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**SENATE BILL 5352**

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**State of Washington 68th Legislature 2023 Regular Session**

**By** Senators Lovick, MacEwen, Cleveland, Conway, Gildon, Holy, Hunt, Mullet, Rolfes, Salomon, Short, Torres, Van De Wege, Warnick, and L. Wilson

AN ACT Relating to vehicular pursuits; and amending RCW 10.116.060.

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

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

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

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

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

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

~~(c) The person poses an imminent threat to the safety of others~~)) criminal offense and the safety risks of failing to apprehend or identify the person are considered to be greater than the safety risks of the vehicular pursuit under the circumstances; ((~~and~~

~~(d)~~)) (b)(i) Except as provided in ((~~(d)~~)) (b)(ii) of this subsection, the officer ((~~has received authorization to engage in the pursuit from a supervising officer and there is supervisory control of the pursuit. The officer in consultation with the supervising officer must consider alternatives to the vehicular pursuit. The supervisor must consider~~)) notifies a supervising officer immediately upon initiating the vehicular pursuit, informing the supervisor of the justification for the vehicular pursuit and other safety considerations, including but not limited to speed, weather, traffic, road conditions, and the known presence of minors in the vehicle, and ((~~the vehicular pursuit must be terminated if any of the requirements of this subsection are not met~~)) the officer, in consultation with the supervising officer, considers alternatives to the vehicular pursuit;

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

~~(2)~~));

(c) ((~~A pursuing~~)) The officer ((~~shall comply~~)) complies with any agency procedures for designating the primary pursuit vehicle and determining the appropriate number of vehicles permitted to participate in the vehicular pursuit ((~~and comply~~));

(d) The supervising officer, the pursuing officer, or dispatcher notifies other law enforcement agencies or surrounding jurisdictions that may be impacted by the vehicular pursuit, and the pursuit complies with any agency procedures for coordinating operations with other jurisdictions, including available tribal police departments when applicable;

(e) The pursuing officer is able to directly communicate with other officers engaging in the pursuit and the dispatch agency, such as being on a common radio channel or having other direct means of communication;

(f) As soon as practicable after initiating a vehicular pursuit, the pursuing officer, supervising officer, or responsible agency develops a plan to end the pursuit through the use of available pursuit intervention options, such as the use of the pursuit intervention technique, deployment of spike strips or other tire deflation devices, or other department-authorized pursuit intervention tactics;

(g) The pursuing officer has completed an emergency vehicle operator's course, has completed updated emergency vehicle operator training in the previous two years, and is certified in at least one pursuit intervention option.

(2) A vehicular pursuit not meeting the requirements under subsection (1) of this section must be terminated.

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

(4) For purposes of this section, "vehicular pursuit" means an attempt by a uniformed peace officer in a vehicle equipped with emergency lights and a siren to stop a moving vehicle where the operator of the moving vehicle appears to be aware that the officer is signaling the operator to stop the vehicle and the operator of the moving vehicle appears to be willfully resisting or ignoring the officer's attempt to stop the vehicle by increasing vehicle speed, making evasive maneuvers, or operating the vehicle in a reckless manner that endangers the safety of the community or the officer.

**--- END ---**