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HOUSE BILL 1381

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State of Washington

56th Legislature

1999 Regular Session

By Representatives O'Brien, Delvin, McDonald, Cairnes, Schindler, Ericksen, Campbell, Eickmeyer, Hurst, Edmonds, Lambert, Constantine, Linville, Pennington, Pflug, Bush, Miloscia, Esser, Sheahan, Carrell and Cooper

Read first time 01/22/1999. Referred to Committee on Criminal Justice & Corrections.

1 AN ACT Relating to attempting to elude a pursuing police vehicle;  
2 amending RCW 46.20.311 and 46.61.024; reenacting and amending RCW  
3 46.20.285 and 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 1998 c 207 s 4 and 1998 c 41 s 3 are  
6 each reenacted and amended to read 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, for the period prescribed in RCW 46.61.5055;

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

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

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

9       (~~(6)~~) (7) Perjury or the making of a false affidavit or statement  
10 under oath to the department under Title 46 RCW or under any other law  
11 relating to the ownership or operation of motor vehicles;

12       (~~(7)~~) (8) Reckless driving upon a showing by the department's  
13 records that the conviction is the third such conviction for the driver  
14 within a period of two years.

15       **Sec. 2.** RCW 46.20.311 and 1998 c 212 s 1 are each amended to read  
16 as follows:

17       (1)(a) The department shall not suspend a driver's license or  
18 privilege to drive a motor vehicle on the public highways for a fixed  
19 period of more than one year, except as specifically permitted under  
20 RCW 46.20.342 or other provision of law. Except for a suspension under  
21 RCW 46.20.289, 46.20.291(5), or 74.20A.320, whenever the license or  
22 driving privilege of any person is suspended by reason of a conviction,  
23 a finding that a traffic infraction has been committed, pursuant to  
24 chapter 46.29 RCW, or pursuant to RCW 46.20.291 or 46.20.308, the  
25 suspension shall remain in effect until the person gives and thereafter  
26 maintains proof of financial responsibility for the future as provided  
27 in chapter 46.29 RCW. If the suspension is the result of a violation  
28 of RCW 46.61.502 or 46.61.504, the department shall determine the  
29 person's eligibility for licensing based upon the reports provided by  
30 the alcoholism agency or probation department designated under RCW  
31 46.61.5056 and shall deny reinstatement until enrollment and  
32 participation in an approved program has been established and the  
33 person is otherwise qualified. Whenever the license or driving  
34 privilege of any person is suspended as a result of certification of  
35 noncompliance with a child support order under chapter 74.20A RCW or a  
36 residential or visitation order, the suspension shall remain in effect  
37 until the person provides a release issued by the department of social

1 and health services stating that the person is in compliance with the  
2 order.

3 (b)(i) The department shall not issue to the person a new,  
4 duplicate, or renewal license until the person pays a reissue fee of  
5 twenty dollars.

6 (ii) If the suspension is the result of a violation of RCW  
7 46.61.502 or 46.61.504, or is the result of administrative action under  
8 RCW 46.20.308, the reissue fee shall be one hundred fifty dollars.

9 (2)(a) Any person whose license or privilege to drive a motor  
10 vehicle on the public highways has been revoked, unless the revocation  
11 was for a cause which has been removed, is not entitled to have the  
12 license or privilege renewed or restored until: (i) After the  
13 expiration of one year from the date the license or privilege to drive  
14 was revoked; or (ii) after the expiration of the applicable revocation  
15 period provided by RCW 46.20.265, 46.20.285, 46.20.3101, or  
16 46.61.5055~~((; (iii) after the expiration of two years for persons~~  
17 ~~convicted of vehicular homicide; or (iv) after the expiration of the~~  
18 ~~applicable revocation period provided by RCW 46.20.265))~~.

19 (b)(i) After the expiration of the appropriate period, the person  
20 may make application for a new license as provided by law together with  
21 a reissue fee in the amount of twenty dollars.

22 (ii) If the revocation is the result of a violation of RCW  
23 46.20.308, 46.61.502, or 46.61.504, the reissue fee shall be one  
24 hundred fifty dollars. If the revocation is the result of a violation  
25 of RCW 46.61.502 or 46.61.504, the department shall determine the  
26 person's eligibility for licensing based upon the reports provided by  
27 the alcoholism agency or probation department designated under RCW  
28 46.61.5056 and shall deny reissuance of a license, permit, or privilege  
29 to drive until enrollment and participation in an approved program has  
30 been established and the person is otherwise qualified.

31 (c) Except for a revocation under RCW 46.20.265, the department  
32 shall not then 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 the privilege of driving a motor vehicle on the public  
35 highways, and until the person gives and thereafter maintains proof of  
36 financial responsibility for the future as provided in chapter 46.29  
37 RCW. For a revocation under RCW 46.20.265, the department shall not  
38 issue a new license unless it is satisfied after investigation of the

1 driving ability of the person that it will be safe to grant that person  
2 the privilege of driving a motor vehicle on the public highways.

3 (3)(a) Whenever the driver's license of any person is suspended  
4 pursuant to Article IV of the nonresident violators compact or RCW  
5 46.23.020 or 46.20.289 or 46.20.291(5), the department shall not issue  
6 to the person any new or renewal license until the person pays a  
7 reissue fee of twenty dollars.

8 (b) If the suspension is the result of a violation of the laws of  
9 this or any other state, province, or other jurisdiction involving (i)  
10 the operation or physical control of a motor vehicle upon the public  
11 highways while under the influence of intoxicating liquor or drugs, or  
12 (ii) the refusal to submit to a chemical test of the driver's blood  
13 alcohol content, the reissue fee shall be one hundred fifty dollars.

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

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

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

31 **Sec. 4.** RCW 9.94A.320 and 1998 c 290 s 4, 1998 c 219 s 4, 1998 c  
32 82 s 1, and 1998 c 78 s 1 are each reenacted and amended to read as  
33 follows:

34 TABLE 2

35 CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

36 XV Aggravated Murder 1 (RCW 10.95.020)

1     XIV           Murder 1 (RCW 9A.32.030)  
2                   Homicide by abuse (RCW 9A.32.055)  
3                   Malicious explosion 1 (RCW 70.74.280(1))  
4     XIII           Murder 2 (RCW 9A.32.050)  
5                   Malicious explosion 2 (RCW 70.74.280(2))  
6                   Malicious placement of an explosive 1 (RCW  
7                                 70.74.270(1))  
8     XII            Assault 1 (RCW 9A.36.011)  
9                   Assault of a Child 1 (RCW 9A.36.120)  
10                   Rape 1 (RCW 9A.44.040)  
11                   Rape of a Child 1 (RCW 9A.44.073)  
12                   Malicious placement of an imitation device  
13                                 1 (RCW 70.74.272(1)(a))  
14     XI            Rape 2 (RCW 9A.44.050)  
15                   Rape of a Child 2 (RCW 9A.44.076)  
16                   Manslaughter 1 (RCW 9A.32.060)  
17     X             Kidnapping 1 (RCW 9A.40.020)  
18                   Child Molestation 1 (RCW 9A.44.083)  
19                   Malicious explosion 3 (RCW 70.74.280(3))  
20                   Over 18 and deliver heroin, a narcotic from  
21                                 Schedule I or II, or flunitrazepam  
22                                 from Schedule IV to someone under 18  
23                                 (RCW 69.50.406)  
24                   Leading Organized Crime (RCW  
25                                 9A.82.060(1)(a))  
26                   Indecent Liberties (with forcible  
27                                 compulsion) (RCW 9A.44.100(1)(a))  
28                   Manufacture of methamphetamine (RCW  
29                                 69.50.401(a)(1)(ii))  
30     IX            Assault of a Child 2 (RCW 9A.36.130)  
31                   Robbery 1 (RCW 9A.56.200)  
32                   Explosive devices prohibited (RCW  
33                                 70.74.180)  
34                   Malicious placement of an explosive 2 (RCW  
35                                 70.74.270(2))

1 Over 18 and deliver narcotic from Schedule  
2 III, IV, or V or a nonnarcotic, except  
3 flunitrazepam, from Schedule I-V to  
4 someone under 18 and 3 years junior  
5 (RCW 69.50.406)  
6 Controlled Substance Homicide (RCW  
7 69.50.415)  
8 Sexual Exploitation (RCW 9.68A.040)  
9 Inciting Criminal Profiteering (RCW  
10 9A.82.060(1)(b))  
11 Vehicular Homicide, by being under the  
12 influence of intoxicating liquor or  
13 any drug (RCW 46.61.520)  
14 Homicide by Watercraft, by being under the  
15 influence of intoxicating liquor or  
16 any drug (RCW 88.12.029)  
17 VIII Arson 1 (RCW 9A.48.020)  
18 Promoting Prostitution 1 (RCW 9A.88.070)  
19 Selling for profit (controlled or  
20 counterfeit) any controlled substance  
21 (RCW 69.50.410)  
22 Manufacture, deliver, or possess with  
23 intent to deliver heroin or cocaine  
24 (RCW 69.50.401(a)(1)(i))  
25 Deliver or possess with intent to deliver  
26 methamphetamine (RCW  
27 69.50.401(a)(1)(ii))  
28 Manufacture, deliver, or possess with  
29 intent to deliver amphetamine (RCW  
30 69.50.401(a)(1)(ii))  
31 Possession of ephedrine or pseudoephedrine  
32 with intent to manufacture  
33 methamphetamine (RCW 69.50.440)  
34 Vehicular Homicide, by the operation of any  
35 vehicle in a reckless manner (RCW  
36 46.61.520)  
37 Homicide by Watercraft, by the operation of  
38 any vessel in a reckless manner (RCW  
39 88.12.029)

1 Manslaughter 2 (RCW 9A.32.070)

2 VII Burglary 1 (RCW 9A.52.020)

3 Vehicular Homicide, by disregard for the

4 safety of others (RCW 46.61.520)

5 Homicide by Watercraft, by disregard for

6 the safety of others (RCW 88.12.029)

7 Introducing Contraband 1 (RCW 9A.76.140)

8 Indecent Liberties (without forcible

9 compulsion) (RCW 9A.44.100(1) (b) and

10 (c))

11 Child Molestation 2 (RCW 9A.44.086)

12 Dealing in depictions of minor engaged in

13 sexually explicit conduct (RCW

14 9.68A.050)

15 Sending, bringing into state depictions of

16 minor engaged in sexually explicit

17 conduct (RCW 9.68A.060)

18 Involving a minor in drug dealing (RCW

19 69.50.401(f))

20 Drive-by Shooting (RCW 9A.36.045)

21 Unlawful Possession of a Firearm in the

22 first degree (RCW 9.41.040(1)(a))

23 Malicious placement of an explosive 3 (RCW

24 70.74.270(3))

25 VI Bribery (RCW 9A.68.010)

26 Rape of a Child 3 (RCW 9A.44.079)

27 Intimidating a Juror/Witness (RCW

28 9A.72.110, 9A.72.130)

29 Malicious placement of an imitation device

30 2 (RCW 70.74.272(1)(b))

31 Incest 1 (RCW 9A.64.020(1))

32 Manufacture, deliver, or possess with

33 intent to deliver narcotics from

34 Schedule I or II (except heroin or

35 cocaine) or flunitrazepam from

36 Schedule IV (RCW 69.50.401(a)(1)(i))

1 Intimidating a Judge (RCW 9A.72.160)  
2 Bail Jumping with Murder 1 (RCW  
3 9A.76.170(2)(a))  
4 Theft of a Firearm (RCW 9A.56.300)

5 V Persistent prison misbehavior (RCW  
6 9.94.070)  
7 Criminal Mistreatment 1 (RCW 9A.42.020)  
8 Abandonment of dependent person 1 (RCW  
9 9A.42.060)  
10 Rape 3 (RCW 9A.44.060)  
11 Sexual Misconduct with a Minor 1 (RCW  
12 9A.44.093)  
13 Child Molestation 3 (RCW 9A.44.089)  
14 Kidnapping 2 (RCW 9A.40.030)  
15 Extortion 1 (RCW 9A.56.120)  
16 Incest 2 (RCW 9A.64.020(2))  
17 Perjury 1 (RCW 9A.72.020)  
18 Extortionate Extension of Credit (RCW  
19 9A.82.020)  
20 Advancing money or property for  
21 extortionate extension of credit (RCW  
22 9A.82.030)  
23 Extortionate Means to Collect Extensions of  
24 Credit (RCW 9A.82.040)  
25 Rendering Criminal Assistance 1 (RCW  
26 9A.76.070)  
27 Bail Jumping with class A Felony (RCW  
28 9A.76.170(2)(b))  
29 Sexually Violating Human Remains (RCW  
30 9A.44.105)  
31 Delivery of imitation controlled substance  
32 by person eighteen or over to person  
33 under eighteen (RCW 69.52.030(2))  
34 Possession of a Stolen Firearm (RCW  
35 9A.56.310)

36 IV Residential Burglary (RCW 9A.52.025)  
37 Theft of Livestock 1 (RCW 9A.56.080)  
38 Robbery 2 (RCW 9A.56.210)



1 Assault 2 (RCW 9A.36.021)  
2 Escape 1 (RCW 9A.76.110)  
3 Arson 2 (RCW 9A.48.030)  
4 Commercial Bribery (RCW 9A.68.060)  
5 Bribing a Witness/Bribe Received by Witness  
6 (RCW 9A.72.090, 9A.72.100)  
7 Malicious Harassment (RCW 9A.36.080)  
8 Threats to Bomb (RCW 9.61.160)  
9 Willful Failure to Return from Furlough  
10 (RCW 72.66.060)  
11 Hit and Run--Injury Accident (RCW  
12 46.52.020(4))  
13 Hit and Run with Vessel--Injury Accident  
14 (RCW 88.12.155(3))  
15 Vehicular Assault (RCW 46.61.522)  
16 Assault by Watercraft (RCW 88.12.032)  
17 Manufacture, deliver, or possess with  
18 intent to deliver narcotics from  
19 Schedule III, IV, or V or nonnarcotics  
20 from Schedule I-V (except marijuana,  
21 amphetamine, methamphetamines, or  
22 flunitrazepam) (RCW 69.50.401(a)(1)  
23 (iii) through (v))  
24 Influencing Outcome of Sporting Event (RCW  
25 9A.82.070)  
26 Use of Proceeds of Criminal Profiteering  
27 (RCW 9A.82.080 (1) and (2))  
28 Knowingly Trafficking in Stolen Property  
29 (RCW 9A.82.050(2))  
30 III Criminal Gang Intimidation (RCW 9A.46.120)  
31 Criminal Mistreatment 2 (RCW 9A.42.030)  
32 Abandonment of dependent person 2 (RCW  
33 9A.42.070)  
34 Extortion 2 (RCW 9A.56.130)  
35 Unlawful Imprisonment (RCW 9A.40.040)  
36 Assault 3 (RCW 9A.36.031)  
37 Assault of a Child 3 (RCW 9A.36.140)  
38 Custodial Assault (RCW 9A.36.100)

1 Unlawful possession of firearm in the  
2 second degree (RCW 9.41.040(1)(b))  
3 Harassment (RCW 9A.46.020)  
4 Promoting Prostitution 2 (RCW 9A.88.080)  
5 Willful Failure to Return from Work Release  
6 (RCW 72.65.070)  
7 Burglary 2 (RCW 9A.52.030)  
8 Introducing Contraband 2 (RCW 9A.76.150)  
9 Communication with a Minor for Immoral  
10 Purposes (RCW 9.68A.090)  
11 Patronizing a Juvenile Prostitute (RCW  
12 9.68A.100)  
13 Escape 2 (RCW 9A.76.120)  
14 Perjury 2 (RCW 9A.72.030)  
15 Bail Jumping with class B or C Felony (RCW  
16 9A.76.170(2)(c))  
17 Intimidating a Public Servant (RCW  
18 9A.76.180)  
19 Tampering with a Witness (RCW 9A.72.120)  
20 Manufacture, deliver, or possess with  
21 intent to deliver marijuana (RCW  
22 69.50.401(a)(1)(iii))  
23 Delivery of a material in lieu of a  
24 controlled substance (RCW  
25 69.50.401(c))  
26 Manufacture, distribute, or possess with  
27 intent to distribute an imitation  
28 controlled substance (RCW  
29 69.52.030(1))  
30 Recklessly Trafficking in Stolen Property  
31 (RCW 9A.82.050(1))  
32 Theft of livestock 2 (RCW 9A.56.080)  
33 Securities Act violation (RCW 21.20.400)  
34 II Unlawful Practice of Law (RCW 2.48.180)  
35 Malicious Mischief 1 (RCW 9A.48.070)  
36 Possession of Stolen Property 1 (RCW  
37 9A.56.150)  
38 Theft 1 (RCW 9A.56.030)

1 Class B Felony Theft of Rental, Leased, or  
2 Lease-purchased Property (RCW  
3 9A.56.096(4))  
4 Attempting to Elude a Pursuing Police  
5 Vehicle (RCW 46.61.024)  
6 Trafficking in Insurance Claims (RCW  
7 48.30A.015)  
8 Unlicensed Practice of a Profession or  
9 Business (RCW 18.130.190(7))  
10 Health Care False Claims (RCW 48.80.030)  
11 Possession of controlled substance that is  
12 either heroin or narcotics from  
13 Schedule I or II or flunitrazepam from  
14 Schedule IV (RCW 69.50.401(d))  
15 Possession of phencyclidine (PCP) (RCW  
16 69.50.401(d))  
17 Create, deliver, or possess a counterfeit  
18 controlled substance (RCW  
19 69.50.401(b))  
20 Computer Trespass 1 (RCW 9A.52.110)  
21 Escape from Community Custody (RCW  
22 72.09.310)

23 I Theft 2 (RCW 9A.56.040)  
24 Class C Felony Theft of Rental, Leased, or  
25 Lease-purchased Property (RCW  
26 9A.56.096(4))  
27 Possession of Stolen Property 2 (RCW  
28 9A.56.160)  
29 Forgery (RCW 9A.60.020)  
30 Taking Motor Vehicle Without Permission  
31 (RCW 9A.56.070)  
32 Vehicle Prowl 1 (RCW 9A.52.095)  
33 ~~((Attempting to Elude a Pursuing Police~~  
34 ~~Vehicle (RCW 46.61.024))~~)  
35 Malicious Mischief 2 (RCW 9A.48.080)  
36 Reckless Burning 1 (RCW 9A.48.040)  
37 Unlawful Issuance of Checks or Drafts (RCW  
38 9A.56.060)

1 Unlawful Use of Food Stamps (RCW 9.91.140  
2 (2) and (3))  
3 False Verification for Welfare (RCW  
4 74.08.055)  
5 Forged Prescription (RCW 69.41.020)  
6 Forged Prescription for a Controlled  
7 Substance (RCW 69.50.403)  
8 Possess Controlled Substance that is a  
9 Narcotic from Schedule III, IV, or V  
10 or Non-narcotic from Schedule I-V  
11 (except phencyclidine or  
12 flunitrazepam) (RCW 69.50.401(d))

--- END ---