

HOUSE BILL REPORT

HB 1381

As Reported By House Committee On:
Criminal Justice & Corrections

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.

Brief History:

Committee Activity:

Criminal Justice & Corrections: 2/19/99, 2/24/99 [DP].

Brief Summary of Bill

- Raises the crime of attempting to elude a pursuing police vehicle from a class C, seriousness level I felony to a class B, seriousness level II felony.
- Provides that the pursuing police vehicle can be marked or unmarked, but must be appropriately equipped with emergency lights and siren.
- Requires that the license of a person convicted of the crime be revoked for a period of two years.

HOUSE COMMITTEE ON CRIMINAL JUSTICE & CORRECTIONS

Majority Report: Do pass. Signed by 8 members: Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Cairnes, Republican Vice Chair; Lovick, Democratic Vice Chair; B. Chandler; Constantine; Kagi and Koster.

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 of Bill:

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 of 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.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: The crime of eluding a pursuing police vehicle results in high speed chases that are exceptionally dangerous. Thus, the penalties should also be higher. Under existing law, there are very little consequences. The bill is sorely needed and has passed the House the last two years in a row. Raising the crime to a class B felony makes it equivalent to second degree assault. Eluding a police vehicle, however, presents much more risk to the community than any second degree assault incident. Felony "eludings" are often the result of other criminal behavior, but this is the charge that gets dropped as a result of the plea bargain. The language change providing that the police vehicle can be marked or unmarked is extremely important. The legislation complements police pursuit policies in place throughout the state.

Testimony Against: None.

Testified: (In support) Representative O'Brien, prime sponsor; Mike Patrick, Washington State Council of Police and Sheriffs; Gerald Ross, Snohomish County Sheriff's Office; and Larry Erickson, Washington Association of Sheriffs and Police Chiefs.