
Public Safety Committee

HB 1642

Brief Description: Changing the seriousness level for the crime of attempting to elude a pursuing police vehicle.

Sponsors: Representatives Irwin, Pellicciotti, Hayes, Orwall, Rodne, McCabe, Holy and Muri.

<p style="text-align: center;">Brief Summary of Bill</p> <ul style="list-style-type: none">• Raises the seriousness level of Attempting to Elude a Pursuing Police Vehicle from I to III.
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Hearing Date: 2/7/17

Staff: Kelly Leonard (786-7147).

Background:

Attempting to Elude a Pursuing Police Vehicle. A person commits Attempting to Elude a Pursuing Police Vehicle if he or she willfully fails or refuses to immediately bring his or her vehicle to a stop and drives his or her vehicle in a reckless manner while attempting to elude a pursuing police vehicle, after being given a visual or audible signal to bring the vehicle to a stop. The signal given by the police officer may be by hand, voice, emergency light, or siren. The officer giving such a signal shall be in uniform and the vehicle shall be equipped with lights and sirens.

It is an affirmative defense to this section which must be established by a preponderance of the evidence that: (a) a reasonable person would not believe that the signal to stop was given by a police officer; and (b) driving after the signal to stop was reasonable under the circumstances.

The Department of Licensing must revoke the driver's license of anyone convicted of the offense.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Sentencing. Under the Sentencing Reform Act, judges determine sentences for felony offenses by selecting a determinate sentence from a range provided in statute. Ranges are determined by reference to a sentencing grid, which is based on the defendant's "offender score" and the "seriousness level" classification of the offense. Felonies are assigned seriousness levels in statute. Seriousness levels range from I to XVI, with level I being the least serious and level XVI being the most serious. Attempting to Elude a Pursuing Police Vehicle is a seriousness level I offense.

Enhancement. There is a sentencing enhancement of an additional 12 months and one day if the conviction of Attempting to Elude a Pursuing Police Vehicle included a finding by special allegation that the defendant endangered one or more persons (other than the defendant or the pursuing law enforcement officer).

Summary of Bill:

Attempting to Elude a Pursuing Police Vehicle is raised to a seriousness level III offense.

Appropriation: None.

Fiscal Note: Requested on February 1, 2017.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.