

HOUSE BILL REPORT

HB 2716

As Reported by House Committee On:

Criminal Justice & Corrections

Title: An act relating to attempting to elude a pursuing police vehicle.

Brief Description: Increasing penalties for eluding a police vehicle.

Sponsors: Representatives Simpson, D., Sullivan, Campbell, Simpson, G. and Kirby.

Brief History:

Committee Activity:

Criminal Justice & Corrections: 1/28/04, 2/3/04 [DP].

Brief Summary of Bill

- Increases the seriousness level for the crime of eluding a police officer from a level I to a level IV felony offense.

HOUSE COMMITTEE ON CRIMINAL JUSTICE & CORRECTIONS

Majority Report: Do pass. Signed by 7 members: Representatives O'Brien, Chair; Darneille, Vice Chair; Mielke, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Kagi, Pearson and Veloria.

Staff: Yvonne Walker (786-7841).

Background:

It is a criminal offense to intentionally refuse to stop when ordered to do so by a police officer. The gravity of the offense depends upon the circumstances. It is a misdemeanor offense for a person to willfully fail to stop when ordered by a law enforcement officer, but the offense can increase to a felony if the driver willfully refuses to stop while attempting to elude a police vehicle.

A driver commits the crime of attempting to elude a pursuing police vehicle when the driver willfully fails or refuses to immediately stop his or her car and drives in a reckless manner after being given a visual or audible signal to stop by a police officer. The signal to stop may be given by hand, voice, emergency light, or siren. Further, the police

officer giving the signal must be in uniform and driving a vehicle equipped with lights and sirens.

The crime of attempting to elude a police vehicle is a seriousness level I class C felony. A class C felony has a maximum sentence of five years of incarceration, a fine of \$10,000, or both. The presumptive sentencing range for a first-time offender convicted of a seriousness level I offense is zero to 60 days in jail. In addition to any fine or incarceration, a person convicted of attempting to elude a police vehicle can have his or her driver's license revoked for one year.

Summary of Bill:

The punishment for the crime of attempting to elude a police vehicle is increased from a seriousness level I to a seriousness level IV felony offense. The presumptive sentencing range for a first-time offender convicted of a seriousness level IV offense is three to nine months in jail.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect on July 1, 2004.

Testimony For: Many prosecutors negotiate plea deals on a regular basis where the eluding charge of an offender is thrown out and the defendant is actually charged and convicted of possessing a stolen vehicle. Although many people may be worried about the costs associated with this bill, the passage of this bill will actually lead to a reduction of car thefts and other assorted crimes. In addition, although there are several other crimes such as influencing the outcome of a sporting event, willfully failing to return from furlough, malicious injury of railroad property, and theft of livestock, that are ranked much higher than the crime of eluding. In addition, although crime of eluding is pretty dangerous, there is no accountability to the criminal element of the crime of eluding.

Testimony Against: None.

Persons Testifying: Representative D. Simpson, prime sponsor; and Lt. Jerry Ross, Snohomish County Sheriff's Office.

Persons Signed In To Testify But Not Testifying: None.