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HOUSE BILL 1788

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State of Washington

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By Representatives Robertson, Mosbrucker, Ybarra, Klippert, Chase, Walsh, Rude, Klicker, Chambers, Barkis, Dufault, Jacobsen, Caldier, Griffey, Kraft, Graham, and Young

Prefiled 01/05/22. Read first time 01/10/22. Referred to Committee on Public Safety.

1 AN ACT Relating to vehicular pursuits; amending RCW 10.116.060;  
2 and declaring an emergency.

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

4 **Sec. 1.** RCW 10.116.060 and 2021 c 320 s 7 are each amended to  
5 read as follows:

6 (1) A peace officer may not engage in a vehicular pursuit,  
7 unless:

8 (a) ~~((i) There is probable cause to believe that a person in the~~  
9 ~~vehicle has committed or is committing a violent offense or sex~~  
10 ~~offense as defined in RCW 9.94A.030, or an escape under chapter 9A.76~~  
11 ~~RCW; or~~

12 ~~(ii)) There is reasonable suspicion a person in the vehicle has~~  
13 ~~committed or is committing a ((driving under the influence offense~~  
14 ~~under RCW 46.61.502;~~

15 ~~(b) The pursuit is necessary for the purpose of identifying or~~  
16 ~~apprehending the person;~~

17 ~~(c) The person poses an imminent threat to the safety of others))~~  
18 criminal offense, and the safety risks of failing to apprehend or  
19 identify the person are considered to be greater than the safety  
20 risks of the vehicular pursuit under the circumstances; ~~((and~~

1 ~~(d) (i) Except as provided in (d) (ii) of this subsection, the~~  
2 ~~officer has received authorization to engage in the pursuit from a~~  
3 ~~supervising officer and there is supervisory control of the pursuit.~~  
4 ~~The officer in consultation with the supervising officer must~~  
5 ~~consider alternatives to the vehicular pursuit. The supervisor must~~  
6 ~~consider))~~

7 (b) The officer notifies a supervising officer immediately upon  
8 initiating the vehicular pursuit, informing the supervisor of the  
9 justification for the vehicular pursuit and other safety  
10 considerations, including but not limited to speed, weather, traffic,  
11 road conditions, and the known presence of minors in the vehicle((  
12 and the vehicular pursuit must be terminated if any of the  
13 requirements of this subsection are not met;

14 ~~(ii) For those jurisdictions with fewer than 10 commissioned~~  
15 ~~officers, if a supervisor is not on duty at the time, the officer~~  
16 ~~will request the on-call supervisor be notified of the pursuit~~  
17 ~~according to the agency's procedures. The officer must consider));~~

18 (c) The officer, in consultation with the supervising officer,  
19 considers alternatives to the vehicular pursuit((, the justification  
20 for the vehicular pursuit, and other safety considerations, including  
21 but not limited to speed, weather, traffic, road conditions, and the  
22 known presence of minors in the vehicle. The officer must terminate  
23 the vehicular pursuit if any of the requirements of this subsection  
24 are not met.

25 ~~(2) A pursuing officer shall comply));~~

26 (d) The officer complies with any agency procedures for  
27 designating the primary pursuit vehicle and determining the  
28 appropriate number of vehicles permitted to participate in the  
29 vehicular pursuit ~~((and comply));~~ and

30 (e) The officer complies with any agency procedures for  
31 coordinating operations with other jurisdictions, including available  
32 tribal police departments when applicable.

33 (2) A vehicular pursuit not meeting the requirements under  
34 subsection (1) of this section must be terminated.

35 (3) A peace officer may not fire a weapon upon a moving vehicle  
36 unless necessary to protect against an imminent threat of serious  
37 physical harm resulting from the operator's or a passenger's use of a  
38 deadly weapon. For the purposes of this subsection, a vehicle is not  
39 considered a deadly weapon unless the operator is using the vehicle

1 as a deadly weapon and no other reasonable means to avoid potential  
2 serious harm are immediately available to the officer.

3 (4) For purposes of this section, "vehicular pursuit" means an  
4 attempt by a uniformed peace officer in a vehicle equipped with  
5 emergency lights and a siren to stop a moving vehicle where the  
6 operator of the moving vehicle appears to be aware that the officer  
7 is signaling the operator to stop the vehicle and the operator of the  
8 moving vehicle appears to be willfully resisting or ignoring the  
9 officer's attempt to stop the vehicle by increasing vehicle speed,  
10 making evasive maneuvers, or operating the vehicle in a reckless  
11 manner that endangers the safety of the community or the officer.

12 NEW SECTION. **Sec. 2.** This act is necessary for the immediate  
13 preservation of the public peace, health, or safety, or support of  
14 the state government and its existing public institutions, and takes  
15 effect immediately.

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