
Criminal Justice & Corrections Committee

HB 2474

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

Sponsors: Representatives Carrell, O'Brien, Holmquist, Ballasiotes, Mielke, Darneille, Roach, Simpson, Campbell, Morell, Sullivan, Barlean, Esser, Conway, Talcott, Eickmeyer, Kirby, Boldt, Jarrett, Cox, Woods, Mulliken, Sump, Bush, Ahern, Schoesler, Delvin, Lisk, Orcutt, Schmidt, Edwards, Jackley, Nixon, Anderson, Lovick and Alexander.

Brief Summary of Bill

- Raises the penalty for attempting to elude a pursuing police vehicle from a class C to a class B felony and increases its seriousness level for sentencing purposes from a level I to level II.
- 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.

Hearing Date: 1/29/02

Staff: Ryan Jensen (786-5793).

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 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. Further, the police officer giving the signal must be in uniform and driving a vehicle appropriately marked showing it to be an official police vehicle.

The crime of attempting to elude a police vehicle is a class C felony with a seriousness level

I. Under the Sentencing Reform Act, a defendant's sentence reflects the seriousness level of the crime committed 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 (SRS) of zero to 60 days. In addition to any fine or incarceration, a person convicted of attempting to elude a police vehicle has his or her driver's license revoked for one year.

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 driving of any vehicle if the driver was operating the vehicle: (1) while under the influence of intoxicating liquor or drugs; (2) in a reckless manner; (3) or with disregard for the safety of others.

The crime of vehicular homicide is a class A felony with a seriousness level that varies according to the way the offense is committed. If a person with no criminal history is convicted of vehicular homicide while under the influence of intoxicating liquor or drugs, the crime has a seriousness level IX, and the offender is subject to a SRS of 31 to 41 months. If a person with no criminal history is convicted of vehicular homicide while driving in a reckless manner, the crime has a seriousness level VIII, and the offender is subject to a SRS of 21 to 27 months. Finally, if a person with no criminal history is convicted of vehicular homicide by operating a vehicle with disregard for the safety of others, the crime has a seriousness level VII, and the offender is subject to a SRS of 15 to 20 months.

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

Vehicular assault is a class B felony with a seriousness that also varies according to the way it is committed. If a person with no criminal history is convicted of vehicular assault by either being under the influence of intoxicating liquor or drugs, or by the operation of a vehicle in a reckless manner, the crime has a seriousness level IV and the offender is subject to a SRS of three to nine months. If a person with no criminal history is convicted of vehicular assault by the operation of a vehicle with disregard for the safety of others, the crime has a seriousness level III and the offender is subject to a SRS of one to three months.

Summary of Bill:

The penalty of attempting to elude a pursuing police vehicle is raised to a class B felony with a seriousness level II. A person with no criminal history, who is convicted of a crime with a seriousness level II, is subject to a SRS of zero to 90 days. Conviction results in a two-year revocation of the offender's driver's license.

An official police vehicle is defined as any municipal, county, or state police vehicle appropriately equipped with emergency lights and siren. The requirement that the car be "appropriately marked" is removed.

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 has a seriousness level

X. A person with no criminal history, who is convicted of a crime with a seriousness level X, is subject to a SRS of 51 to 68 months.

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 has a seriousness level V. A person with no criminal history, who is convicted of a crime with a seriousness level V, is subject to a SRS of six to 12 months.

Appropriation: None.

Fiscal Note: Requested on January 28, 2002.

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