

FINAL BILL REPORT

HI 2113

C 6 L 24
Synopsis as Enacted

Brief Description: Concerning vehicular pursuits by peace officers.

Sponsors: People of the State of Washington.

House Committee on Community Safety, Justice, & Reentry
Senate Committee on Law & Justice

Background:

Peace officers with arrest authority may engage in fresh pursuit of a person who is reasonably believed to have committed a violation of traffic or criminal laws, or for whom the officer has an arrest warrant. This may include engaging in a vehicular pursuit if the person flees in a vehicle. A "vehicular pursuit" is 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 appears to be aware that the officer is signaling the operator to stop the vehicle and the operator 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. When engaging in a vehicular pursuit, an officer may violate certain rules of the road, including stop signals, speed limits, and parking restrictions.

In 2021 the Legislature enacted Engrossed Substitute House Bill 1054, which, in part, established statewide restrictions on vehicular pursuits by prohibiting a vehicular pursuit unless:

- there was probable cause to believe that a person in the vehicle had committed or was committing a violent offense, a sex offense, or an Escape, or there was reasonable suspicion that a person in the vehicle had committed or was committing a Driving Under the Influence offense;
- the vehicular pursuit was necessary for the purpose of identifying or apprehending the person; and
- the person posed an imminent threat to the safety of others and the safety risk of

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

failing to apprehend or identify the person was considered to be greater than the safety risks associated with the vehicular pursuit under the circumstances.

Engrossed Substitute House Bill 1054 also established requirements related to the supervisory authorization for and control of vehicular pursuits, with certain exceptions for jurisdictions with fewer than 10 commissioned officers if a supervisor was not on duty, and requirements related to compliance with agency procedures for designating the primary pursuit vehicle, determining the appropriate number of vehicles permitted to participate in the vehicular pursuit, and coordinating operations with other jurisdictions.

In 2023 the Legislature subsequently enacted Engrossed Senate Bill 5352, which modified the statutory restrictions on vehicular pursuits by prohibiting a vehicular pursuit unless:

- there is reasonable suspicion that a person in the vehicle has committed or is committing a violent offense, a sex offense, a Vehicular Assault offense, an Assault offense involving domestic violence, an Escape, or a Driving Under the Influence offense;
- the vehicular pursuit is necessary for identifying or apprehending the person; and
- the person poses a serious risk of harm to others 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.

Engrossed Senate Bill 5352 also modified the requirements for supervisory authorization and control to instead require supervisory notification and oversight, expanded the related exceptions to these supervisory requirements to apply to jurisdictions with fewer than 15 commissioned officers, and established the following additional requirements for vehicular pursuits:

- the pursuing officer, and applicable supervising officer, must comply with agency procedures for designating the primary pursuit vehicle and determining the appropriate number of vehicles permitted to participate in the vehicular pursuit;
- the pursuing officer, applicable supervising officer, or dispatch must notify surrounding law enforcement agencies that may be impacted or called upon to assist with the pursuit;
- the pursuing officer must be able to communicate with other involved officers and dispatch;
- as soon as practicable, the pursuing officer, applicable supervising officer, or responsible agency must develop a plan to end the pursuit through the use of available pursuit intervention options; and
- the pursuing officer must have completed an emergency vehicle operator's course, completed updated emergency vehicle operator training in the previous two years where applicable, and be certified in at least one pursuit intervention option.

A vehicular pursuit that does not meet all statutory requirements must be terminated.

Summary:

The evidentiary threshold required for engaging in vehicular pursuits is modified to allow an officer to conduct a vehicular pursuit where there is reasonable suspicion a person has violated the law, provided all other statutory requirements for the vehicular pursuit are met. The required risk assessment for vehicular pursuits is modified to specify that an officer may not engage in a vehicular pursuit unless the person poses a threat to the safety of others 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.

Votes on Final Passage:

House 77 20

Senate 36 13

Effective: June 6, 2024