

HOUSE BILL REPORT

HB 1844

As Reported by House Committee On:
Public Safety

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

Brief Description: Concerning attempting to elude a pursuing police vehicle.

Sponsors: Representatives Sells, Robinson, Hayes and Lovick.

Brief History:

Committee Activity:

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

Brief Summary of Bill

- Modifies the crime of Attempting to Elude a Pursuing Police Vehicle by defining "pursuing police vehicle" to include a police vehicle that does not initiate or terminates pursuit.

HOUSE COMMITTEE ON PUBLIC SAFETY

Majority Report: Do pass. Signed by 7 members: Representatives Goodman, Chair; Pellicciotti, Vice Chair; Klippert, Ranking Minority Member; Chapman, Griffey, Pettigrew and Van Werven.

Minority Report: Do not pass. Signed by 1 member: Representative Holy.

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

Staff: Alex Pearson (786-7291) and 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

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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 must be in uniform and the vehicle must be equipped with lights and sirens.

It is an affirmative defense, which must be established by a preponderance of the evidence, that: (1) a reasonable person would not believe that the signal to stop was given by a police officer; and (2) driving after the signal to stop was reasonable under the circumstances.

Attempting to Elude a Pursuing Police Vehicle is a class C felony with a seriousness level of I. The Department of Licensing must revoke the license or driving permit, or any nonresident driving privilege, of a person convicted of the offense.

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

Related Offenses.

Any person who willfully fails to stop when requested or signaled to do so by a person reasonably identifiable as a law enforcement officer is guilty of a misdemeanor.

Any person who drives any vehicle in willful or wanton disregard for the safety of persons or property is guilty of Reckless Driving. Reckless Driving is a gross misdemeanor punishable by imprisonment for up to 364 days and by a fine of not more than \$5,000.

Summary of Bill:

A "pursuing police vehicle" includes a police vehicle that, after signaling the driver of a motor vehicle to immediately bring his or her vehicle to a stop, does not initiate vehicular pursuit or terminates vehicular pursuit.

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) In many cases, courts interpret the meaning of "eluding" within this offense to require a full-blown chase. But most law enforcement now have policies against initiating such chases. Instead, these policies weigh whether the risks posed to officers and the public

are necessary under the circumstances. Even when police do not chase suspects, arrest numbers are still high.

Charges of eluding have been thrown out of court, because of these courts interpretations, jury expectations, and law enforcement policies. Thus, some prosecutors are not charging those who attempt to elude when no pursuit occurred or when the pursuit did not occur long enough to suggest a chase. Eluding should apply to someone who is trying to avoid the police, regardless if he or she is being chased. This bill adds language so that someone cannot avoid an eluding charge simply because there was not a full-blown chase.

(Opposed) None.

Persons Testifying: Representative Sells, prime sponsor; Greg Lineberry, Everett Police Management Association; and James McMahan, Washington Association of Sheriffs and Police Chiefs.

Persons Signed In To Testify But Not Testifying: None.