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HOUSE BILL 2621

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State of Washington

57th Legislature

2002 Regular Session

By Representatives Roach, O'Brien, Casada, Lovick, Benson, Carrell, Kirby, Barlean, Ahern and Morell

Read first time . Referred to Committee on .

1 AN ACT Relating to attempting to elude a pursuing police vehicle;  
2 amending RCW 46.61.024, 46.61.520, and 46.61.522; reenacting and  
3 amending RCW 9.94A.515; and prescribing penalties.

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

5 **Sec. 1.** RCW 46.61.024 and 1983 c 80 s 1 are each amended to read  
6 as follows:

7 (1) Any driver of a motor vehicle who willfully fails or refuses to  
8 immediately bring his vehicle to a stop and who drives his vehicle in  
9 a reckless manner (~~((indicating a wanton or wilful disregard for the~~  
10 ~~lives or property of others))~~) while attempting to elude a pursuing  
11 police vehicle, after being given a visual or audible signal to bring  
12 the vehicle to a stop, shall be guilty of a class C felony. The signal  
13 given by the police officer may be by hand, voice, emergency light, or  
14 siren. (~~((The officer giving such a signal shall be in uniform and his~~  
15 ~~vehicle shall be appropriately marked showing it to be an official~~  
16 ~~police vehicle.))~~)

17 (2) It is an affirmative defense to a prosecution under this  
18 section, which must be established by a preponderance of the evidence,  
19 that: (a) A reasonable person would not believe that the signal to

1 stop was given by a police officer; and (b) driving after the signal to  
2 stop was reasonable under the circumstances.

3 (3) The license or permit to drive or any nonresident driving  
4 privilege of a person convicted of a violation of this section shall be  
5 revoked by the department of licensing for not less than two years  
6 consecutive to any other periods of suspension or revocation. Any  
7 suspension or revocation is tolled while the offender is confined  
8 pursuant to any conviction.

9 **Sec. 2.** RCW 46.61.520 and 1998 c 211 s 2 are each amended to read  
10 as follows:

11 (1) When the death of any person ensues within three years as a  
12 proximate result of injury proximately caused by the driving of any  
13 vehicle by any person, the driver is guilty of vehicular homicide if  
14 the driver was operating a motor vehicle:

15 (a) While under the influence of intoxicating liquor or any drug,  
16 as defined by RCW 46.61.502; or

17 (b) In a reckless manner; or

18 (c) With disregard for the safety of others; or

19 (d) While attempting to elude a pursuing police vehicle as defined  
20 in RCW 46.61.024.

21 (2) Vehicular homicide is a class A felony punishable under chapter  
22 9A.20 RCW, except that, for a conviction under subsection (1)(a) of  
23 this section, an additional two years shall be added to the sentence  
24 for each prior offense as defined in RCW 46.61.5055.

25 **Sec. 3.** RCW 46.61.522 and 2001 c 300 s 1 are each amended to read  
26 as follows:

27 (1) A person is guilty of vehicular assault if he or she operates  
28 or drives any vehicle:

29 (a) In a reckless manner and causes substantial bodily harm to  
30 another; or

31 (b) While under the influence of intoxicating liquor or any drug,  
32 as defined by RCW 46.61.502, and causes substantial bodily harm to  
33 another; or

34 (c) With disregard for the safety of others and causes substantial  
35 bodily harm to another; or

36 (d) While attempting to elude a pursuing police vehicle as defined  
37 in RCW 46.61.024 and causes substantial bodily harm to another.

1 (2) Vehicular assault is a class B felony punishable under chapter  
2 9A.20 RCW.

3 (3) As used in this section, "substantial bodily harm" has the same  
4 meaning as in RCW 9A.04.110.

5 **Sec. 4.** RCW 9.94A.515 and 2001 2nd sp.s. c 12 s 361, 2001 c 300 s  
6 4, 2001 c 217 s 12, and 2001 c 17 s 1 are each reenacted and amended to  
7 read as follows:

8 TABLE 2

9 CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

10	XVI	Aggravated Murder 1 (RCW 10.95.020)
11	XV	Homicide by abuse (RCW 9A.32.055)
12		Malicious explosion 1 (RCW 70.74.280(1))
13		Murder 1 (RCW 9A.32.030)
14	XIV	Murder 2 (RCW 9A.32.050)
15	XIII	Malicious explosion 2 (RCW 70.74.280(2))
16		Malicious placement of an explosive 1 (RCW
17		70.74.270(1))
18	XII	Assault 1 (RCW 9A.36.011)
19		Assault of a Child 1 (RCW 9A.36.120)
20		Malicious placement of an imitation device
21		1 (RCW 70.74.272(1)(a))
22		Rape 1 (RCW 9A.44.040)
23		Rape of a Child 1 (RCW 9A.44.073)
24	XI	Manslaughter 1 (RCW 9A.32.060)
25		Rape 2 (RCW 9A.44.050)
26		Rape of a Child 2 (RCW 9A.44.076)
27		<u>Vehicular Homicide, by attempting to elude</u>
28		<u>a pursuing police vehicle (RCW</u>
29		<u>46.61.520)</u>
30	X	Child Molestation 1 (RCW 9A.44.083)
31		Indecent Liberties (with forcible
32		compulsion) (RCW 9A.44.100(1)(a))
33		Kidnapping 1 (RCW 9A.40.020)

1           Leading     Organized     Crime     (RCW  
2                     9A.82.060(1)(a))  
3           Malicious explosion 3 (RCW 70.74.280(3))  
4           Manufacture     of     methamphetamine     (RCW  
5                     69.50.401(a)(1)(ii))  
6           Over     18     and     deliver     heroin,  
7                     methamphetamine,     a     narcotic     from  
8                     Schedule I or II, or flunitrazepam  
9                     from Schedule IV to someone under 18  
10                    (RCW 69.50.406)  
11           Sexually Violent Predator Escape (RCW  
12                     9A.76.115)

13     IX           Assault of a Child 2 (RCW 9A.36.130)  
14           Controlled     Substance     Homicide     (RCW  
15                     69.50.415)  
16           Explosive     devices     prohibited     (RCW  
17                     70.74.180)  
18           Hit and Run--Death (RCW 46.52.020(4)(a))  
19           Homicide by Watercraft, by being under the  
20                     influence of intoxicating liquor or  
21                     any drug (RCW 79A.60.050)  
22           Inciting     Criminal     Profiteering     (RCW  
23                     9A.82.060(1)(b))  
24           Malicious placement of an explosive 2 (RCW  
25                     70.74.270(2))  
26           Over 18 and deliver narcotic from Schedule  
27                     III, IV, or V or a nonnarcotic, except  
28                     flunitrazepam or methamphetamine, from  
29                     Schedule I-V to someone under 18 and 3  
30                     years junior (RCW 69.50.406)  
31           Robbery 1 (RCW 9A.56.200)  
32           Sexual Exploitation (RCW 9.68A.040)  
33           Vehicular Homicide, by being under the  
34                     influence of intoxicating liquor or  
35                     any drug (RCW 46.61.520)

36     VIII           Arson 1 (RCW 9A.48.020)

1 Deliver or possess with intent to deliver  
2 methamphetamine (RCW  
3 69.50.401(a)(1)(ii))  
4 Homicide by Watercraft, by the operation of  
5 any vessel in a reckless manner (RCW  
6 79A.60.050)  
7 Manslaughter 2 (RCW 9A.32.070)  
8 Manufacture, deliver, or possess with  
9 intent to deliver amphetamine (RCW  
10 69.50.401(a)(1)(ii))  
11 Manufacture, deliver, or possess with  
12 intent to deliver heroin or cocaine  
13 (RCW 69.50.401(a)(1)(i))  
14 Possession of Ephedrine, Pseudoephedrine,  
15 or Anhydrous Ammonia with intent to  
16 manufacture methamphetamine (RCW  
17 69.50.440)  
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 Theft of Anhydrous Ammonia (RCW 69.55.010)  
23 Vehicular Homicide, by the operation of any  
24 vehicle in a reckless manner (RCW  
25 46.61.520)  
26 VII Burglary 1 (RCW 9A.52.020)  
27 Child Molestation 2 (RCW 9A.44.086)  
28 Dealing in depictions of minor engaged in  
29 sexually explicit conduct (RCW  
30 9.68A.050)  
31 Drive-by Shooting (RCW 9A.36.045)  
32 Homicide by Watercraft, by disregard for  
33 the safety of others (RCW 79A.60.050)  
34 Indecent Liberties (without forcible  
35 compulsion) (RCW 9A.44.100(1) (b) and  
36 (c))  
37 Introducing Contraband 1 (RCW 9A.76.140)  
38 Involving a minor in drug dealing (RCW  
39 69.50.401(f))

1 Malicious placement of an explosive 3 (RCW  
2 70.74.270(3))  
3 Sending, bringing into state depictions of  
4 minor engaged in sexually explicit  
5 conduct (RCW 9.68A.060)  
6 Unlawful Possession of a Firearm in the  
7 first degree (RCW 9.41.040(1)(a))  
8 Use of a Machine Gun in Commission of a  
9 Felony (RCW 9.41.225)  
10 Vehicular Homicide, by disregard for the  
11 safety of others (RCW 46.61.520)

12 VI Bail Jumping with Murder 1 (RCW  
13 9A.76.170(3)(a))  
14 Bribery (RCW 9A.68.010)  
15 Incest 1 (RCW 9A.64.020(1))  
16 Intimidating a Judge (RCW 9A.72.160)  
17 Intimidating a Juror/Witness (RCW  
18 9A.72.110, 9A.72.130)  
19 Malicious placement of an imitation device  
20 2 (RCW 70.74.272(1)(b))  
21 Manufacture, deliver, or possess with  
22 intent to deliver narcotics from  
23 Schedule I or II (except heroin or  
24 cocaine) or flunitrazepam from  
25 Schedule IV (RCW 69.50.401(a)(1)(i))  
26 Rape of a Child 3 (RCW 9A.44.079)  
27 Theft of a Firearm (RCW 9A.56.300)  
28 Unlawful Storage of Anhydrous Ammonia (RCW  
29 69.55.020)  
30 Vehicular Assault, by attempting to elude a  
31 pursuing police vehicle (RCW  
32 46.61.522)

33 V Abandonment of dependent person 1 (RCW  
34 9A.42.060)  
35 Advancing money or property for  
36 extortionate extension of credit (RCW  
37 9A.82.030)

1 Bail Jumping with class A Felony (RCW  
2 9A.76.170(3)(b))  
3 Child Molestation 3 (RCW 9A.44.089)  
4 Criminal Mistreatment 1 (RCW 9A.42.020)  
5 Custodial Sexual Misconduct 1 (RCW  
6 9A.44.160)  
7 Delivery of imitation controlled substance  
8 by person eighteen or over to person  
9 under eighteen (RCW 69.52.030(2))  
10 Domestic Violence Court Order Violation  
11 (RCW 10.99.040, 10.99.050, 26.09.300,  
12 26.10.220, 26.26.138, 26.50.110,  
13 26.52.070, or 74.34.145)  
14 Extortion 1 (RCW 9A.56.120)  
15 Extortionate Extension of Credit (RCW  
16 9A.82.020)  
17 Extortionate Means to Collect Extensions of  
18 Credit (RCW 9A.82.040)  
19 Incest 2 (RCW 9A.64.020(2))  
20 Kidnapping 2 (RCW 9A.40.030)  
21 Perjury 1 (RCW 9A.72.020)  
22 Persistent prison misbehavior (RCW  
23 9.94.070)  
24 Possession of a Stolen Firearm (RCW  
25 9A.56.310)  
26 Rape 3 (RCW 9A.44.060)  
27 Rendering Criminal Assistance 1 (RCW  
28 9A.76.070)  
29 Sexual Misconduct with a Minor 1 (RCW  
30 9A.44.093)  
31 Sexually Violating Human Remains (RCW  
32 9A.44.105)  
33 Stalking (RCW 9A.46.110)  
34 IV Arson 2 (RCW 9A.48.030)  
35 Assault 2 (RCW 9A.36.021)  
36 Assault by Watercraft (RCW 79A.60.060)  
37 Bribing a Witness/Bribe Received by Witness  
38 (RCW 9A.72.090, 9A.72.100)  
39 Commercial Bribery (RCW 9A.68.060)

1 Counterfeiting (RCW 9.16.035(4))  
2 Escape 1 (RCW 9A.76.110)  
3 Hit and Run--Injury (RCW 46.52.020(4)(b))  
4 Hit and Run with Vessel--Injury Accident  
5 (RCW 79A.60.200(3))  
6 Identity Theft 1 (RCW 9.35.020(2)(a))  
7 Indecent Exposure to Person Under Age  
8 Fourteen (subsequent sex offense) (RCW  
9 9A.88.010)  
10 Influencing Outcome of Sporting Event (RCW  
11 9A.82.070)  
12 Knowingly Trafficking in Stolen Property  
13 (RCW 9A.82.050(2))  
14 Malicious Harassment (RCW 9A.36.080)  
15 Manufacture, deliver, or possess with  
16 intent to deliver narcotics from  
17 Schedule III, IV, or V or nonnarcotics  
18 from Schedule I-V (except marijuana,  
19 amphetamine, methamphetamines, or  
20 flunitrazepam) (RCW 69.50.401(a)(1)  
21 (iii) through (v))  
22 Residential Burglary (RCW 9A.52.025)  
23 Robbery 2 (RCW 9A.56.210)  
24 Theft of Livestock 1 (RCW 9A.56.080)  
25 Threats to Bomb (RCW 9.61.160)  
26 Use of Proceeds of Criminal Profiteering  
27 (RCW 9A.82.080 (1) and (2))  
28 Vehicular Assault, by being under the  
29 influence of intoxicating liquor or  
30 any drug, or by the operation or  
31 driving of a vehicle in a reckless  
32 manner (RCW 46.61.522)  
33 Willful Failure to Return from Furlough  
34 (RCW 72.66.060)  
35 III Abandonment of dependent person 2 (RCW  
36 9A.42.070)  
37 Assault 3 (RCW 9A.36.031)  
38 Assault of a Child 3 (RCW 9A.36.140)



1 Bail Jumping with class B or C Felony (RCW  
2 9A.76.170(3)(c))  
3 Burglary 2 (RCW 9A.52.030)  
4 Communication with a Minor for Immoral  
5 Purposes (RCW 9.68A.090)  
6 Criminal Gang Intimidation (RCW 9A.46.120)  
7 Criminal Mistreatment 2 (RCW 9A.42.030)  
8 Custodial Assault (RCW 9A.36.100)  
9 Delivery of a material in lieu of a  
10 controlled substance (RCW  
11 69.50.401(c))  
12 Escape 2 (RCW 9A.76.120)  
13 Extortion 2 (RCW 9A.56.130)  
14 Harassment (RCW 9A.46.020)  
15 Intimidating a Public Servant (RCW  
16 9A.76.180)  
17 Introducing Contraband 2 (RCW 9A.76.150)  
18 Maintaining a Dwelling or Place for  
19 Controlled Substances (RCW  
20 69.50.402(a)(6))  
21 Malicious Injury to Railroad Property (RCW  
22 81.60.070)  
23 Manufacture, deliver, or possess with  
24 intent to deliver marijuana (RCW  
25 69.50.401(a)(1)(iii))  
26 Manufacture, distribute, or possess with  
27 intent to distribute an imitation  
28 controlled substance (RCW  
29 69.52.030(1))  
30 Patronizing a Juvenile Prostitute (RCW  
31 9.68A.100)  
32 Perjury 2 (RCW 9A.72.030)  
33 Possession of Incendiary Device (RCW  
34 9.40.120)  
35 Possession of Machine Gun or Short-Barreled  
36 Shotgun or Rifle (RCW 9.41.190)  
37 Promoting Prostitution 2 (RCW 9A.88.080)  
38 Recklessly Trafficking in Stolen Property  
39 (RCW 9A.82.050(1))

1 Securities Act violation (RCW 21.20.400)  
2 Tampering with a Witness (RCW 9A.72.120)  
3 Telephone Harassment (subsequent conviction  
4 or threat of death) (RCW 9.61.230)  
5 Theft of Livestock 2 (RCW 9A.56.080)  
6 Unlawful Imprisonment (RCW 9A.40.040)  
7 Unlawful possession of firearm in the  
8 second degree (RCW 9.41.040(1)(b))  
9 Unlawful Use of Building for Drug Purposes  
10 (RCW 69.53.010)  
11 Vehicular Assault, by the operation or  
12 driving of a vehicle with disregard  
13 for the safety of others (RCW  
14 46.61.522)  
15 Willful Failure to Return from Work Release  
16 (RCW 72.65.070)

17 II Attempting to Elude a Pursuing Police  
18 Vehicle (RCW 46.61.024)  
19 Computer Trespass 1 (RCW 9A.52.110)  
20 Counterfeiting (RCW 9.16.035(3))  
21 Create, deliver, or possess a counterfeit  
22 controlled substance (RCW  
23 69.50.401(b))  
24 Escape from Community Custody (RCW  
25 72.09.310)  
26 Health Care False Claims (RCW 48.80.030)  
27 Identity Theft 2 (RCW 9.35.020(2)(b))  
28 Improperly Obtaining Financial Information  
29 (RCW 9.35.010)  
30 Malicious Mischief 1 (RCW 9A.48.070)  
31 Possession of controlled substance that is  
32 either heroin or narcotics from  
33 Schedule I or II or flunitrazepam from  
34 Schedule IV (RCW 69.50.401(d))  
35 Possession of phencyclidine (PCP) (RCW  
36 69.50.401(d))  
37 Possession of Stolen Property 1 (RCW  
38 9A.56.150)  
39 Theft 1 (RCW 9A.56.030)

1 Theft of Rental, Leased, or Lease-purchased  
2 Property (valued at one thousand five  
3 hundred dollars or more) (RCW  
4 9A.56.096(4))  
5 Trafficking in Insurance Claims (RCW  
6 48.30A.015)  
7 Unlawful Practice of Law (RCW 2.48.180)  
8 Unlicensed Practice of a Profession or  
9 Business (RCW 18.130.190(7))  
10 I ((~~Attempting to Elude a Pursuing Police~~  
11 ~~Vehicle (RCW 46.61.024))~~)  
12 False Verification for Welfare (RCW  
13 74.08.055)  
14 Forged Prescription (RCW 69.41.020)  
15 Forged Prescription for a Controlled  
16 Substance (RCW 69.50.403)  
17 Forgery (RCW 9A.60.020)  
18 Malicious Mischief 2 (RCW 9A.48.080)  
19 Possess Controlled Substance that is a  
20 Narcotic from Schedule III, IV, or V  
21 or Non-narcotic from Schedule I-V  
22 (except phencyclidine or  
23 flunitrazepam) (RCW 69.50.401(d))  
24 Possession of Stolen Property 2 (RCW  
25 9A.56.160)  
26 Reckless Burning 1 (RCW 9A.48.040)  
27 Taking Motor Vehicle Without Permission  
28 (RCW 9A.56.070)  
29 Theft 2 (RCW 9A.56.040)  
30 Theft of Rental, Leased, or Lease-purchased  
31 Property (valued at two hundred fifty  
32 dollars or more but less than one  
33 thousand five hundred dollars) (RCW  
34 9A.56.096(4))  
35 Unlawful Issuance of Checks or Drafts (RCW  
36 9A.56.060)  
37 Unlawful Use of Food Stamps (RCW 9.91.140  
38 (2) and (3))

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