

ESB 5919 - H COMM AMD
By Committee on Public Safety

ADOPTED AND ENGROSSED 3/4/2022

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 10.116.060 and 2021 c 320 s 7 are each amended to
4 read as follows:

5 (1) A peace officer may not engage in a vehicular pursuit,
6 unless:

7 (a) ~~((i))~~ There is ~~((probable cause to believe))~~ reasonable
8 suspicion that a person in the vehicle has committed or is committing
9 a violent offense or sex offense as defined in RCW 9.94A.030, ~~((or))~~
10 an escape under chapter 9A.76 RCW ~~((r))~~, or

11 ~~((ii) There is reasonable suspicion a person in the vehicle has~~
12 ~~committed or is committing))~~ a driving under the influence offense
13 under RCW 46.61.502;

14 (b) The pursuit is necessary for the purpose of identifying or
15 apprehending the person;

16 (c) The person poses ~~((an imminent threat to the safety of))~~ a
17 serious risk of harm to others, and the safety risks of failing to
18 apprehend or identify the person are considered to be greater than
19 the safety risks of the vehicular pursuit under the circumstances;
20 and

21 (d) (i) Except as provided in (d) (ii) of this subsection, the
22 ~~((officer has received authorization to engage in the pursuit from))~~
23 pursuing officer notifies a supervising officer ~~((and))~~ immediately
24 upon initiating the vehicular pursuit; there is supervisory
25 ~~((control))~~ oversight of the pursuit ~~((The))~~; and the pursuing
26 officer, in consultation with the supervising officer ~~((must~~
27 ~~consider))~~, considers alternatives to the vehicular pursuit ~~((The~~
28 ~~supervisor must consider))~~, the justification for the vehicular
29 pursuit, and other safety considerations, including but not limited
30 to speed, weather, traffic, road conditions, and the known presence
31 of minors in the vehicle ~~((, and the vehicular pursuit must be~~

1 ~~terminated if any of the requirements of this subsection are not~~
2 ~~met);~~

3 (ii) For those jurisdictions with fewer than 10 commissioned
4 officers, if a supervisor is not on duty at the time, the pursuing
5 officer (~~(will request)~~) requests the on-call supervisor be notified
6 of the pursuit according to the agency's procedures (~~(. The)~~), and the
7 pursuing officer (~~(must consider)~~) considers alternatives to the
8 vehicular pursuit, the justification for the vehicular pursuit, and
9 other safety considerations, including but not limited to speed,
10 weather, traffic, road conditions, and the known presence of minors
11 in the vehicle. (~~The officer must terminate the vehicular pursuit if~~
12 ~~any of the requirements of this subsection are not met.~~)

13 (2) ((A)) In any vehicular pursuit under this section:

14 (a) The pursuing officer and supervising officer, if applicable,
15 shall comply with any agency procedures for designating the primary
16 pursuit vehicle and determining the appropriate number of vehicles
17 permitted to participate in the vehicular pursuit (~~and comply~~);

18 (b) The supervising officer, the pursuing officer, or dispatcher
19 shall notify other law enforcement agencies or surrounding
20 jurisdictions that may be impacted by the vehicular pursuit or called
21 upon to assist with the vehicular pursuit, and the pursuing officer
22 and supervising officer, if applicable, shall comply with any agency
23 procedures for coordinating operations with other jurisdictions,
24 including available tribal police departments when applicable;

25 (c) The pursuing officer must be able to directly communicate
26 with other officers engaging in the pursuit, the supervising officer,
27 if applicable, and the dispatch agency, such as being on a common
28 radio channel or having other direct means of communication;

29 (d) As soon as practicable after initiating a vehicular pursuit,
30 the pursuing officer, supervising officer, if applicable, or
31 responsible agency shall develop a plan to end the pursuit through
32 the use of available pursuit intervention options, such as the use of
33 the pursuit intervention technique, deployment of spike strips or
34 other tire deflation devices, or other department-authorized pursuit
35 intervention tactics; and

36 (e) The pursuing officer must have completed an emergency vehicle
37 operator's course, must have completed updated emergency vehicle
38 operator training in the previous two years, where applicable, and
39 must be certified in at least one pursuit intervention option.

1 (3) A vehicular pursuit not meeting the requirements under this
2 section must be terminated.

3 ~~((3))~~ (4) A peace officer may not fire a weapon upon a moving
4 vehicle unless necessary to protect against an imminent threat of
5 serious physical harm resulting from the operator's or a passenger's
6 use of a deadly weapon. For the purposes of this subsection, a
7 vehicle is not considered a deadly weapon unless the operator is
8 using the vehicle as a deadly weapon and no other reasonable means to
9 avoid potential serious harm are immediately available to the
10 officer.

11 ~~((4))~~ (5) For purposes of this section, "vehicular pursuit"
12 means an attempt by a uniformed peace officer in a vehicle equipped
13 with emergency lights and a siren to stop a moving vehicle where the
14 operator of the moving vehicle appears to be aware that the officer
15 is signaling the operator to stop the vehicle and the operator of the
16 moving vehicle appears to be willfully resisting or ignoring the
17 officer's attempt to stop the vehicle by increasing vehicle speed,
18 making evasive maneuvers, or operating the vehicle in a reckless
19 manner that endangers the safety of the community or the officer.

20 NEW SECTION. Sec. 2. This act is necessary for the immediate
21 preservation of the public peace, health, or safety, or support of
22 the state government and its existing public institutions, and takes
23 effect immediately."

24 Correct the title.

--- END ---