4 (b) In issuing the order, the court shall consider all  
5 information documented in the incident report concerning the person's  
6 possession of and access to firearms and whether law enforcement took  
7 temporary custody of firearms at the time of the arrest. The court  
8 may as a condition of release prohibit the defendant from possessing  
9 or accessing firearms and order the defendant to immediately  
10 surrender all firearms and any concealed pistol license to a law  
11 enforcement agency upon release.

12 (c) If a no-contact order is issued or extended, the court may  
13 also include in the conditions of release a requirement that the  
14 defendant submit to electronic monitoring as defined in RCW  
15 9.94A.030. If electronic monitoring is ordered, the court shall  
16 specify who shall provide the monitoring services, and the terms  
17 under which the monitoring shall be performed. Upon conviction, the  
18 court may require as a condition of the sentence that the defendant  
19 reimburse the providing agency for the costs of the electronic  
20 monitoring.

21 (4) (a) Willful violation of a court order issued under subsection  
22 (2), (3), or (7) of this section is punishable under RCW 26.50.110.

23 (b) The written order releasing the person charged or arrested  
24 shall contain the court's directives and shall bear the legend:  
25 "Violation of this order is a criminal offense under chapter 26.50  
26 RCW and will subject a violator to arrest; any assault, drive-by  
27 shooting, or reckless endangerment that is a violation of this order  
28 is a felony. You can be arrested even if any person protected by the  
29 order invites or allows you to violate the order's prohibitions. You  
30 have the sole responsibility to avoid or refrain from violating the  
31 order's provisions. Only the court can change the order."

32 (c) A certified copy of the order shall be provided to the  
33 victim.

34 (5) If a no-contact order has been issued prior to charging, that  
35 order shall expire at arraignment or within seventy-two hours if  
36 charges are not filed.

37 (6) Whenever a no-contact order is issued, modified, or  
38 terminated under subsection (2) or (3) of this section, the clerk of  
39 the court shall forward a copy of the order on or before the next  
40 judicial day to the appropriate law enforcement agency specified in

1 the order. Upon receipt of the copy of the order the law enforcement  
2 agency shall enter the order for one year or until the expiration  
3 date specified on the order into any computer-based criminal  
4 intelligence information system available in this state used by law  
5 enforcement agencies to list outstanding warrants. Entry into the  
6 computer-based criminal intelligence information system constitutes  
7 notice to all law enforcement agencies of the existence of the order.  
8 The order is fully enforceable in any jurisdiction in the state. Upon  
9 receipt of notice that an order has been terminated under subsection  
10 (3) of this section, the law enforcement agency shall remove the  
11 order from the computer-based criminal intelligence information  
12 system.

13 (7) All courts shall develop policies and procedures by January  
14 1, 2011, to grant victims a process to modify or rescind a no-contact  
15 order issued under this chapter. The administrative office of the  
16 courts shall develop a model policy to assist the courts in  
17 implementing the requirements of this subsection.

18 **Sec. 5.** RCW 9.41.345 and 2018 c 226 s 1 are each amended to read  
19 as follows:

20 (1) Before a law enforcement agency returns a privately owned  
21 firearm, the law enforcement agency must:

22 (a) Confirm that the individual to whom the firearm will be  
23 returned is the individual from whom the firearm was obtained or an  
24 authorized representative of that person;

25 (b) Confirm that the individual to whom the firearm will be  
26 returned is eligible to possess a firearm pursuant to RCW 9.41.040;

27 (c) Ensure that the firearm is not otherwise required to be held  
28 in custody or otherwise prohibited from being released; and

29 (d) Ensure that twenty-four hours have elapsed from the time the  
30 firearm was obtained by law enforcement, unless the firearm was  
31 seized in connection with a domestic violence call pursuant to RCW  
32 10.99.030, in which case the law enforcement agency must ensure that  
33 five business days have elapsed from the time the firearm was  
34 obtained.

35 (2)(a) Once the requirements in subsections (1) and (3) of this  
36 section have been met, a law enforcement agency must release a  
37 firearm to the individual from whom it was obtained or an authorized  
38 representative of that person upon request without unnecessary delay.

1 (b) (i) If a firearm cannot be returned because it is required to  
2 be held in custody or is otherwise prohibited from being released, a  
3 law enforcement agency must provide written notice to the individual  
4 from whom it was obtained within five business days of the individual  
5 requesting return of his or her firearm and specify the reason the  
6 firearm must be held in custody.

7 (ii) Notification may be made via email, text message, mail  
8 service, or personal service. For methods other than personal  
9 service, service shall be considered complete once the notification  
10 is sent.

11 (3) If a family or household member has requested to be notified  
12 pursuant to RCW 9.41.340, a law enforcement agency must:

13 (a) Provide notice to the family or household member within one  
14 business day of verifying that the requirements in subsection (1) of  
15 this section have been met; and

16 (b) Hold the firearm in custody for seventy-two hours from the  
17 time notification has been provided.

18 (4) (a) A law enforcement agency may not return a concealed pistol  
19 license that has been surrendered to or impounded by the law  
20 enforcement agency for any reason to the licensee until the law  
21 enforcement agency determines the licensee is eligible to possess a  
22 firearm under state and federal law and meets the other eligibility  
23 requirements for a concealed pistol license under RCW 9.41.070.

24 (b) A law enforcement agency must release a concealed pistol  
25 license to the licensee without unnecessary delay, and in no case  
26 longer than five business days, after the law enforcement agency  
27 determines the requirements of (a) of this subsection have been met.

28 (5) The provisions of chapter 130, Laws of 2015 and subsection  
29 (4) of this section shall not apply to circumstances where a law  
30 enforcement officer has momentarily obtained a firearm or concealed  
31 pistol license from an individual and would otherwise immediately  
32 return the firearm or concealed pistol license to the individual  
33 during the same interaction.

34 NEW SECTION. **Sec. 6.** If any provision of this act or its  
35 application to any person or circumstance is held invalid, the  
36 remainder of the act or the application of the provision to other  
37 persons or circumstances is not affected.

--- END ---