
Public Safety Committee

HB 1844

Brief Description: Concerning attempting to elude a pursuing police vehicle.

Sponsors: Representatives Sells, Robinson, Hayes and Lovick.

Brief Summary of Bill

- Modifies the crime of Attempting to Elude a Pursuing Police Vehicle by defining "pursuing police vehicle" to include a police vehicle that does not initiate or terminates pursuit.

Hearing Date: 2/7/17

Staff: Alex Pearson (786-7291) and Kelly Leonard (786-7147).

Background:

Attempting to Elude a Pursuing Police Vehicle.

A person commits Attempting to Elude a Pursuing Police Vehicle if he or she willfully fails or refuses to immediately bring his or her vehicle to a stop and drives his or her vehicle in a reckless manner while attempting to elude a pursuing police vehicle after being given a visual or audible signal to bring the vehicle to a stop. The signal given by the police officer may be by hand, voice, emergency light, or siren. The officer giving such a signal must be in uniform and the vehicle must be equipped with lights and sirens.

It is an affirmative defense, which must be established by a preponderance of the evidence, that: (1) a reasonable person would not believe that the signal to stop was given by a police officer; and (2) driving after the signal to stop was reasonable under the circumstances.

Attempting to Elude a Pursuing Police Vehicle is a class C felony with a seriousness level of I. The Department of Licensing must revoke the license or driving permit, or any nonresident driving privilege, of a person convicted of the offense.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

There is a sentencing enhancement of an additional 12 months and one day if the conviction included a finding by special allegation that the defendant endangered one or more persons (other than the defendant or the pursuing law enforcement officer).

Related Offenses.

Any person who willfully fails to stop when requested or signaled to do so by a person reasonably identifiable as a law enforcement officer is guilty of a misdemeanor.

Any person who drives any vehicle in willful or wanton disregard for the safety of persons or property is guilty of Reckless Driving. Reckless Driving is a gross misdemeanor punishable by imprisonment for up to 364 days and by a fine of not more than \$5,000.

Summary of Bill:

A "pursuing police vehicle" includes a police vehicle that, after signaling the driver of a motor vehicle to immediately bring his or her vehicle to a stop, does not initiate vehicular pursuit or terminates vehicular pursuit.

Appropriation: None.

Fiscal Note: Requested on February 1, 2017.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.