

SB 5919 - S AMD TO AMS (DHIN MCKI 040) **1059**

By Senator Wagoner

PULLED 02/09/2022

1 On page 1, after line 20, insert the following:

2

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

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

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

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

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

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

24 (d)((~~+~~ 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

1 the supervising officer must consider alternatives to the vehicular
2 pursuit. The supervisor must consider the justification for the
3 vehicular pursuit and other safety considerations, including but not
4 limited to speed, weather, traffic, road conditions, and the known
5 presence of minors in the vehicle, and the vehicular pursuit must be
6 terminated if any of the requirements of this subsection are not
7 met((+

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

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

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

31 (4) For purposes of this section, "vehicular pursuit" means an
32 attempt by a uniformed peace officer in a vehicle equipped with
33 emergency lights and a siren to stop a moving vehicle where the
34 operator of the moving vehicle appears to be aware that the officer

1 is signaling the operator to stop the vehicle and the operator of
2 the moving vehicle appears to be willfully resisting or ignoring the
3 officer's attempt to stop the vehicle by increasing vehicle speed,
4 making evasive maneuvers, or operating the vehicle in a reckless
5 manner that endangers the safety of the community or the officer."

6 Renumber the remaining sections consecutively and correct any
7 internal references accordingly.

8

9 On page 5, line 20, after "RCW" strike "10.120.010" and insert
10 "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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