
HOUSE BILL 1129

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

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1 AN ACT Relating to attempting to elude a pursuing police vehicle;
2 amending RCW 46.20.285, 46.20.311, and 46.61.024; reenacting and
3 amending RCW 9.94A.320; and prescribing penalties.

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

5 **Sec. 1.** RCW 46.20.285 and 1996 c 199 s 5 are each amended to read
6 as follows:

7 The department shall forthwith revoke the license of any driver for
8 the period of one calendar year unless otherwise provided in this
9 section, upon receiving a record of the driver's conviction of any of
10 the following offenses, when the conviction has become final:

11 (1) For vehicular homicide the period of revocation shall be two
12 years. The revocation period shall be tolled during any period of
13 total confinement for the offense;

14 (2) Vehicular assault. The revocation period shall be tolled
15 during any period of total confinement for the offense;

16 (3) Driving a motor vehicle while under the influence of
17 intoxicating liquor or a narcotic drug, or under the influence of any
18 other drug to a degree which renders the driver incapable of safely
19 driving a motor vehicle, upon a showing by the department's records

1 that the conviction is the second such conviction for the driver within
2 a period of five years. Upon a showing that the conviction is the
3 third such conviction for the driver within a period of five years, the
4 period of revocation shall be two years;

5 (4) For attempting to elude a pursuing police vehicle the period of
6 revocation shall be two years;

7 (5) Any other felony in the commission of which a motor vehicle is
8 used;

9 (~~(+5)~~) (6) Failure to stop and give information or render aid as
10 required under the laws of this state in the event of a motor vehicle
11 accident resulting in the death or personal injury of another or
12 resulting in damage to a vehicle that is driven or attended by another;

13 (~~(+6)~~) (7) Perjury or the making of a false affidavit or statement
14 under oath to the department under Title 46 RCW or under any other law
15 relating to the ownership or operation of motor vehicles;

16 (~~(+7)~~) (8) Reckless driving upon a showing by the department's
17 records that the conviction is the third such conviction for the driver
18 within a period of two years.

19 **Sec. 2.** RCW 46.20.311 and 1995 c 332 s 11 are each amended to read
20 as follows:

21 (1) The department shall not suspend a driver's license or
22 privilege to drive a motor vehicle on the public highways for a fixed
23 period of more than one year, except as specifically permitted under
24 RCW 46.20.342 or other provision of law. Except for a suspension under
25 RCW 46.20.289 and 46.20.291(5), whenever the license or driving
26 privilege of any person is suspended by reason of a conviction, a
27 finding that a traffic infraction has been committed, pursuant to
28 chapter 46.29 RCW, or pursuant to RCW 46.20.291 or 46.20.308, the
29 suspension shall remain in effect until the person gives and thereafter
30 maintains proof of financial responsibility for the future as provided
31 in chapter 46.29 RCW. If the suspension is the result of a violation
32 of RCW 46.61.502 or 46.61.504, the department shall determine the
33 person's eligibility for licensing based upon the reports provided by
34 the alcoholism agency or probation department designated under RCW
35 46.61.5056 and shall deny reinstatement until enrollment and
36 participation in an approved program has been established and the
37 person is otherwise qualified. The department shall not issue to the
38 person a new, duplicate, or renewal license until the person pays a

1 reissue fee of twenty dollars. If the suspension is the result of a
2 violation of RCW 46.61.502 or 46.61.504, or is the result of
3 administrative action under RCW 46.20.308, the reissue fee shall be
4 fifty dollars.

5 (2) Any person whose license or privilege to drive a motor vehicle
6 on the public highways has been revoked, unless the revocation was for
7 a cause which has been removed, is not entitled to have the license or
8 privilege renewed or restored until: (a) After the expiration of one
9 year from the date the license or privilege to drive was revoked; or
10 (b) after the expiration of the applicable revocation period provided
11 by RCW 46.20.265, 46.20.285, 46.20.3101, or 46.61.5055~~((; (c) after the~~
12 ~~expiration of two years for persons convicted of vehicular homicide; or~~
13 ~~(d) after the expiration of the applicable revocation period provided~~
14 ~~by RCW 46.20.265))~~. After the expiration of the appropriate period,
15 the person may make application for a new license as provided by law
16 together with a reissue fee in the amount of twenty dollars, but if the
17 revocation is the result of a violation of RCW 46.20.308, 46.61.502, or
18 46.61.504, the reissue fee shall be fifty dollars. If the revocation
19 is the result of a violation of RCW 46.61.502 or 46.61.504, the
20 department shall determine the person's eligibility for licensing based
21 upon the reports provided by the alcoholism agency or probation
22 department designated under RCW 46.61.5056 and shall deny reissuance of
23 a license, permit, or privilege to drive until enrollment and
24 participation in an approved program has been established and the
25 person is otherwise qualified. Except for a revocation under RCW
26 46.20.265, the department shall not then issue a new license unless it
27 is satisfied after investigation of the driving ability of the person
28 that it will be safe to grant the privilege of driving a motor vehicle
29 on the public highways, and until the person gives and thereafter
30 maintains proof of financial responsibility for the future as provided
31 in chapter 46.29 RCW. For a revocation under RCW 46.20.265, the
32 department shall not issue a new license unless it is satisfied after
33 investigation of the driving ability of the person that it will be safe
34 to grant that person the privilege of driving a motor vehicle on the
35 public highways.

36 (3) Whenever the driver's license of any person is suspended
37 pursuant to Article IV of the nonresident violators compact or RCW
38 46.23.020 or 46.20.289 or 46.20.291(5), the department shall not issue
39 to the person any new or renewal license until the person pays a

1 reissue fee of twenty dollars. If the suspension is the result of a
2 violation of the laws of this or any other state, province, or other
3 jurisdiction involving (a) the operation or physical control of a motor
4 vehicle upon the public highways while under the influence of
5 intoxicating liquor or drugs, or (b) the refusal to submit to a
6 chemical test of the driver's blood alcohol content, the reissue fee
7 shall be fifty dollars.

8 **Sec. 3.** RCW 46.61.024 and 1983 c 80 s 1 are each amended to read
9 as follows:

10 Any driver of a motor vehicle who willfully fails or refuses to
11 immediately bring his vehicle to a stop and who drives his vehicle in
12 a manner indicating a wanton or willful disregard for the lives or
13 property of others while attempting to elude a pursuing police vehicle,
14 after being given a visual or audible signal to bring the vehicle to a
15 stop, shall be guilty of a class ((E)) (B) felony. The signal given by
16 the police officer may be by hand, voice, emergency light, or siren.
17 The officer giving such a signal shall be in uniform and ((his
18 vehicle)) shall be ((appropriately marked showing it to be)) driving an
19 official police vehicle. An official police vehicle means any
20 municipal, county, or state police vehicle appropriately equipped with
21 emergency lights and siren.

22 The license or permit to drive or any nonresident driving privilege
23 of a person convicted of a violation of this section shall be revoked
24 for two years by the department of licensing.

25 **Sec. 4.** RCW 9.94A.320 and 1996 c 302 s 6, 1996 c 205 s 3, and 1996
26 c 36 s 2 are each reenacted and amended to read as follows:

27 TABLE 2

28 CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

29	XV	Aggravated Murder 1 (RCW 10.95.020)
30	XIV	Murder 1 (RCW 9A.32.030)
31		Homicide by abuse (RCW 9A.32.055)
32	XIII	Murder 2 (RCW 9A.32.050)

1 XII Assault 1 (RCW 9A.36.011)
2 Assault of a Child 1 (RCW 9A.36.120)
3 XI Rape 1 (RCW 9A.44.040)
4 Rape of a Child 1 (RCW 9A.44.073)
5 X Kidnapping 1 (RCW 9A.40.020)
6 Rape 2 (RCW 9A.44.050)
7 Rape of a Child 2 (RCW 9A.44.076)
8 Child Molestation 1 (RCW 9A.44.083)
9 Damaging building, etc., by explosion with
10 threat to human being (RCW
11 70.74.280(1))
12 Over 18 and deliver heroin or narcotic from
13 Schedule I or II to someone under 18
14 (RCW 69.50.406)
15 Leading Organized Crime (RCW
16 9A.82.060(1)(a))
17 IX Assault of a Child 2 (RCW 9A.36.130)
18 Robbery 1 (RCW 9A.56.200)
19 Manslaughter 1 (RCW 9A.32.060)
20 Explosive devices prohibited (RCW
21 70.74.180)
22 Indecent Liberties (with forcible
23 compulsion) (RCW 9A.44.100(1)(a))
24 Endangering life and property by explosives
25 with threat to human being (RCW
26 70.74.270)
27 Over 18 and deliver narcotic from Schedule
28 III, IV, or V or a nonnarcotic from
29 Schedule I-V to someone under 18 and 3
30 years junior (RCW 69.50.406)
31 Controlled Substance Homicide (RCW
32 69.50.415)
33 Sexual Exploitation (RCW 9.68A.040)
34 Inciting Criminal Profiteering (RCW
35 9A.82.060(1)(b))

1 Vehicular Homicide, by being under the
2 influence of intoxicating liquor or
3 any drug (RCW 46.61.520)

4 VIII Arson 1 (RCW 9A.48.020)
5 Promoting Prostitution 1 (RCW 9A.88.070)
6 Selling for profit (controlled or
7 counterfeit) any controlled substance
8 (RCW 69.50.410)
9 Manufacture, deliver, or possess with
10 intent to deliver heroin or cocaine
11 (RCW 69.50.401(a)(1)(i))
12 Manufacture, deliver, or possess with
13 intent to deliver methamphetamine (RCW
14 69.50.401(a)(1)(ii))
15 Possession of ephedrine or pseudoephedrine
16 with intent to manufacture
17 methamphetamine (RCW 69.50.440)
18 Vehicular Homicide, by the operation of any
19 vehicle in a reckless manner (RCW
20 46.61.520)

21 VII Burglary 1 (RCW 9A.52.020)
22 Vehicular Homicide, by disregard for the
23 safety of others (RCW 46.61.520)
24 Introducing Contraband 1 (RCW 9A.76.140)
25 Indecent Liberties (without forcible
26 compulsion) (RCW 9A.44.100(1) (b) and
27 (c))
28 Child Molestation 2 (RCW 9A.44.086)
29 Dealing in depictions of minor engaged in
30 sexually explicit conduct (RCW
31 9.68A.050)
32 Sending, bringing into state depictions of
33 minor engaged in sexually explicit
34 conduct (RCW 9.68A.060)
35 Involving a minor in drug dealing (RCW
36 69.50.401(f))
37 Reckless Endangerment 1 (RCW 9A.36.045)

1 Unlawful Possession of a Firearm in the
2 first degree (RCW 9.41.040(1)(a))

3 VI Bribery (RCW 9A.68.010)
4 Manslaughter 2 (RCW 9A.32.070)
5 Rape of a Child 3 (RCW 9A.44.079)
6 Intimidating a Juror/Witness (RCW
7 9A.72.110, 9A.72.130)
8 Damaging building, etc., by explosion with
9 no threat to human being (RCW
10 70.74.280(2))
11 Endangering life and property by explosives
12 with no threat to human being (RCW
13 70.74.270)
14 Incest 1 (RCW 9A.64.020(1))
15 Manufacture, deliver, or possess with
16 intent to deliver narcotics from
17 Schedule I or II (except heroin or
18 cocaine) (RCW 69.50.401(a)(1)(i))
19 Intimidating a Judge (RCW 9A.72.160)
20 Bail Jumping with Murder 1 (RCW
21 9A.76.170(2)(a))
22 Theft of a Firearm (RCW 9A.56.300)

23 V Persistent prison misbehavior (RCW
24 9.94.070)
25 Criminal Mistreatment 1 (RCW 9A.42.020)
26 Abandonment of dependent person 1 (RCW
27 9A.42.060)
28 Rape 3 (RCW 9A.44.060)
29 Sexual Misconduct with a Minor 1 (RCW
30 9A.44.093)
31 Child Molestation 3 (RCW 9A.44.089)
32 Kidnapping 2 (RCW 9A.40.030)
33 Extortion 1 (RCW 9A.56.120)
34 Incest 2 (RCW 9A.64.020(2))
35 Perjury 1 (RCW 9A.72.020)
36 Extortionate Extension of Credit (RCW
37 9A.82.020)

1 Advancing money or property for
2 extortionate extension of credit (RCW
3 9A.82.030)
4 Extortionate Means to Collect Extensions of
5 Credit (RCW 9A.82.040)
6 Rendering Criminal Assistance 1 (RCW
7 9A.76.070)
8 Bail Jumping with class A Felony (RCW
9 9A.76.170(2)(b))
10 Sexually Violating Human Remains (RCW
11 9A.44.105)
12 Delivery of imitation controlled substance
13 by person eighteen or over to person
14 under eighteen (RCW 69.52.030(2))
15 Possession of a Stolen Firearm (RCW
16 9A.56.310)

17 IV Residential Burglary (RCW 9A.52.025)
18 Theft of Livestock 1 (RCW 9A.56.080)
19 Robbery 2 (RCW 9A.56.210)
20 Assault 2 (RCW 9A.36.021)
21 Escape 1 (RCW 9A.76.110)
22 Arson 2 (RCW 9A.48.030)
23 Commercial Bribery (RCW 9A.68.060)
24 Bribing a Witness/Bribe Received by Witness
25 (RCW 9A.72.090, 9A.72.100)
26 Malicious Harassment (RCW 9A.36.080)
27 Threats to Bomb (RCW 9.61.160)
28 Willful Failure to Return from Furlough
29 (RCW 72.66.060)
30 Hit and Run -- Injury Accident (RCW
31 46.52.020(4))
32 Hit and Run with Vessel -- Injury Accident
33 (RCW 88.12.155(3))
34 Vehicular Assault (RCW 46.61.522)

1 Manufacture, deliver, or possess with
2 intent to deliver narcotics from
3 Schedule III, IV, or V or nonnarcotics
4 from Schedule I-V (except marijuana or
5 methamphetamines) (RCW 69.50.401(a)(1)
6 (iii) through (v))
7 Influencing Outcome of Sporting Event (RCW
8 9A.82.070)
9 Use of Proceeds of Criminal Profiteering
10 (RCW 9A.82.080 (1) and (2))
11 Knowingly Trafficking in Stolen Property
12 (RCW 9A.82.050(2))
13 III Criminal Mistreatment 2 (RCW 9A.42.030)
14 Abandonment of dependent person 2 (RCW
15 9A.42.070)
16 Extortion 2 (RCW 9A.56.130)
17 Unlawful Imprisonment (RCW 9A.40.040)
18 Assault 3 (RCW 9A.36.031)
19 Assault of a Child 3 (RCW 9A.36.140)
20 Custodial Assault (RCW 9A.36.100)
21 Unlawful possession of firearm in the
22 second degree (RCW 9.41.040(1)(b))
23 Harassment (RCW 9A.46.020)
24 Promoting Prostitution 2 (RCW 9A.88.080)
25 Willful Failure to Return from Work Release
26 (RCW 72.65.070)
27 Burglary 2 (RCW 9A.52.030)
28 Introducing Contraband 2 (RCW 9A.76.150)
29 Communication with a Minor for Immoral
30 Purposes (RCW 9.68A.090)
31 Patronizing a Juvenile Prostitute (RCW
32 9.68A.100)
33 Escape 2 (RCW 9A.76.120)
34 Perjury 2 (RCW 9A.72.030)
35 Bail Jumping with class B or C Felony (RCW
36 9A.76.170(2)(c))
37 Intimidating a Public Servant (RCW
38 9A.76.180)
39 Tampering with a Witness (RCW 9A.72.120)

1 Manufacture, deliver, or possess with
2 intent to deliver marijuana (RCW
3 69.50.401(a)(1)(iii))
4 Delivery of a material in lieu of a
5 controlled substance (RCW
6 69.50.401(c))
7 Manufacture, distribute, or possess with
8 intent to distribute an imitation
9 controlled substance (RCW
10 69.52.030(1))
11 Recklessly Trafficking in Stolen Property
12 (RCW 9A.82.050(1))
13 Theft of livestock 2 (RCW 9A.56.080)
14 Securities Act violation (RCW 21.20.400)

15 II Unlawful Practice of Law (RCW 2.48.180)
16 Malicious Mischief 1 (RCW 9A.48.070)
17 Possession of Stolen Property 1 (RCW
18 9A.56.150)
19 Theft 1 (RCW 9A.56.030)
20 Attempting to Elude a Pursuing Police
21 Vehicle (RCW 46.61.024)
22 Trafficking in Insurance Claims (RCW
23 48.30A.015)
24 Unlicensed Practice of a Profession or
25 Business (RCW 18.130.190(7))
26 Health Care False Claims (RCW 48.80.030)
27 Possession of controlled substance that is
28 either heroin or narcotics from
29 Schedule I or II (RCW 69.50.401(d))
30 Possession of phencyclidine (PCP) (RCW
31 69.50.401(d))
32 Create, deliver, or possess a counterfeit
33 controlled substance (RCW
34 69.50.401(b))
35 Computer Trespass 1 (RCW 9A.52.110)
36 Escape from Community Custody (RCW
37 72.09.310)

1 I Theft 2 (RCW 9A.56.040)
2 Possession of Stolen Property 2 (RCW
3 9A.56.160)
4 Forgery (RCW 9A.60.020)
5 Taking Motor Vehicle Without Permission
6 (RCW 9A.56.070)
7 Vehicle Prowl 1 (RCW 9A.52.095)
8 ~~((Attempting to Elude a Pursuing Police~~
9 ~~Vehicle (RCW 46.61.024))~~
10 Malicious Mischief 2 (RCW 9A.48.080)
11 Reckless Burning 1 (RCW 9A.48.040)
12 Unlawful Issuance of Checks or Drafts (RCW
13 9A.56.060)
14 Unlawful Use of Food Stamps (RCW 9.91.140
15 (2) and (3))
16 False Verification for Welfare (RCW
17 74.08.055)
18 Forged Prescription (RCW 69.41.020)
19 Forged Prescription for a Controlled
20 Substance (RCW 69.50.403)
21 Possess Controlled Substance that is a
22 Narcotic from Schedule III, IV, or V
23 or Non-narcotic from Schedule I-V
24 (except phencyclidine) (RCW
25 69.50.401(d))

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