

SENATE BILL REPORT

HB 1129

As Reported By Senate Committee On:
Law & Justice, January 16, 1998

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: 3/25/97; 1/16/98 [DPA].

Ways & Means: 2/19/98.

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass as amended.

Signed by Senators Roach, Chair; Johnson, Vice Chair; Fairley, Goings, Hargrove, Kline, Long, McCaslin and Thibaudeau.

Staff: Harry S. Steinmetz (786-7421)

SENATE COMMITTEE ON WAYS & MEANS

Staff: Bryon Moore (786-7726)

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 the officer's vehicle must be appropriately marked showing it to be an official police vehicle. By statute the police vehicle may be a bicycle and by precedent the signal may but need not necessarily be given by the officer while in a pursuing police vehicle. The signal may be given by the officer stationed at the side of the road, even while outside of the police vehicle.

The crime of attempting to elude a police vehicle is a level I, class C felony. The standard range sentence for someone with no scored criminal history is 0-60 days. The driver's license of a person convicted of this crime is revoked for one year.

It has been suggested that any time a person commits this crime and lives are put at risk, the existing penalties for attempting to elude a pursuing police vehicle do not provide enough deterrence.

Summary of Amended Bill: Attempting to elude a pursuing police vehicle is a level II, class B felony, giving a person with no scored criminal history a standard range sentence of 0-90 days. The driver's license of a person convicted of this crime must be 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.

Amended Bill Compared to Original Bill: A tolling of the revocation period during the period of confinement is added to the original bill. Other technical amendments are made.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: This is a common occurrence which is very dangerous for the pursuing officer, for the eluding driver, and for innocent drivers and pedestrians. Currently this charge is not taken seriously and is, oftentimes, plea bargained away. Some localities will not even allow pursuits because the perceived dangers outweigh the minimal penalties. Law enforcement are put between a rock and a hard place in these situations because they take heat from the public if they get involved in a high speed chase where someone gets hurt and also if they choose to let someone get away due to safety concerns.

Testimony Against: None.

Testified: Representative Thompson, prime sponsor; Mike Patrick, Washington State Council of Police Officers.