
SENATE BILL 5352

State of Washington

68th Legislature

2023 Regular Session

By Senators Lovick, MacEwen, Cleveland, Conway, Gildon, Holy, Hunt, Mullet, Rolfes, Salomon, Short, Torres, Van De Wege, Warnick, and L. Wilson

Read first time 01/13/23. Referred to Committee on Law & Justice.

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

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))~~ conduct a vehicular
7 pursuit, unless:

8 ~~(a) ((i) There is probable cause to believe that a person in the
9 vehicle has committed or is committing a violent offense or sex
10 offense as defined in RCW 9.94A.030, or an escape under chapter 9A.76
11 RCW; 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 ~~(c) The person poses an imminent threat to the safety of others))~~
18 criminal offense and the safety risks of failing to apprehend or
19 identify the person are considered to be greater than the safety
20 risks of the vehicular pursuit under the circumstances; ~~((and~~

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

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

25 ~~(2))~~);

26 (c) ~~((A pursuing))~~ The officer ~~((shall comply))~~ complies with any
27 agency procedures for designating the primary pursuit vehicle and
28 determining the appropriate number of vehicles permitted to
29 participate in the vehicular pursuit ~~((and comply))~~;

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

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

1 (f) 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;

8 (g) 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.

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