

HB 1198 - DIGEST

Authorizes the prosecuting attorney to file a special allegation of endangerment by eluding in every criminal case involving a charge of attempting to elude a police vehicle under RCW 46.61.024, when sufficient admissible evidence exists, to show that a person other than the defendant was threatened with physical injury or harm by the actions of the person committing the crime of attempting to elude a police vehicle.

Requires that, in a criminal case in which there has been a special allegation, the state shall prove beyond a reasonable doubt that the accused committed the crime while endangering a person other than the defendant. The court shall make a finding of fact of whether or not a person other than the defendant was endangered at the time of the commission of the crime, or if a jury trial is had, the jury shall, if it finds the defendant guilty, also find a special verdict as to whether or not a person other than the defendant was endangered during the commission of the crime.

Provides that an additional term of total confinement of not less than twelve months and one day or more than twenty-four months shall be added to the standard sentence range for a conviction of attempting to elude a police vehicle as defined by RCW 46.61.024, if the conviction included a finding by special allegation of endangering another person under this act. Any enhancement added under this provision shall run consecutively to any other sentence or enhancement imposed by the court.