

Initiative No. 1474

March 31, 2022

BILL REQUEST - CODE REVISER'S OFFICE

BILL REQ. #: I-4468.1/22

ATTY/TYPIST: CC:eab

BRIEF DESCRIPTION:

Initiative No. 1474

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AN ACT Relating to the standard for law enforcement to engage in a vehicular pursuit; and amending RCW 10.116.060.

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

Sec. 1. 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))~~ reasonable suspicion 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, a crime against persons offense pursuant to RCW 9.94A.411, or another criminal offense where the public 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;

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

(c) The person poses ~~((an imminent threat to the))~~ a public safety ~~((of others))~~ risk 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) ((i) Except as provided in (d) (ii) of this subsection, the))~~ The officer ~~((has received))~~ receives authorization to ~~((engage in))~~ continue 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 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 (†

~~(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) A pursuing officer shall 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.

(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** ---