
**Criminal Justice & Corrections
Committee**

HB 1135

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

Sponsors: Representatives Carrell, Cairnes, Hinkle, Roach, Newhouse, Talcott, McMahan, Sump, Simpson, Bush and Campbell.

Brief Summary of Bill

- Raises the penalty for attempting to elude a pursuing police vehicle.
- Increases the time a driver's license is revoked from one to two years for attempting to elude a pursuing police vehicle.
- Expands the definitions of vehicular homicide and vehicular assault to include persons who attempt to elude a police vehicle and thereby cause death or substantial bodily harm to another person.
- Removes a requirement that the pursuing officer's vehicle be marked.

Hearing Date: 1/29/03

Staff: Aaron Anderson (786-7119).

Background:

It is a criminal offense to intentionally refuse to stop a vehicle when ordered to do so by a police officer. The gravity of the offense depends upon the circumstances. It is a misdemeanor offense for a person to willfully fail to stop when ordered by a law enforcement officer, but the offense can increase to a felony if the driver willfully refuses to stop while attempting to elude a pursuing police vehicle.

I. Attempting to Elude a Pursuing Police Vehicle

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 manner indicating wanton or willful disregard for the lives or property of others after being given a visual or audible signal to stop by a police officer. The signal to stop may be given by hand, voice,

emergency light, or siren. The police officer giving the signal must be in uniform, and the officer's vehicle must be appropriately marked as an official police vehicle.

Attempting to elude a police vehicle is a class C felony assigned to a seriousness level I. The standard sentence range for a first-time offender convicted of this crime is zero to 60 days. In addition to any fine or incarceration, the Department of Licensing must revoke the driver's license of a person convicted of attempting to elude a police vehicle for one year.

II. Vehicular Homicide

A driver commits the crime of vehicular homicide when the death of any person ensues within three years as a proximate result of injury caused by the defendant driving: (1) while under the influence of intoxicating liquor or drugs; (2) in a reckless manner; or (3) with disregard for the safety of others.

Vehicular homicide is a class A felony with a seriousness level of VII (if the driver was acting with disregard for the safety of others), VIII (if the driver was acting in a reckless manner), or IX (if the driver was under the influence of intoxicating liquor or drugs). The standard sentence range for a first-time offender convicted of this crime is 15 to 20 months under seriousness level VII, 21 to 27 months under seriousness level VIII, or 31 to 41 months under seriousness level IX.

III. Vehicular Assault

A driver commits the crime of vehicular assault when serious bodily injury to another person occurs as a proximate result of the defendant driving: (1) while under the influence of intoxicating alcohol or drugs; (2) in a reckless manner; or (3) with disregard for the safety of others.

Vehicular assault is a class B felony assigned to seriousness level III (if the driver was acting with disregard for the safety of others) or IV (if the driver was either under the influence of intoxicating liquor or drugs or was acting in a reckless manner).

Summary of Bill:

I. Attempting to Elude a Pursuing Police Vehicle

The requirement that the car a defendant is attempting to elude be "appropriately marked" is removed. The car must be an official police vehicle for the crime to apply. An official police vehicle is defined as any municipal, county, or state police vehicle appropriately equipped with emergency lights and siren.

The penalty for attempting to elude a pursuing police vehicle is raised to a class B felony and assigned to seriousness level II. The standard sentence range for a first-time offender is zero to 90 days. The mandatory period of license revocation is raised to two years.

II. Vehicular Homicide

The definition of vehicular homicide is expanded to include persons whose driving results in the death of another person while attempting to elude a pursuing police vehicle. The crime of vehicular homicide by attempting to elude a pursuing police vehicle is assigned to seriousness level X. The standard sentence range for a first time offender is 51 to 68

months.

III. Vehicular Assault

The definition of vehicular assault is expanded to include persons whose driving results in serious bodily injury to another person while attempting to elude a pursuing police vehicle. The crime of vehicular assault by attempting to elude a pursuing police vehicle is assigned to seriousness level V. The standard sentence range for a first-time offender is six to 12 months.

Appropriation: None.

Fiscal Note: Requested on January 21, 2003.

Effective Date: Ninety days after adjournment of session in which bill is passed, except for section 7, which takes effect July 1, 2004.