

# SENATE BILL REPORT

## ESHB 1076

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As Reported By Senate Committee On:  
Judiciary, March 21, 2003

**Title:** An act relating to attempting to elude a pursuing police vehicle.

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

**Sponsors:** House Committee on Criminal Justice & Corrections (originally sponsored by Representatives Lovick, McDonald, O'Brien, Moeller, Chase, Haigh, Carrell, Simpson and Kagi).

**Brief History:**

**Committee Activity:** Judiciary: 3/20/03, 3/21/03 [DPA].

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### SENATE COMMITTEE ON JUDICIARY

**Majority Report:** Do pass as amended.

Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland, Hargrove, Haugen, Johnson, Roach and Thibaudeau.

**Staff:** Aldo Melchiori (786-7439)

**Background:** Failure to obey an officer is a misdemeanor (up to 90 days and/or a \$1,000 fine) committed when a person willfully fails to stop a vehicle when ordered by a reasonably identifiable law enforcement officer. Attempting to elude a pursuing police vehicle is committed when a driver willfully fails or refuses to immediately stop a vehicle 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. It is a class C felony ranked at level I on the sentencing grid (0-60 days for a first offense and/or a \$10,000 fine). Additionally, the offender's driver's license is revoked for one year. 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 driving a vehicle appropriately marked as an official police vehicle.

**Summary of Amended Bill:** It is clarified that driving in a "reckless" manner while failing to stop after being signaled by a police officer constitutes the offense. The pursuing vehicle must be equipped with lights and sirens.

An affirmative defense is added. 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.

**Amended Bill Compared to Original Bill:** The amendment replaces the requirement that the law enforcement vehicle must have a marked license plate with the requirement that the vehicle must have lights and sirens.

**Appropriation:** None.

**Fiscal Note:** Available.

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

**Testimony For:** Traditionally marked police vehicles are not effective in stopping aggressive drivers because the police vehicles are too identifiable. The affirmative defense will provide greater protection for innocent drivers who suspect that they are being stopped by a person impersonating an officer.

**Testimony Against:** None.

**Testified:** PRO: Representative Lovick, prime sponsor; Tom McBride, WAPA; Dave McEachan, Whatcom County Prosecuting Attorney; Glenn Cramer, WSP; Larry Erickson, WASPC; Rick Jensen, Trooper's Association.