

SB 5919 - S AMD TO S AMD (S-4538.1/22) **1065**
By Senator Wagoner

ADOPTED 02/09/2022

1 On page 1, after line 19, insert the following:

2 "Sec. 2. RCW 10.116.060 and 2021 c 320 s 7 are each amended to
3 read as follows:

4 (1) A peace officer may not (~~engage in~~) conduct a vehicular
5 pursuit, unless:

6 (a) ~~((i))~~ There is (~~probable cause~~) reasonable suspicion to
7 believe that a person in the vehicle has committed or is committing a
8 violent offense or sex offense as defined in RCW 9.94A.030, (~~or~~) an
9 escape under chapter 9A.76 RCW (~~or~~

10 ~~(ii) There is reasonable suspicion a person in the vehicle has~~
11 ~~committed or is committing~~), a driving under the influence offense
12 under RCW 46.61.502, a crime against persons offense pursuant to RCW
13 9.94A.411, or another criminal offense where the public safety risks
14 of failing to apprehend or identify the person are considered to be
15 greater than the safety risks of the vehicular pursuit under the
16 circumstances;

17 (b) The pursuit is necessary for the purpose of identifying or
18 apprehending the person;

19 (c) The person poses (~~an imminent threat to the~~) a public
20 safety (~~of others~~) risk and the safety risks of failing to
21 apprehend or identify the person are considered to be greater than
22 the safety risks of the vehicular pursuit under the circumstances;
23 and

24 (d) ~~((i) Except as provided in (d)(ii) of this subsection, the)~~
25 The officer (~~has received~~) receives authorization to (~~engage in~~)
26 continue the pursuit from a supervising officer and there is
27 supervisory control of the pursuit. The officer in consultation with
28 the supervising officer must consider alternatives to the vehicular
29 pursuit. The supervisor must consider the justification for the
30 vehicular pursuit and other safety considerations, including but not
31 limited to speed, weather, traffic, road conditions, and the known
32 presence of minors in the vehicle, and the vehicular pursuit must be

1 terminated if any of the requirements of this subsection are not
2 met(~~(~~

3 ~~(ii) For those jurisdictions with fewer than 10 commissioned~~
4 ~~officers, if)).~~ If a supervisor is not on duty at the time, the
5 officer will request the on-call supervisor be notified of the
6 pursuit according to the agency's procedures. The officer must
7 consider alternatives to the vehicular pursuit, the justification for
8 the vehicular pursuit, and other safety considerations, including but
9 not limited to speed, weather, traffic, road conditions, and the
10 known presence of minors in the vehicle. The officer must terminate
11 the vehicular pursuit if any of the requirements of this subsection
12 are not met.

13 (2) A pursuing officer shall comply with any agency procedures
14 for designating the primary pursuit vehicle and determining the
15 appropriate number of vehicles permitted to participate in the
16 vehicular pursuit and comply with any agency procedures for
17 coordinating operations with other jurisdictions, including available
18 tribal police departments when applicable.

19 (3) A peace officer may not fire a weapon upon a moving vehicle
20 unless necessary to protect against an imminent threat of serious
21 physical harm resulting from the operator's or a passenger's use of a
22 deadly weapon. For the purposes of this subsection, a vehicle is not
23 considered a deadly weapon unless the operator is using the vehicle
24 as a deadly weapon and no other reasonable means to avoid potential
25 serious harm are immediately available to the officer.

26 (4) For purposes of this section, "vehicular pursuit" means an
27 attempt by a uniformed peace officer in a vehicle equipped with
28 emergency lights and a siren to stop a moving vehicle where the
29 operator of the moving vehicle appears to be aware that the officer
30 is signaling the operator to stop the vehicle and the operator of the
31 moving vehicle appears to be willfully resisting or ignoring the
32 officer's attempt to stop the vehicle by increasing vehicle speed,
33 making evasive maneuvers, or operating the vehicle in a reckless
34 manner that endangers the safety of the community or the officer."

35 Renumber the remaining sections consecutively and correct any
36 internal references accordingly.

37 On page 5, line 1, after "RCW" strike "10.120.010" and insert
38 "10.116.060, 10.120.010,"

EFFECT: Adds language related to vehicular pursuits; requires reasonable suspicion prior to engaging in a vehicular pursuit.

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