

FINAL BILL REPORT

ESHB 1076

C 101 L 03

Synopsis as Enacted

Brief Description: Revising provisions relating to attempting to elude a pursuing police vehicle.

Sponsors: By House Committee on Criminal Justice & Corrections (originally sponsored by Representatives Lovick, McDonald, O'Brien, Moeller, Chase, Haigh, Carrell, Simpson and Kagi).

House Committee on Criminal Justice & Corrections
Senate Committee on Judiciary

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 manner indicating wanton or willful disregard for the lives or property of others 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 appropriately marked showing it to be an official police vehicle.

The crime of attempting to elude a police vehicle is a seriousness level I class C felony. A class C felony can have a maximum sentence of five years of incarceration, a fine of \$10,000, or both. For a first time offender convicted of a seriousness level I class C felony, the standard sentence range is zero to 60 days incarceration. 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.

Reckless driving is also a criminal offense on its own, absent an attempt to elude a police officer. Reckless driving is defined as driving "in willful or wanton disregard for the safety of persons or property" and is punishable as a gross misdemeanor.

Summary:

The definition of attempting to elude a pursuing police vehicle is amended. Driving in a "reckless" manner replaces the requirement of driving in a "wanton or willful disregard for the lives or property of others." The requirement that the pursuing vehicle be appropriately marked as a police vehicle is replaced with the requirement that the vehicle be equipped with lights and sirens.

An affirmative defense is added based upon the behavior of a reasonable person. A driver can assert the defense that a reasonable person would not believe that the signal to stop was given by a police officer and that continuing to drive after being signaled to stop was reasonable given the circumstances.

Votes on Final Passage:

House 97 0

Senate 49 0 (Senate amended)

House 96 1 (House concurred)

Effective: July 27, 2003