

# SENATE BILL REPORT

## SB 5352

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As of Second Reading

**Title:** An act relating to vehicular pursuits.

**Brief Description:** Concerning vehicular pursuits.

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

**Brief History:**

**Committee Activity:**

### Brief Summary of Bill

- Lowers the evidentiary threshold required for engaging in a vehicular pursuit by allowing an officer to conduct the vehicular pursuit if the officer has reasonable suspicion that a person in the vehicle has committed or is committing any criminal offense.
- Eliminates the provisions limiting a vehicular pursuit to situations where the vehicular pursuit is necessary for identifying or apprehending a person, the person poses an imminent threat to the safety of others, and the officer receives authorization from a supervisor and there is supervisory control.
- Modifies certain vehicular pursuit requirements related to supervisory oversight and establishes new requirements related to direct communication with specified entities, development of a plan to end the vehicular pursuit, and the pursuing officer's training and certifications.

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**Staff:** Joe McKittrick (786-7287)

**Background:** A vehicular pursuit is an attempt by a uniformed peace officer in a vehicle

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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. When engaging in a vehicular pursuit, the officer may violate certain rules of the road including, for example, stop signals, speed limits, and parking restrictions.

An officer may not engage in a vehicular pursuit unless:

- there is probable cause to believe that a person in the vehicle has committed or is committing a violent offense, sex offense, or an escape, or there is reasonable suspicion that a person in the vehicle has committed or is committing a driving under the influence offense; the vehicular pursuit is necessary for identifying or apprehending the person;
- the person poses an imminent 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 associated with the vehicular pursuit under the circumstances.

The officer must receive authorization from a supervisor to engage in the vehicular pursuit and there must be supervisory control, or, in jurisdictions with fewer than ten commissioned officers, the officer must request the on-call supervisor be notified if a supervisor is not on duty at the time. The officer and supervisor, when applicable, must consider alternatives to the vehicular pursuit, the justification for the vehicular pursuit, and other safety considerations. The officer must terminate the vehicular pursuit if any of these requirements are not met. The officer must also comply 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 with any agency procedures for coordinating operations with other jurisdictions, including available tribal police departments when applicable.

**Summary of Bill:** The evidentiary threshold required for engaging in a vehicular pursuit is modified to allow an officer to conduct the vehicular pursuit if the officer has reasonable suspicion that a person in the vehicle has committed or is committing any criminal offense. The requirements that the vehicular pursuit must be necessary for the purpose of identifying or apprehending the person, the person must pose an imminent threat to the safety of others, and the officer must receive authorization from a supervisor and there must be supervisory control are eliminated. Instead, the officer must notify a supervisor immediately upon initiating the vehicular pursuit, or, if a supervisor is not on duty, the officer must request the on-call supervisor be notified. The alternative of requesting the on-call supervisor be notified under such circumstances is available regardless of the number of commissioned officers in the applicable jurisdiction.

The vehicular pursuit must also adhere to the following additional requirements:

- the officer, supervisor, when applicable, or dispatcher must notify other law enforcement agencies or surrounding jurisdictions that may be impacted by the vehicular pursuit;
- the officer must be able to directly communicate with other officers engaging in the vehicular pursuit and the dispatch agency, such as by being on a common radio channel or having other direct means of communication;
- as soon as practicable after initiating the vehicular pursuit, the officer, supervisor, when applicable, or responsible agency must develop a plan to end the vehicular 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; and
- the officer must have completed an emergency vehicle operator's course, completed updated emergency vehicle operator training in the previous two years, and be certified in at least one pursuit intervention option.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.