

# HOUSE BILL REPORT

## HB 1642

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### As Reported by House Committee On: Public Safety

**Title:** An act relating to the crime of attempting to elude a pursuing police vehicle.

**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.

#### **Brief History:**

##### **Committee Activity:**

Public Safety: 2/7/17, 2/9/17 [DP].

#### **Brief Summary of Bill**

- Raises the seriousness level of Attempting to Elude a Pursuing Police Vehicle from I to III.

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### HOUSE COMMITTEE ON PUBLIC SAFETY

**Majority Report:** Do pass. Signed by 10 members: Representatives Goodman, Chair; Pellicciotti, Vice Chair; Klippert, Ranking Minority Member; Hayes, Assistant Ranking Minority Member; Chapman, Griffey, Holy, Orwall, Pettigrew and Van Werven.

**Minority Report:** Without recommendation. Signed by 1 member: Representative Appleton.

**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.

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The officer giving such a signal must be in uniform and the vehicle must 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.

*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).

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**Summary of Bill:**

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

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**Appropriation:** None.

**Fiscal Note:** Available.

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

**Staff Summary of Public Testimony:**

(In support) Attempting to Elude a Pursuing Police Vehicle (Felony Eluding) is an exceptionally antisocial crime. Eluders have decided that their freedom is more important than everyone else's safety. Since many law enforcement agencies do not pursue eluders, people commit this offense often and on a repeat basis. Many eluders do it many times before being caught. Felony Eluding endangers officers and the public, and it can cause serious accidents, injuries, and even death. It is appropriate to raise the seriousness level,

which will add a small amount of jail time to offenders' sentences and more appropriately reflect the dangerous nature of the offense.

(Opposed) None.

**Persons Testifying:** Representative Irwin, prime sponsor; and Greg Lineberry, Everett Police Management Association.

**Persons Signed In To Testify But Not Testifying:** None.