

SHB 1513 - H AMD TO H AMD (H-1648.2/23) 434

By Representative Graham

NOT CONSIDERED 01/02/2024

1 On page 1 of the striking amendment, strike all material after  
2 line 2 and insert the following:

3  
4 "NEW SECTION. **Sec. 1.** Subject to the availability of amounts  
5 appropriated for this specific purpose, a grant program is  
6 established. The Washington traffic safety commission shall develop  
7 and implement a grant program to support local initiatives that  
8 provide solution-oriented responses to nonmoving violations for low-  
9 income road users. The commission must prioritize the award of  
10 grants to local initiatives that expand or establish civilian  
11 intervention programs for nonmoving violations, and focus on  
12 nonpunitive interventions such as helmet voucher programs, fee  
13 offset programs, fix-it tickets, and repair vouchers that provide  
14 solutions for vehicle equipment failures for low-income road users.

15 (1) Grants must be awarded to local jurisdictions based on  
16 locally developed proposals to establish or expand existing  
17 programs, including programs with community-lead organizations.  
18 Eligible jurisdictions under the grant program include cities,  
19 counties, tribal government entities, tribal organizations, or  
20 nonprofit organizations.

21 (2) Prior to awarding any grants, the commission shall develop  
22 grant compliance criteria for nonprofit grant recipients including,  
23 but not limited to, registration with the office of the secretary of  
24 the state, a demonstration of a nexus between grant-funded  
25 activities and the mission of the organization, guidelines on  
26 permissible overhead allocations, a list of recommended core grant

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1 funded initiatives, and a requirement for interaction with local law  
2 enforcement.

3 (3) The commission shall report on its website by December 1st  
4 of each year on the recipients, locations, and types of projects  
5 funded under this program.

6 (4) Beginning September 1, 2024, and biennially thereafter, the  
7 commission shall provide a report to the governor and the  
8 transportation committees of the legislature detailing findings on  
9 the effectiveness of programs funded under this section and any  
10 recommendations for enhancements or modifications to the grant  
11 program established under this section.

12

13 **Sec. 2.** RCW 46.63.030 and 2013 2nd sp.s. c 23 s 23 are each  
14 amended to read as follows:

15 (1) A law enforcement officer has the authority to issue a  
16 notice of traffic infraction:

17 (a) When the infraction is committed in the officer's presence,  
18 except as provided in RCW 46.09.485;

19 (b) When the officer is acting upon the request of a law  
20 enforcement officer in whose presence the traffic infraction was  
21 committed;

22 (c) If an officer investigating at the scene of a motor vehicle  
23 accident has reasonable cause to believe that the driver of a motor  
24 vehicle involved in the accident has committed a traffic infraction;

25 (d) When the infraction is detected through the use of an  
26 automated traffic safety camera under RCW 46.63.170; or

27 (e) When the infraction is detected through the use of an  
28 automated school bus safety camera under RCW 46.63.180.

29 (2) A law enforcement officer has the authority to issue a  
30 citation by mail for a notice of infraction for any noncriminal  
31 offenses under this chapter, in lieu of a traffic stop, and where  
32 consistent with agency policy.

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1        (3) A court may issue a notice of traffic infraction upon  
2 receipt of a written statement of the officer that there is  
3 reasonable cause to believe that an infraction was committed.

4        ~~((+3))~~(4) If any motor vehicle without a driver is found  
5 parked, standing, or stopped in violation of this title or an  
6 equivalent administrative regulation or local law, ordinance,  
7 regulation, or resolution, the officer finding the vehicle shall  
8 take its registration number and may take any other information  
9 displayed on the vehicle which may identify its user, and shall  
10 conspicuously affix to the vehicle a notice of traffic infraction.

11        ~~((+4))~~(5) In the case of failure to redeem an abandoned vehicle  
12 under RCW 46.55.120, upon receiving a complaint by a registered tow  
13 truck operator that has incurred costs in removing, storing, and  
14 disposing of an abandoned vehicle, an officer of the law enforcement  
15 agency responsible for directing the removal of the vehicle shall  
16 send a notice of infraction by certified mail to the last known  
17 address of the person responsible under RCW 46.55.105. The notice  
18 must be entitled "Littering—Abandoned Vehicle" and give notice of  
19 the monetary penalty. The officer shall append to the notice of  
20 infraction, on a form prescribed by the department of licensing, a  
21 notice indicating the amount of costs incurred as a result of  
22 removing, storing, and disposing of the abandoned vehicle, less any  
23 amount realized at auction, and a statement that monetary penalties  
24 for the infraction will not be considered as having been paid until  
25 the monetary penalty payable under this chapter has been paid and  
26 the court is satisfied that the person has made restitution in the  
27 amount of the deficiency remaining after disposal of the vehicle.

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29        NEW SECTION.    **Sec. 3.** A new section is added to chapter 10.118  
30 RCW to read as follows:

31        (1) Each peace officer in the state as defined in RCW 43.101.010  
32 must report each incident when they stop or detain an operator of a  
33 vehicle, or where a citation is issued by mail. Each report must  
34 include the following information:

1 (a) The date, time, location (address, latitude and longitude,  
2 or GPS information), and duration of the incident;

3 (b) The primary reason for the stop or mailed citation, and  
4 whether it was peace officer-initiated or in response to a call for  
5 service from the public;

6 (c) Make, model, and year of the vehicle;

7 (d) The agency or agencies employing the peace officer;

8 (e) The name of the peace officer;

9 (f) Whether there was a stop initiated, an arrest made, or a  
10 citation mailed; and

11 (g) Whether dashboard or body worn camera footage was recorded  
12 for the incident.

13 (2) For the purposes of this section, "vehicle" has the same  
14 meaning as in RCW 46.04.670, but does not include any commercial  
15 motor vehicle as defined in RCW 46.32.005.

16  
17 **Sec. 4.** RCW 10.116.060 and 2021 c 320 s 7 are each amended to  
18 read as follows:

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

20 (a)((+i)) There is ((~~probable cause to believe~~)) reasonable  
21 suspicion that a person in the vehicle has committed or is  
22 committing ((a)):

23 (i) A violent offense ((or)) as defined in RCW 9.94A.030;

24 (ii) A sex offense as defined in RCW 9.94A.030((, or an));

25 (iii) A vehicular assault offense under RCW 46.61.522;

26 (iv) An assault in the first, second, third, or fourth degree  
27 offense under chapter 9A.36 RCW, involving domestic violence as  
28 defined in RCW 10.99.020;

29 (v) An escape under chapter 9A.76 RCW; or

30 ((~~ii) There is reasonable suspicion a person in the vehicle has~~  
31 ~~committed or is committing a~~) (vi) A driving under the influence  
32 offense under RCW 46.61.502;

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

1 (c) The person poses ~~((an imminent threat to the safety of))~~ a  
2 serious risk of harm to others, and the safety risks of failing to  
3 apprehend or identify the person are considered to be greater than  
4 the safety risks of the vehicular pursuit under the circumstances; and

5 (d)(i) Except as provided in (d)(ii) of this subsection, the  
6 ~~((officer has received authorization to engage in the pursuit from))~~  
7 pursuing officer notifies a supervising officer ~~((and))~~ immediately  
8 upon initiating the vehicular pursuit; there is supervisory  
9 ~~((control))~~ oversight of the pursuit~~((The))~~; and the pursuing  
10 officer, in consultation with the supervising officer ~~((must-~~  
11 ~~consider))~~, considers alternatives to the vehicular pursuit~~((The-~~  
12 ~~supervisor must consider))~~, the justification for the vehicular  
13 pursuit, and other safety considerations, including but not limited  
14 to speed, weather, traffic, road conditions, and the known presence  
15 of minors in the vehicle~~((, and the vehicular pursuit must be-~~  
16 ~~terminated if any of the requirements of this subsection are not-~~  
17 ~~met))~~;

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

28 (2) ~~((A pursuing))~~ In any vehicular pursuit under this section:

29 (a) The pursuing officer and supervising officer, if applicable,  
30 shall comply with any agency procedures for designating the primary  
31 pursuit vehicle and determining the appropriate number of vehicles  
32 permitted to participate in the vehicular pursuit ~~((and comply))~~;

33 (b) The supervising officer, the pursuing officer, or dispatcher  
34 shall notify other law enforcement agencies or surrounding

1 jurisdictions that may be impacted by the vehicular pursuit or  
2 called upon to assist with the vehicular pursuit, and the pursuing  
3 officer and supervising officer, if applicable, shall comply with  
4 any agency procedures for coordinating operations with other  
5 jurisdictions, including available tribal police departments when  
6 applicable;

7 (c) The pursuing officer must be able to directly communicate  
8 with other officers engaging in the pursuit, the supervising  
9 officer, if applicable, and the dispatch agency, such as being on a  
10 common radio channel or having other direct means of communication;

11 (d) As soon as practicable after initiating a vehicular pursuit,  
12 the pursuing officer, supervising officer, if applicable, or  
13 responsible agency shall develop a plan to end the pursuit through  
14 the use of available pursuit intervention options, such as the use  
15 of the pursuit intervention technique, deployment of spike strips or  
16 other tire deflation devices, or other department-authorized pursuit  
17 intervention tactics; and

18 (e) The pursuing officer must have completed an emergency  
19 vehicle operator's course, must have completed updated emergency  
20 vehicle operator training in the previous two years, where  
21 applicable, and must be certified in at least one pursuit  
22 intervention option.

23 (3) A vehicular pursuit not meeting the requirements under this  
24 section must be terminated.

25 ~~((3))~~ (4) A peace officer may not fire a weapon upon a moving  
26 vehicle unless necessary to protect against an imminent threat of  
27 serious physical harm resulting from the operator's or a passenger's  
28 use of a deadly weapon. For the purposes of this subsection, a  
29 vehicle is not considered a deadly weapon unless the operator is  
30 using the vehicle as a deadly weapon and no other reasonable means  
31 to avoid potential serious harm are immediately available to the  
32 officer.

33 ~~((4))~~ (5) For purposes of this section, "vehicular pursuit"  
34 means an attempt by a uniformed peace officer in a vehicle equipped

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

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9 NEW SECTION. **Sec. 5.** A new section is added to chapter 43.101  
10 RCW to read as follows:

11 (1) By June 30, 2023, the commission shall convene a work group  
12 to develop legislative policy recommendations related to vehicular  
13 pursuits by law enforcement.

14 (2) The work group must be comprised of stakeholders  
15 representing the following:

16 (a) The Washington association of sheriffs and police chiefs;

17 (b) The Washington state patrol;

18 (c) The Washington state fraternal order of police;

19 (d) The Washington council of police and sheriffs;

20 (e) The Washington state patrol troopers association;

21 (f) The international brotherhood of teamsters;

22 (g) The Washington traffic safety commission;

23 (h) The Washington federation of state employees;

24 (i) Families who have lost loved ones as a result of  
25 interactions with law enforcement;

26 (j) An organization advocating for civil rights;

27 (k) The national association for the advancement of colored  
28 people, Alaska Oregon Washington state-area conference;

29 (l) The Latino civic alliance;

30 (m) The Asian Pacific Islanders coalition of Washington;

31 (n) The Washington coalition for police accountability;

32 (o) The transportation choices coalition;

33 (p) The governor's office of Indian affairs;

34 (q) Whose streets? our streets!;

1 (r) Spokane community against racism;  
2 (s) Next steps Washington; and  
3 (t) The faith action network.  
4 (3) The work group shall consider the following issues when  
5 developing its legislative policy recommendations:  
6 (a) The factors to be considered in initiating and terminating a  
7 pursuit, and the standards for evaluating the need to initiate or  
8 terminate a pursuit including, but not limited to:  
9 (i) The potential for harm or potential danger to others if the  
10 fleeing individual evades or escapes immediate custody;  
11 (ii) The seriousness of the offense committed or believed to  
12 have been committed by the individual or individuals that are fleeing;  
13 (iii) Consideration of whether the identity of the individual  
14 fleeing is known and whether the individual could be apprehended at  
15 a later time;  
16 (iv) Safety factors that pose a risk to officers, other  
17 motorists, pedestrians, or other third parties;  
18 (v) Vehicular or pedestrian traffic safety and volume;  
19 (vi) Weather and vehicle conditions; and  
20 (vii) Speeds of the pursuit;  
21 (b) The procedures, tactics, and technologies used during  
22 pursuits;  
23 (c) The circumstances where officers should consider the use of  
24 tactics other than engaging in a pursuit;  
25 (d) The various responsibilities of the pursuing officers, the  
26 officers supervising the pursuit, the dispatcher, and air support;  
27 (e) The procedures governing interjurisdictional pursuits;  
28 (f) The procedures governing care of any persons injured in the  
29 course of a pursuit;  
30 (g) The contents of law enforcement reports filed related to  
31 pursuits; and  
32 (h) The procedures used to evaluate each pursuit.

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1 (4) By December 1, 2023, the commission shall submit a report  
2 containing its legislative policy recommendations to the appropriate  
3 committees of the legislature, and publish the report on its website.  
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5 NEW SECTION. **Sec. 6.** A new section is added to chapter 43.101  
6 RCW to read as follows:

7 (1) By October 31, 2023, the commission shall, subject to the  
8 availability of amounts appropriated for this specific purpose,  
9 develop and implement a vehicular pursuit technology grant program  
10 for the purpose of providing modern vehicular pursuit management  
11 technology to local law enforcement agencies including, but not  
12 limited to, global positioning system tracking technology, automated  
13 license plate reading technology, and nonarmed and nonarmored drone  
14 technology.

15 (2) The commission shall establish policies for applications  
16 under this section in addition to criteria for evaluating and  
17 selecting grant recipients. Grants must be awarded to local law  
18 enforcement agencies based on locally developed proposals. A  
19 proposal must include a request for specific technology and a  
20 specific plan for the implementation and use of that technology.

21

22 NEW SECTION. **Sec. 7.** Sections 4 through 6 of this act are  
23 necessary for the immediate preservation of the public peace,  
24 health, or safety, or support of the state government and its  
25 existing public institutions, and take effect immediately.

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27 NEW SECTION. **Sec. 8.** Section 4 of this act expires July 1, 2025.

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29 NEW SECTION. **Sec. 9.** If specific funding for the purposes of  
30 sections 5 and 6 of this act, referencing sections 5 and 6 of this  
31 act by bill or chapter and section number, is not provided by June  
32 30, 2023, in the omnibus appropriations act, sections 5 and 6 of  
33 this act are null and void.

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1        NEW SECTION.    **Sec. 10.**    The provisions of this act must be  
2 liberally construed to accomplish their purpose, and if any  
3 provision of this act conflicts with any other statute, ordinance,  
4 rule, or regulation of any public employer, the provision of this  
5 act controls.

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7        NEW SECTION.    **Sec. 11.**    If any provision of this act or its  
8 application to any person or circumstance is held invalid, the  
9 remainder of the act or the application of the provision to other  
10 persons or circumstances is not affected.

11  
12        Correct the title."

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EFFECT:    Makes the following changes to the underlying bill:

- (1) Removes provisions limiting an officer's use of stops and detentions for nonmoving violations;
- (2) Removes requirements that officers receive written consent for certain vehicle or passenger searches;
- (3) Allows officers to issue citations by mail for non-criminal offenses in lieu of traffic stops;
- (4) Modifies reporting requirements to reflect information applicable for mailed citations, rather than traffic stops;
- (5) Requires the Traffic Safety Commission, rather than the Department of Commerce, to implement a grant program, and to develop grant compliance criteria for non-profit grant recipients;
- (6) Modifies the evidentiary threshold required for engaging in a vehicular pursuit by allowing an officer to conduct the vehicular pursuit if the officer has reasonable suspicion that a person in the vehicle has committed or is committing a violent offense, a sex offense, a Vehicular Assault offense, an Assault offense involving domestic violence, an Escape, or a Driving Under the Influence offense;
- (7) Limits vehicular pursuits to situations where the subject of the vehicular pursuit poses a serious risk of harm to others, rather than where the subject poses an imminent threat to the safety of others;
- (8) Modifies certain vehicular pursuit requirements related to supervisory authorization and control, and establishes new requirements related to direct communication with specified entities, development of a plan to end the vehicular pursuit, and the pursuing officer's training and certifications;
- (9) Provides that the amendatory provisions related to vehicular pursuits expire on July 1, 2025;

(10) Requires the Criminal Justice Training Commission (CJTC) to convene a work group to develop legislative policy recommendations related to vehicular pursuits by law enforcement by June 30, 2023;

(11) Requires the CJTC to submit a report containing the work group's recommendations to the appropriate committees of the legislature and publish the report on its website by December 1, 2023;

(12) Requires the CJTC to develop and implement a vehicular pursuit technology grant program by October 31, 2023;

(13) Provides that the provisions related to the CJTC's work group and grant program are null and void unless funded in the budget.

(14) Provides an emergency clause and immediate effective date for the amendatory provisions related to vehicular pursuits and the provisions related to the CJTC's work group and grant program.

--- END ---