

# HOUSE BILL REPORT

## HB 1129

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### As Reported By House Committee On:

Law & Justice

**Title:** An act relating to attempting to elude a pursuing police vehicle.

**Brief Description:** Increasing penalties for attempting to elude a pursuing police vehicle to a class B felony.

**Sponsors:** Representatives Thompson, Sheahan, Sterk, Sump, Mielke, Delvin, DeBolt, Mulliken, Conway, Chandler, O'Brien, Kessler, Dunn, Costa, Anderson and Bush.

### Brief History:

#### Committee Activity:

Law & Justice: 1/31/97, 2/11/97 [DP].

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### HOUSE COMMITTEE ON LAW & JUSTICE

**Majority Report:** Do pass. Signed by 13 members: Representatives Sheahan, Chairman; McDonald, Vice Chairman; Sterk, Vice Chairman; Costa, Ranking Minority Member; Constantine, Assistant Ranking Minority Member; Carrell; Cody; Kenney; Lambert; Lantz; Radcliff; Sherstad and Skinner.

**Staff:** Trudes Hutcheson (786-7384).

**Background:** A driver commits the crime of attempting to elude a pursuing police vehicle when the driver willfully fails or refuses to immediately stop his or her car and drives in a wanton or willful disregard for the lives or property of others after being given a visual or audible signal to stop. The signal given by the police officer may be by hand, voice, emergency light, or siren. The officer giving the signal must be in uniform and in a vehicle appropriately marked showing it to be an official police vehicle.

The crime of attempting to elude a police vehicle is a class C felony, which carries a maximum penalty of up to five years imprisonment, a fine of \$10,000, or both. Attempting to elude a pursuing police vehicle is placed on the Sentencing Reform Act sentencing grid as having a seriousness level of I. Generally, the actual sentence a defendant receives is based upon the seriousness level of the current crime and the defendant's criminal history. A person with no criminal history who is convicted of a crime with a seriousness level I has a standard range sentence of 0-60 days. A person

with no criminal history who is convicted of a crime with a seriousness level II has a standard range sentence of 0-90 days.

A person convicted of attempting to elude a police vehicle has his or her license revoked for one year.

A class B felony carries a maximum sentence of 10 years imprisonment, or a fine of \$20,000, or both.

**Summary of Bill:** The crime of attempting to elude a pursuing police vehicle is changed from a class C felony to a class B felony and is raised from a seriousness level I to a seriousness level II on the sentencing grid. A person convicted of attempting to elude a pursuing police vehicle must have his or her license revoked for two years.

The officer giving the signal must be in uniform and be driving an official police vehicle. An official police vehicle is defined as any municipal, county, or state police vehicle appropriately equipped with emergency lights and siren.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** Anytime a person attempts to elude a police vehicle and a chase ensues, the officers and innocent bystanders are put at risk. The current law provides no deterrence because the crime is only a class C felony, and it is often the offense that is plea bargained away. The law does not accurately reflect the seriousness of the crime.

**Testimony Against:** None.

**Testified:** Representative Thompson, prime sponsor; Gerald Ross, Snohomish County Sheriff (pro); Jim Mattheis, Washington State Council of Police Officers (pro); and Captain Marsh Pugh, Washington State Patrol (pro).