
HOUSE BILL 1588

State of Washington

67th Legislature

2022 Regular Session

By Representatives Walsh, Robertson, Boehnke, Corry, McCaslin, Abbarno, Eslick, Caldier, Graham, Klippert, Barkis, Chase, Sutherland, Gilday, Kraft, Jacobsen, Volz, Dent, Griffey, Chambers, and Young

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1 AN ACT Relating to restoring the authority of a peace officer to
2 engage in a vehicular pursuit when there is reasonable suspicion a
3 person has violated the law and the officer follows appropriate
4 safety standards; amending RCW 10.116.060; and declaring an
5 emergency.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

7 **Sec. 1.** RCW 10.116.060 and 2021 c 320 s 7 are each amended to
8 read as follows:

9 (1) A peace officer may not engage in a vehicular pursuit,
10 unless:

11 ~~(a) ((i) There is probable cause to believe that a person in the~~
12 ~~vehicle has committed or is committing a violent offense or sex~~
13 ~~offense as defined in RCW 9.94A.030, or an escape under chapter 9A.76~~
14 ~~RCW; or~~

15 ~~(ii) There is reasonable suspicion a person in the vehicle has~~
16 ~~committed or is committing a driving under the influence offense~~
17 ~~under RCW 46.61.502;~~

18 ~~(b))~~ The pursuit is necessary for the purpose of identifying or
19 apprehending the person;

20 ~~((e))~~ (b) The person poses ~~((an imminent))~~ a threat to the
21 safety of others and the safety risks of failing to apprehend or

1 identify the person are considered to be greater than the safety
2 risks of the vehicular pursuit under the circumstances; and

3 ~~((d))~~ (c)(i) Except as provided in ~~((d))~~ (c)(ii) of this
4 subsection, the officer has received authorization to engage in the
5 pursuit from a supervising officer and there is supervisory control
6 of the pursuit. The officer in consultation with the supervising
7 officer must consider alternatives to the vehicular pursuit. The
8 supervisor must consider the justification for the vehicular pursuit
9 and other safety considerations, including but not limited to speed,
10 weather, traffic, road conditions, and the known presence of minors
11 in the vehicle, and the vehicular pursuit must be terminated if any
12 of the requirements of this subsection are not met;

13 (ii) For those jurisdictions with fewer than 10 commissioned
14 officers, if a supervisor is not on duty at the time, the officer
15 will request the on-call supervisor be notified of the pursuit
16 according to the agency's procedures. The officer must consider
17 alternatives to the vehicular pursuit, the justification for the
18 vehicular pursuit, and other safety considerations, including but not
19 limited to speed, weather, traffic, road conditions, and the known
20 presence of minors in the vehicle. The officer must terminate the
21 vehicular pursuit if any of the requirements of this subsection are
22 not met.

23 (2) A pursuing officer shall comply with any agency procedures
24 for designating the primary pursuit vehicle and determining the
25 appropriate number of vehicles permitted to participate in the
26 vehicular pursuit and comply with any agency procedures for
27 coordinating operations with other jurisdictions, including available
28 tribal police departments when applicable.

29 (3) A peace officer may not fire a weapon upon a moving vehicle
30 unless necessary to protect against an imminent threat of serious
31 physical harm resulting from the operator's or a passenger's use of a
32 deadly weapon. For the purposes of this subsection, a vehicle is not
33 considered a deadly weapon unless the operator is using the vehicle
34 as a deadly weapon and no other reasonable means to avoid potential
35 serious harm are immediately available to the officer.

36 (4) For purposes of this section, "vehicular pursuit" means an
37 attempt by a uniformed peace officer in a vehicle equipped with
38 emergency lights and a siren to stop a moving vehicle where the
39 operator of the moving vehicle appears to be aware that the officer
40 is signaling the operator to stop the vehicle and the operator of the

1 moving vehicle appears to be willfully resisting or ignoring the
2 officer's attempt to stop the vehicle by increasing vehicle speed,
3 making evasive maneuvers, or operating the vehicle in a reckless
4 manner that endangers the safety of the community or the officer.

5 NEW SECTION. **Sec. 2.** This act is necessary for the immediate
6 preservation of the public peace, health, or safety, or support of
7 the state government and its existing public institutions, and takes
8 effect immediately.

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