

HOUSE BILL REPORT

HB 2500

As Reported By House Committee On:

Law & Justice

Title: An act relating to the uniform act on fresh pursuit.

Brief Description: Amending uniform act on fresh pursuit.

Sponsors: Representatives Sheahan, Appelwick, McMorris, Radcliff, Alexander, Grant, O'Brien, Doumit, Ogden and Thompson.

Brief History:

Committee Activity:

Law & Justice: 1/20/98, 1/23/98 [DP].

HOUSE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass. Signed by 13 members: Representatives Sheahan, Chairman; McDonald, Vice Chairman; Sterk, Vice Chairman; Costa, Ranking Minority Member; Constantine, Assistant Ranking Minority Member; Carrell; Cody; Kenney; Lambert; Lantz; Mulliken; Robertson and Sherstad.

Staff: Bill Perry (786-7123).

Background: In 1943, the state adopted the Uniform Act on Fresh Pursuit. The act has not been amended since. The act allows police officers of another state to enter Washington in "fresh pursuit" of a person suspected of having committed a felony in the other state and to arrest the person in this state. Upon arrest, the suspect is to be taken without unnecessary delay to a judge in the Washington county of arrest. If the judge determines the arrest was lawful, the suspect is to be confined awaiting extradition.

"Fresh pursuit" is defined for purposes of the act to include the common law meaning of the term, and also to include the pursuit of a person who reasonably is suspected of having committed a felony. In order to be "fresh" the pursuit need not be instant, but must be without unreasonable delay.

At common law, "fresh pursuit" applies to felonies and requires that the officer attempt to stop the suspect, and that the suspect try to escape or at least know he is being pursued while still in the officer's jurisdiction.

In Washington, as in most states, drunken driving and reckless driving are not felonies.

Summary of Bill: The Uniform Act on Fresh Pursuit is amended to allow pursuit into Washington of persons suspected of drunken or reckless driving in another state.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: People should not be able to "run for the border" to avoid arrest. It is not uncommon for certain people, such as drunk drivers, to cross into Washington from Oregon or Idaho while being pursued.

Testimony Against: None.

Testified: Melanie Stewart, Washington State Municipal and District Court Judges Association (pro).