
SUBSTITUTE HOUSE BILL 1788

State of Washington

67th Legislature

2022 Regular Session

By House Public Safety (originally sponsored by Representatives Robertson, Mosbrucker, Ybarra, Klippert, Chase, Walsh, Rude, Klicker, Chambers, Barkis, Dufault, Jacobsen, Caldier, Griffey, Kraft, Graham, and Young)

READ FIRST TIME 02/03/22.

1 AN ACT Relating to vehicular pursuits; amending RCW 10.116.060;
2 and declaring an emergency.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 10.116.060 and 2021 c 320 s 7 are each amended to
5 read as follows:

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

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

12 ~~((ii) There is reasonable suspicion a person in the vehicle has~~
13 ~~committed or is committing))~~ a driving under the influence offense
14 under RCW 46.61.502;

15 (b) ~~((The pursuit is necessary for the purpose of identifying or~~
16 ~~apprehending the person;~~

17 ~~(e))~~ The person poses an imminent threat to the safety of
18 others, and the safety risks of failing to apprehend or identify the
19 person are considered to be greater than the safety risks of the
20 vehicular pursuit under the circumstances; ~~((and~~

1 ~~(d) (i) Except as provided in (d) (ii) of this subsection, the~~
2 ~~officer has received authorization to engage in the pursuit from)~~

3 (c) The pursuing officer notifies a supervising officer ((and
4 there)) immediately upon initiating the vehicular pursuit;

5 (d) There is supervisory ((control)) oversight of the pursuit((
6 The officer in consultation with the)) by a supervising officer
7 ((must consider alternatives to the vehicular pursuit. The supervisor
8 must consider)), and the supervising officer evaluates the
9 justification for the vehicular pursuit and other safety
10 considerations, including but not limited to speed, weather, traffic,
11 road conditions, and the known presence of minors in the vehicle((
12 and the vehicular pursuit must be terminated if any of the
13 requirements of this subsection are not met;

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

24 ~~(2) A pursuing officer shall comply));~~

25 (e) The pursuing officer and supervising officer comply with any
26 agency procedures for designating the primary pursuit vehicle and
27 determining the appropriate number of vehicles permitted to
28 participate in the vehicular pursuit ((and comply));

29 (f) The supervising officer, the pursuing officer, or dispatcher
30 notifies other law enforcement agencies or surrounding jurisdictions
31 that may be impacted by the vehicular pursuit or called upon to
32 assist with the vehicular pursuit, and the pursuing officer and
33 supervising officer comply with any agency procedures for
34 coordinating operations with other jurisdictions, including available
35 tribal police departments when applicable;

36 (g) The pursuing officer is able to directly communicate with
37 other officers engaging in the pursuit, the supervising officer, and
38 the dispatch agency, such as being on a common radio channel or
39 having other direct means of communication;

1 (h) As soon as practicable after initiating a vehicular pursuit,
2 the pursuing officer, supervising officer, or responsible agency
3 develops a plan to end the pursuit through the use of available
4 pursuit intervention options, such as the use of the pursuit
5 intervention technique, deployment of spike strips or other tire
6 deflation devices, or other department-authorized pursuit
7 intervention tactics; and

8 (i) The pursuing officer has completed an emergency vehicle
9 operator's course, has completed updated emergency vehicle operator
10 training in the previous two years, and is certified in at least one
11 pursuit intervention option.

12 (2) A vehicular pursuit not meeting the requirements under
13 subsection (1) of this section must be terminated.

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

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

30 NEW SECTION. Sec. 2. This act is necessary for the immediate
31 preservation of the public peace, health, or safety, or support of
32 the state government and its existing public institutions, and takes
33 effect immediately.

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