

SHB 1513 - H AMD 401

By Representative Street

NOT CONSIDERED 01/02/2024

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** (1) The legislature finds the following:

4 (a) The state of Washington and its political subdivisions
5 undertake to protect the safety of all individuals who use public
6 roadways, including people who drive, bike, walk, and roll, and law
7 enforcement's fundamental duty is to preserve and protect human life;

8 (b) Police have many tools at their disposal to keep road users
9 and the general public safe, and traffic stops and vehicular pursuits
10 are two of those tools;

11 (c) When utilizing any tool, law enforcement should focus
12 enforcement resources on the highest risk behaviors and most
13 dangerous crimes;

14 (d) Pursuits are inherently dangerous to officers, the public at
15 large, innocent passengers, and the person being pursued, and should
16 be reserved for the most serious crimes;

17 (e) Data shows that traffic stops for nonsafety violations that
18 rely on punitive fees and fines can cause social harms including
19 racial inequity, reduction of public trust in police, and the
20 perpetuation of poverty;

21 (f) Traffic stops should be reserved for safety violations such
22 as impaired driving, distracted driving, unrestrained passengers, and
23 speeding, where traffic stops have been shown to reduce traffic
24 accidents and fatalities; and

25 (g) Research shows that prioritizing safety stops reduces traffic
26 crash and injury outcomes and reduces racial disparities in traffic
27 stops, and that reserving pursuits for the most dangerous of crimes
28 reduces costs, accidents, injuries, and the chance of death.

29 (2) Therefore, the legislature resolves that law enforcement
30 resources are most effective when focused on the highest risk
31 behaviors and enforcement options are focused on the fundamental duty
32 of preserving and protecting human life.

1 NEW SECTION. **Sec. 2.** Subject to the availability of amounts
2 appropriated for this specific purpose, a grant program is
3 established. The department of commerce shall develop and implement a
4 grant program to support local initiatives that provide solution-
5 oriented responses to nonmoving violations for low-income road users.
6 The department of commerce must prioritize the award of grants to
7 local initiatives that expand or establish civilian intervention
8 programs for nonmoving violations, and focus on nonpunitive
9 interventions such as helmet voucher programs, fee offset programs,
10 fix-it tickets, and repair vouchers that provide solutions for
11 vehicle equipment failures for low-income road users.

12 (1) Grants must be awarded to local jurisdictions based on
13 locally developed proposals to establish or expand existing programs,
14 including programs with community-lead organizations. Eligible
15 jurisdictions under the grant program include cities, counties,
16 tribal government entities, tribal organizations, law enforcement
17 agencies, or nonprofit organizations.

18 (2) The department of commerce shall report on its website by
19 December 1st of each year on the recipients, locations, and types of
20 projects funded under this program.

21 (3) Beginning September 1, 2024, and biennially thereafter, the
22 department of commerce shall provide a report to the governor and the
23 transportation committees of the legislature detailing findings on
24 the effectiveness of programs funded under this section and any
25 recommendations for enhancements or modifications to the grant
26 program established under this section.

27 NEW SECTION. **Sec. 3.** A new section is added to chapter 46.64
28 RCW to read as follows:

29 (1)(a) Except as provided in (b) of this subsection, a peace
30 officer may not stop, or otherwise detain, an operator of a vehicle
31 to enforce one or more of the following violations as a primary
32 offense:

33 (i) Any nonmoving violation, except violations of RCW 46.37.190
34 or 46.61.688, or where a vehicle does not have any license plates, or
35 where the license plate does not match the registered make, model,
36 year, and color of the vehicle;

37 (ii) Driving while license suspended or revoked in the third
38 degree under RCW 46.20.342(1)(c) (ii), (iv), (v), or (viii); or

1 (iii) Any warrant for a misdemeanor, other than a misdemeanor
2 warrant for driving under the influence under RCW 46.61.502 or a
3 domestic violence violation, or a civil court order.

4 (b)(i) A peace officer may only stop or detain an operator of a
5 vehicle when the primary reason for the stop is an equipment failure
6 violation when necessary to protect against an immediate, serious
7 threat to the safety of the operator or others on the roadway.

8 (ii) Prior to first contact with the operator of the vehicle
9 under this subsection (1)(b), the peace officer must log digitally or
10 notify dispatch of the primary reason for the stop, including a
11 detailed description of the immediate, serious threat to the safety
12 of the operator or others on the roadway.

13 (iii) Upon first contact with the operator of the vehicle during
14 a stop under this subsection (1)(b), the peace officer must inform
15 the operator of the reason for the stop, and may not request a
16 consent search of the operator, any passengers, or the vehicle. The
17 peace officer may not question the operator or any passenger of the
18 vehicle on a subject other than the equipment violation that
19 initiated the stop, unless the peace officer detects evidence that
20 establishes reasonable suspicion sufficient to question the operator
21 about an independent criminal offense.

22 (c) Enforcement of nonmoving violations may be accomplished as a
23 secondary action when a driver of a motor vehicle has been stopped or
24 detained for a suspected violation of a separate moving violation.

25 (2)(a) Prior to first contact with the operator of a vehicle for
26 a moving violation, a peace officer must log digitally or notify
27 dispatch of the primary reason for the stop.

28 (b) Upon first contact with the operator of the vehicle, the
29 peace officer must inform the operator of the reason for the stop.

30 (c) For moving violations that are infractions or simple
31 misdemeanors, the peace officer may not request a consent search of
32 the operator of the vehicle, any passengers, or the vehicle. The
33 peace officer may not question the operator of the vehicle or any
34 passenger on a subject other than the moving violation that initiated
35 the stop, unless the peace officer detects evidence that establishes
36 reasonable suspicion sufficient to question the operator about an
37 independent criminal offense.

38 (3) Before engaging in any consent search of a vehicle, the
39 operator, or any passengers that is not prohibited under subsection
40 (1) or (2) of this section, the peace officer must obtain written

1 consent. To obtain consent, the peace officer must provide the
2 operator and any passengers with an oral explanation and a written
3 consent form that explains the purpose of the search, that the search
4 is voluntary, that such persons may ask to speak with an attorney,
5 and that such persons may choose not to consent to the search or
6 decline the search at any point. The form must state explicitly that
7 such persons will not be punished or suffer retaliation for not
8 consenting or declining to be searched. The form must be available at
9 least in English and Spanish and explained orally to a person who is
10 unable to read the form, using, when necessary, an interpreter from
11 the district communications center language line or other agency
12 resources.

13 (4) Any evidence recovered during a stop, detention, or search
14 made in violation of this section is inadmissible in any criminal
15 proceeding.

16 (5) For purposes of this section:

17 (a) "Immediate, serious threat to the safety of the operator or
18 others on the roadway" means that, based on the totality of the
19 circumstances, it is reasonable for an objective observer to believe
20 that an equipment failure on the vehicle may cause immediate, serious
21 injury to the operator or other persons in the vicinity of the
22 vehicle. Depending on the circumstances, such an immediate threat may
23 include, but is not limited to: Having both taillights, headlights,
24 or brake lights out at nighttime; a shattered windshield impairing
25 the operator's ability to see; or a dragging muffler.

26 (b) "Moving violation" is defined by rule pursuant to RCW
27 46.20.2891.

28 (c) "Nonmoving violation" means any parking violation, equipment
29 violation, or paperwork violation relating to insurance,
30 registration, licensing, and inspection.

31 (d) "Peace officer" has the same meaning as in RCW 43.101.010.

32 (e) "Vehicle" has the same meaning as in RCW 46.04.670, but does
33 not include any commercial motor vehicle as defined in RCW 46.32.005.

34 NEW SECTION. **Sec. 4.** A new section is added to chapter 10.118
35 RCW to read as follows:

36 (1) Each peace officer in the state as defined in RCW 43.101.010
37 must report each incident when they stop or detain an operator of a
38 vehicle. Each report must include the following information:

- 1 (a) The date, time, location (address, latitude and longitude, or
2 GPS information), and duration of the incident;
- 3 (b) The primary reason for the stop, and whether it was peace
4 officer-initiated or in response to a call for service from the
5 public;
- 6 (c) The perceived or known age, gender, race, ethnicity of the
7 operator of the vehicle, and tribal affiliation of the operator, if
8 applicable, and the language of interpretation used, if applicable;
- 9 (d) Make, model, and year of the vehicle;
- 10 (e) The agency or agencies employing the peace officer;
- 11 (f) The name, approximate age, gender, race, and ethnicity of the
12 peace officer;
- 13 (g) Whether a consent search was requested, and whether the
14 operator or any passengers provided or declined written consent to
15 the search request;
- 16 (h) Whether a search was conducted, and if so, who and what was
17 searched, and whether the search was conducted pursuant to a warrant,
18 written consent, or an exception to the warrant requirement with a
19 description of the basis for the exception;
- 20 (i) Whether the vehicle, personal effects, operator, or any
21 passengers were searched, and the approximate age, gender, race, and
22 ethnicity, if known, or tribal affiliation if applicable, of each
23 person searched;
- 24 (j) Whether any property was seized, with a specific description
25 of that property, or whether any contraband such as a firearm, other
26 weapon, or narcotics was found and the specific type, size, and
27 amount of any such contraband as applicable;
- 28 (k) Whether the stop resulted in no action, the issuance of a
29 verbal warning, written warning, or citation, an arrest, or other
30 action; and
- 31 (1) Whether dashboard or body worn camera footage was recorded
32 for the incident.
- 33 (2) Each law enforcement agency in the state must submit the
34 reports required under this section in accordance with the
35 requirements of the statewide use of force data program under RCW
36 10.118.030.
- 37 (3) For the purposes of this section, "vehicle" has the same
38 meaning as in RCW 46.04.670, but does not include any commercial
39 motor vehicle as defined in RCW 46.32.005.

1 **Sec. 5.** RCW 46.20.349 and 2010 c 8 s 9026 are each amended to
2 read as follows:

3 (~~Any~~) Subject to section 3 of this act, any police officer who
4 has received notice of the suspension or revocation of a driver's
5 license from the department of licensing may, during the reported
6 period of such suspension or revocation, stop any motor vehicle
7 identified by its (~~vehicle~~) license plate number as being
8 registered to the person whose driver's license has been suspended or
9 revoked. The driver of such vehicle shall display his or her driver's
10 license upon request of the police officer.

11 **Sec. 6.** RCW 46.37.005 and 1987 c 330 s 706 are each amended to
12 read as follows:

13 (~~The~~) Subject to section 3 of this act, in addition to those
14 powers and duties elsewhere granted, the chief of the Washington
15 state patrol shall have the power and the duty to adopt, apply, and
16 enforce such reasonable rules and regulations (1) relating to proper
17 types of vehicles or combinations thereof for hauling passengers,
18 commodities, freight, and supplies, (2) relating to vehicle
19 equipment, and (3) relating to the enforcement of the provisions of
20 this title with regard to vehicle equipment, as may be deemed
21 necessary for the public welfare and safety in addition to but not
22 inconsistent with the provisions of this title.

23 The chief of the Washington state patrol is authorized to adopt
24 by regulation, federal standards relating to motor vehicles and
25 vehicle equipment, issued pursuant to the National Traffic and Motor
26 Vehicle Safety Act of 1966, or any amendment to said act,
27 notwithstanding any provision in Title 46 RCW inconsistent with such
28 standards. Federal standards adopted pursuant to this section shall
29 be applicable only to vehicles manufactured in a model year following
30 the adoption of such standards.

31 **Sec. 7.** RCW 46.37.320 and 1987 c 330 s 717 are each amended to
32 read as follows:

33 (1) (~~The~~) Subject to section 3 of this act, the chief of the
34 state patrol is hereby authorized to adopt and enforce rules
35 establishing standards and specifications governing the performance
36 of lighting devices and their installation, adjustment, and aiming,
37 when in use on motor vehicles, and other safety equipment,
38 components, or assemblies of a type for which regulation is required

1 in this chapter or in rules adopted by the state patrol. Such rules
2 shall correlate with and, so far as practicable, conform to federal
3 motor vehicle safety standards adopted pursuant to the national
4 traffic and motor vehicle safety act of 1966 (15 U.S.C. Sec. 1381 et
5 seq.) covering the same aspect of performance, or in the absence of
6 such federal standards, to the then current standards and
7 specifications of the society of automotive engineers applicable to
8 such equipment: PROVIDED, That the sale, installation, and use of any
9 headlamp meeting the standards of either the society of automotive
10 engineers or the United Nations agreement concerning motor vehicle
11 equipment and parts done at Geneva on March 20, 1958, or as amended
12 and adopted by the Canadian standards association (CSA standard
13 D106.2), as amended, shall be lawful in this state.

14 (2) Every manufacturer who sells or offers for sale lighting
15 devices or other safety equipment subject to requirements established
16 by the state patrol shall, if the lighting device or safety equipment
17 is not in conformance with applicable federal motor vehicle safety
18 standards, provide for submission of such lighting device or safety
19 equipment to any recognized organization or agency such as, but not
20 limited to, the American national standards institute, the society of
21 automotive engineers, or the American association of motor vehicle
22 administrators, as the agent of the state patrol. Issuance of a
23 certificate of compliance for any lighting device or item of safety
24 equipment by that agent is deemed to comply with the standards set
25 forth by the state patrol. Such certificate shall be issued by the
26 agent of the state before sale of the product within the state.

27 (3) The state patrol may at any time request from the
28 manufacturer a copy of the test data showing proof of compliance of
29 any device with the requirements established by the state patrol and
30 additional evidence that due care was exercised in maintaining
31 compliance during production. If the manufacturer fails to provide
32 such proof of compliance within (~~sixty~~) 60 days of notice from the
33 state patrol, the state patrol may prohibit the sale of the device in
34 this state until acceptable proof of compliance is received by the
35 state patrol.

36 (4) The state patrol or its agent may purchase any lighting
37 device or other safety equipment, component, or assembly subject to
38 this chapter or rules adopted by the state patrol under this chapter,
39 for purposes of testing or retesting the equipment as to its
40 compliance with applicable standards or specifications.

1 **Sec. 8.** RCW 46.37.365 and 1987 c 330 s 719 are each amended to
2 read as follows:

3 (1) The term "hydraulic brake fluid" as used in this section
4 shall mean the liquid medium through which force is transmitted to
5 the brakes in the hydraulic brake system of a vehicle.

6 (2) Hydraulic brake fluid shall be distributed and serviced with
7 due regard for the safety of the occupants of the vehicle and the
8 public.

9 (3) ~~((The))~~ Subject to section 3 of this act, the chief of the
10 Washington state patrol shall, in compliance with ~~((the provisions~~
11 ~~of))~~ chapter 34.05 RCW, ~~((the administrative procedure act, which~~
12 ~~govern the adoption of rules,))~~ adopt and enforce regulations for the
13 administration of this section and shall adopt and publish standards
14 and specifications for hydraulic brake fluid which shall correlate
15 with, and so far as practicable conform to, the then current
16 standards and specifications of the society of automotive engineers
17 applicable to such fluid.

18 (4) No person shall distribute, have for sale, offer for sale, or
19 sell any hydraulic brake fluid unless it complies with the
20 requirements of this section and the standard specifications adopted
21 by the state patrol. No person shall service any vehicle with brake
22 fluid unless it complies with the requirements of this section and
23 the standards and specifications adopted by the state patrol.

24 (5) Subsections (3) and (4) of this section shall not apply to
25 petroleum base fluids in vehicles with brake systems designed to use
26 them.

27 **Sec. 9.** RCW 46.37.470 and 2021 c 65 s 51 are each amended to
28 read as follows:

29 (1) "Air conditioning equipment," as used or referred to in this
30 section, means mechanical vapor compression refrigeration equipment
31 that is used to cool the driver's or passenger compartment of any
32 motor vehicle.

33 (2) Air conditioning equipment must be manufactured, installed,
34 and maintained with due regard for the safety of the occupants of the
35 vehicle and the public. Air conditioning equipment may not contain
36 any refrigerant that is toxic to persons or that is flammable, unless
37 the refrigerant is allowed under the department of ecology's motor
38 vehicle emission standards adopted under RCW 70A.30.010.

1 (3) ((The)) Subject to section 3 of this act, the state patrol
2 may enforce safety requirements, regulations, and specifications
3 consistent with the requirements of this section applicable to air
4 conditioning equipment which must correlate with and, so far as
5 possible, conform to the current recommended practice or standard
6 applicable to air conditioning equipment approved by the society of
7 automotive engineers.

8 (4) A person may not sell or equip, for use in this state, a new
9 motor vehicle with any air conditioning equipment unless it complies
10 with the requirements of this section.

11 (5) A person may not register or license for use on any highway
12 any new motor vehicle equipped with any air conditioning equipment
13 unless the equipment complies with the requirements of this section.

14 **Sec. 10.** RCW 46.64.030 and 1979 ex.s. c 28 s 3 are each amended
15 to read as follows:

16 ((The)) Subject to section 3 of this act, the provisions of this
17 title with regard to the apprehension and arrest of persons violating
18 this title shall govern all police officers in making arrests without
19 a warrant for violations of this title for offenses either committed
20 in their presence or believed to have been committed based on
21 probable cause pursuant to RCW 10.31.100, but the procedure
22 prescribed herein shall not otherwise be exclusive of any other
23 method prescribed by law for the arrest and prosecution of a person
24 for other like offenses.

25 **Sec. 11.** RCW 46.64.070 and 1999 c 6 s 26 are each amended to
26 read as follows:

27 To carry out the purpose of RCW 46.64.060 and ((46.64.070))
28 subject to section 3 of this act, officers of the Washington state
29 patrol are hereby empowered during daylight hours and while using
30 plainly marked state patrol vehicles to require the driver of any
31 motor vehicle being operated on any highway of this state to stop and
32 display his or her driver's license and/or to submit the motor
33 vehicle being driven by such person to an inspection and test to
34 ascertain whether such vehicle complies with the minimum equipment
35 requirements prescribed by chapter 46.37 RCW, as now or hereafter
36 amended. No criminal citation shall be issued for a period of ten
37 days after giving a warning ticket pointing out the defect.

1 The powers conferred by (~~RCW 46.64.060 and 46.64.070~~) this
2 section are in addition to all other powers conferred by law upon
3 such officers(~~(r)~~) including, but not limited to, powers conferred
4 upon them as police officers pursuant to RCW 46.20.349 and powers
5 conferred by chapter 46.32 RCW.

6 **Sec. 12.** RCW 10.116.060 and 2021 c 320 s 7 are each amended to
7 read as follows:

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

10 (a) ~~((i))~~ There is (~~probable cause to believe~~) reasonable
11 suspicion that a person in the vehicle has committed or is committing
12 ~~((a))~~:

13 (i) A violent offense (~~(e)~~) as defined in RCW 9.94A.030;

14 (ii) A sex offense as defined in RCW 9.94A.030 (~~(r or an)~~);

15 (iii) A vehicular assault offense under RCW 46.61.522;

16 (iv) An assault in the first, second, third, or fourth degree
17 offense under chapter 9A.36 RCW, involving domestic violence as
18 defined in RCW 10.99.020;

19 (v) An escape under chapter 9A.76 RCW; or

20 ~~((ii) There is reasonable suspicion a person in the vehicle has~~
21 ~~committed or is committing a)~~ (vi) A driving under the influence
22 offense under RCW 46.61.502;

23 (b) The pursuit is necessary for the purpose of identifying or
24 apprehending the person;

25 (c) The person poses (~~an imminent threat to the safety of~~) a
26 serious risk of harm to others, and the safety risks of failing to
27 apprehend or identify the person are considered to be greater than
28 the safety risks of the vehicular pursuit under the circumstances;
29 and

30 (d) (i) Except as provided in (d) (ii) of this subsection, the
31 pursuing officer (~~has received authorization to engage in the~~
32 ~~pursuit from~~) notifies a supervising officer (~~and~~) immediately
33 upon initiating the vehicular pursuit; there is supervisory
34 (~~control~~) oversight of the pursuit(~~(. The)~~); and the pursuing
35 officer, in consultation with the supervising officer (~~must~~
36 ~~consider~~), considers alternatives to the vehicular pursuit(~~(. The~~
37 ~~supervisor must consider)~~), the justification for the vehicular
38 pursuit, and other safety considerations(~~(r)~~) including, but not
39 limited to, speed, weather, traffic, road conditions, and the known

1 presence of minors in the vehicle (~~(, and the vehicular pursuit must~~
2 ~~be terminated if any of the requirements of this subsection are not~~
3 ~~met));~~

4 (ii) For those jurisdictions with fewer than 10 commissioned
5 officers, if a supervisor is not on duty at the time, the pursuing
6 officer (~~(will request)~~) requests the on-call supervisor be notified
7 of the pursuit according to the agency's procedures (~~(. The)~~), and the
8 pursuing officer (~~(must consider)~~) considers alternatives to the
9 vehicular pursuit, the justification for the vehicular pursuit, and
10 other safety considerations, including but not limited to speed,
11 weather, traffic, road conditions, and the known presence of minors
12 in the vehicle. (~~(The officer must terminate the vehicular pursuit if~~
13 ~~any of the requirements of this subsection are not met.)~~)

14 (2) ((A)) In any vehicular pursuit under this section:

15 (a) The pursuing officer and supervising officer, if applicable,
16 shall comply with any agency procedures for designating the primary
17 pursuit vehicle and determining the appropriate number of vehicles
18 permitted to participate in the vehicular pursuit (and);

19 (b) The supervising officer, the pursuing officer, or dispatcher
20 shall notify other law enforcement agencies or surrounding
21 jurisdictions that may be impacted by the vehicular pursuit or called
22 upon to assist with the vehicular pursuit, and the pursuing officer
23 and supervising officer, if applicable, shall comply with any agency
24 procedures for coordinating operations with other jurisdictions,
25 including available tribal police departments when applicable;

26 (c) The pursuing officer must be able to directly communicate
27 with other officers engaging in the pursuit, the supervising officer,
28 if applicable, and the dispatch agency, such as being on a common
29 radio channel or having other direct means of communication;

30 (d) As soon as practicable after initiating a vehicular pursuit,
31 the pursuing officer, supervising officer, if applicable, or
32 responsible agency shall develop a plan to end the pursuit through
33 the use of available pursuit intervention options, such as the use of
34 the pursuit intervention technique, deployment of spike strips or
35 other tire deflation devices, or other department-authorized pursuit
36 intervention tactics; and

37 (e) The pursuing officer must have completed an emergency vehicle
38 operator's course, must have completed updated emergency vehicle
39 operator training in the previous two years, where applicable, and
40 must be certified in at least one pursuit intervention option.

1 (3) A vehicular pursuit not meeting the requirements under this
2 section must be terminated.

3 ~~((3))~~ (4) A peace officer may not fire a weapon upon a moving
4 vehicle unless necessary to protect against an imminent threat of
5 serious physical harm resulting from the operator's or a passenger's
6 use of a deadly weapon. For the purposes of this subsection, a
7 vehicle is not considered a deadly weapon unless the operator is
8 using the vehicle as a deadly weapon and no other reasonable means to
9 avoid potential serious harm are immediately available to the
10 officer.

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

20 NEW SECTION. Sec. 13. A new section is added to chapter 43.101
21 RCW to read as follows:

22 (1) By June 30, 2023, the commission shall convene a work group
23 to develop legislative policy recommendations related to vehicular
24 pursuits by law enforcement.

25 (2) The work group must be comprised of stakeholders representing
26 the following:

- 27 (a) The Washington association of sheriffs and police chiefs;
- 28 (b) The Washington state patrol;
- 29 (c) The Washington state fraternal order of police;
- 30 (d) The Washington council of police and sheriffs;
- 31 (e) The Washington state patrol troopers association;
- 32 (f) The international brotherhood of teamsters;
- 33 (g) The Washington traffic safety commission;
- 34 (h) The Washington federation of state employees;
- 35 (i) Families who have lost loved ones as a result of interactions
36 with law enforcement;
- 37 (j) An organization advocating for civil rights;
- 38 (k) The national association for the advancement of colored
39 people Alaska Oregon Washington state-area conference;

- 1 (l) The Latino civic alliance;
- 2 (m) The Asian Pacific Islanders coalition of Washington;
- 3 (n) The Washington coalition for police accountability;
- 4 (o) The transportation choices coalition;
- 5 (p) The governor's office of Indian affairs;
- 6 (q) Whose streets? Our streets!;
- 7 (r) Spokane community against racism;
- 8 (s) Next steps Washington; and
- 9 (t) The faith action network.
- 10 (3) The work group shall consider the following issues when
- 11 developing its legislative policy recommendations:
- 12 (a) The factors to be considered in initiating and terminating a
- 13 pursuit, and the standards for evaluating the need to initiate or
- 14 terminate a pursuit including, but not limited to:
- 15 (i) The potential for harm or potential danger to others if the
- 16 fleeing individual evades or escapes immediate custody;
- 17 (ii) The seriousness of the offense committed or believed to have
- 18 been committed by the individual or individuals that are fleeing;
- 19 (iii) Consideration of whether the identity of the individual
- 20 fleeing is known and whether the individual could be apprehended at a
- 21 later time;
- 22 (iv) Safety factors that pose a risk to officers, other
- 23 motorists, pedestrians, or other third parties;
- 24 (v) Vehicular or pedestrian traffic safety and volume;
- 25 (vi) Weather and vehicle conditions; and
- 26 (vii) Speeds of the pursuit;
- 27 (b) The procedures, tactics, and technologies used during
- 28 pursuits;
- 29 (c) The circumstances where officers should consider the use of
- 30 tactics other than engaging in a pursuit;
- 31 (d) The various responsibilities of the pursuing officers, the
- 32 officers supervising the pursuit, the dispatcher, and air support;
- 33 (e) The procedures governing interjurisdictional pursuits;
- 34 (f) The procedures governing care of any persons injured in the
- 35 course of a pursuit;
- 36 (g) The contents of law enforcement reports filed related to
- 37 pursuits; and
- 38 (h) The procedures used to evaluate each pursuit.

1 (4) By December 1, 2023, the commission shall submit a report
2 containing its legislative policy recommendations to the appropriate
3 committees of the legislature, and publish the report on its website.

4 NEW SECTION. **Sec. 14.** A new section is added to chapter 43.101
5 RCW to read as follows:

6 (1) By October 31, 2023, the commission shall, subject to the
7 availability of amounts appropriated for this specific purpose,
8 develop and implement a vehicular pursuit technology grant program
9 for the purpose of providing modern vehicular pursuit management
10 technology to local law enforcement agencies including, but not
11 limited to, global positioning system tracking technology, automated
12 license plate reading technology, and nonarmed and nonarmored drone
13 technology.

14 (2) The commission shall establish policies for applications
15 under this section in addition to criteria for evaluating and
16 selecting grant recipients. Grants must be awarded to local law
17 enforcement agencies based on locally developed proposals. A proposal
18 must include a request for specific technology and a specific plan
19 for the implementation and use of that technology.

20 NEW SECTION. **Sec. 15.** The provisions of this act must be
21 liberally construed to accomplish their purpose, and if any provision
22 of this act conflicts with any other statute, ordinance, rule, or
23 regulation of any public employer, the provision of this act
24 controls.

25 NEW SECTION. **Sec. 16.** If any provision of this act or its
26 application to any person or circumstance is held invalid, the
27 remainder of the act or the application of the provision to other
28 persons or circumstances is not affected.

29 NEW SECTION. **Sec. 17.** Sections 12 through 14 of this act are
30 necessary for the immediate preservation of the public peace, health,
31 or safety, or support of the state government and its existing public
32 institutions, and take effect immediately.

33 NEW SECTION. **Sec. 18.** Section 12 of this act expires July 1,
34 2025.

1 NEW SECTION. **Sec. 19.** If specific funding for the purposes of
2 sections 13 and 14 of this act, referencing sections 13 and 14 of
3 this act by bill or chapter and section number, is not provided by
4 June 30, 2023, in the omnibus appropriations act, sections 13 and 14
5 of this act are null and void."

6 Correct the title.

EFFECT: Makes the following changes to the underlying bill:

(1) Includes failure to properly wear a safety belt as a nonmoving violation for which an officer can stop or detain a vehicle;

(2) Modifies the evidentiary threshold required for engaging in a vehicular pursuit by allowing an officer to conduct the vehicular pursuit if the officer has reasonable suspicion that a person in the vehicle has committed or is committing a Violent offense, a Sex offense, a Vehicular Assault offense, an Assault offense involving Domestic Violence, an Escape, or a Driving Under the Influence offense;

(3) Limits vehicular pursuits to situations where the subject of the vehicular pursuit poses a serious risk of harm to others, rather than an imminent threat to the safety of others;

(4) Modifies certain vehicular pursuit requirements related to supervisory authorization and control, and establishes new requirements related to direct communication with specified entities, development of a plan to end the vehicular pursuit, and the pursuing officer's training and certifications;

(5) Provides that the amendatory provisions related to vehicular pursuits expire on July 1, 2025;

(6) Requires the Criminal Justice Training Commission (CJTC) to convene a work group to develop legislative policy recommendations related to vehicular pursuits by law enforcement by June 30, 2023;

(7) Requires the CJTC to submit a report containing the work group's recommendations to the appropriate committees of the legislature and publish the report on its website by December 1, 2023;

(8) Requires the CJTC to develop and implement a vehicular pursuit technology grant program by October 31, 2023;

(9) Provides that the provisions related to the CJTC's work group and grant program are null and void unless funded in the budget; and

(10) Provides an emergency clause and immediate effective date for the amendatory provisions related to vehicular pursuits and the provisions related to the CJTC's work group and grant program.

--- END ---