
**Criminal Justice & Corrections
Committee**

HB 1076

Brief Description: Revising provisions relating to attempting to elude a pursuing police vehicle.

Sponsors: Representatives Lovick, McDonald, O'Brien, Moeller, Chase, Haigh, Carrell, Simpson and Kagi.

Brief Summary of Bill

- Amends the definition of attempting to elude a pursuing police vehicle by: (1) eliminating the need for the pursuing officer to be in uniform and in an appropriately marked police vehicle, (2) modifying the language describing a driver's reckless behavior, and (3) creating an affirmative defense for reasonably believing the pursuit was not by a police officer.
- Increases the time a driver's license is revoked from one to two years for attempting to elude a pursuing police vehicle.

Hearing Date: 1/29/03

Staff: Derek Green (786-5793).

Background:

It is a criminal offense to intentionally refuse to stop 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 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. 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 seriousness level I class C felony. A class C felony can have a maximum sentence of five years of incarceration, a fine of \$10,000 or both. For a first time offender convicted of a seriousness level I class C felony, the standard sentence range is zero to 60 days incarceration. 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.

Driving recklessly is a criminal offense on its own, absent an attempt to elude a police officer. Reckless driving is defined as driving "in willful or wanton disregard for the safety of persons or property," and is punishable as a gross misdemeanor.

Summary of Bill:

The definition of attempting to elude a pursuing police vehicle is amended. Driving in a "reckless" manner replaces the requirement of driving in a "wanton or wilful disregard for the lives or property of others." The requirements that a police officer be in uniform and that the pursuing vehicle be appropriately marked as a police vehicle are also eliminated.

An affirmative defense is added based upon the behavior of a reasonable person. A driver can assert the defense that a reasonable person would not believe that the signal to stop was given by a police officer, and that continuing to drive after being signaled to stop was reasonable given the circumstances.

In addition to any fine or incarceration, the revocation period for a person convicted of attempting to elude a police vehicle is increased. A conviction for this offense results in a minimum two year loss of driving privileges. The suspension or revocation would exclude the time the offender is incarcerated for any conviction.

Appropriation: None.

Fiscal Note: Requested on January 21, 2003.

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