

HOUSE BILL ANALYSIS

HB 1381

Title: An act relating to attempting to elude a pursuing police vehicle.

Brief Description: Increasing penalties for attempting to elude a police car.

Sponsors: Representatives O'Brien, Delvin, McDonald, Cairnes, Schindler, Ericksen, Campbell, Eickmeyer, Hurst, Edmonds, Lambert, Constantine, Linville, Pennington, Pflug, Bush, Miloscia, Esser, Sheahan, Carrell and Cooper.

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND CORRECTIONS

Staff: Jean Ann Quinn (786-7310).

Background:

A driver commits the crime of attempting to elude a pursuing police vehicle when the driver willfully fails or refuses to immediately stop his or her car and drives in a wanton or willful disregard for the lives or property of others after being given a visual or audible signal to stop. The signal given by the police officer may be by hand, voice, emergency light, or siren. The officer giving the signal must be in uniform and in a vehicle appropriately marked showing it to be an official police vehicle.

The crime of attempting to elude a pursuing police vehicle is a class C felony, which carries a maximum penalty of up to five years imprisonment or a fine of \$10,000, or both. Attempting to elude a pursuing police vehicle is ranked seriousness level I on the Sentencing Reform Act sentencing grid. Generally, the actual sentence a defendant receives is based upon the seriousness level of the current crime and the defendant's criminal history. A person with no criminal history who is convicted of a crime with a seriousness level I has a standard range sentence of 0-60 days.

A person convicted of attempting to elude a police vehicle has his or her license revoked for one year.

Summary:

The crime of attempting to elude a pursuing police vehicle is changed from a class C felony to a class B felony and is raised from a seriousness level I to a seriousness level II on the sentencing grid. A class B felony carries a maximum sentence of 10 years

imprisonment, or a fine of \$20,000, or both. A person with no criminal history who is convicted of a crime with a seriousness level II has a standard range sentence of 0-90 days.

The officer giving the signal to stop must be driving an official police vehicle. The requirement that the vehicle be appropriately marked— as an official police vehicle is deleted, and instead official police vehicle— is defined as any municipal, county, or state police vehicle appropriately equipped with emergency lights and siren.

A person convicted of attempting to elude a pursuing police vehicle will have his or her license revoked for two years.

Fiscal Note: Available.

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