

# Proposed Substitute House Bill 1788

H-2546.1/22

By Representative Goodman

## **Brief summary of the original bill:**

- Allows an officer to engage in a vehicular pursuit when there is reasonable suspicion that a person in the vehicle has committed or is committing a criminal offense, subject to certain safety restrictions.
- Modifies the requirements relating to supervision of vehicular pursuits.

## **The proposed substitute makes the following changes to the original bill:**

- 1) Allows an officer to engage in a vehicular pursuit only when there is reasonable suspicion that a person in the vehicle has committed or is committing a violent offense, escape offense, or driving under the influence (DUI) offense (rather than when there is reasonable suspicion that a person in the vehicle has committed or is committing a criminal offense as provided in the underlying bill, or when there is probable cause to believe that a person in the vehicle has committed or is committing a violent offense, sex offense, or escape offense, or reasonable suspicion that a person in the vehicle has committed or is committing a DUI offense as provided in current law).
- 2) Restores the current law providing that a peace officer may not engage in a vehicular pursuit unless the person in the vehicle poses an imminent threat to the safety of others.
- 3) Requires supervisory oversight of the pursuit by a supervising officer. Restores current law requiring the supervising officer to evaluate the justification for the vehicular pursuit and other safety considerations, and consider alternatives to the pursuit (rather than requiring the pursuing officer to evaluate and consider those elements in consultation with a supervising officer as provided in the underlying bill). Requires the supervising officer to comply with certain agency procedures (in addition to requiring the pursuing officer to comply with those procedures as provided in current law).
- 4) Adds the following requirements for engaging in a vehicular pursuit:
  - Requires the supervising officer, the pursuing officer, or dispatcher to notify other law enforcement agencies or surrounding jurisdictions that may be impacted by the vehicular pursuit or called upon to assist with the vehicular pursuit;
  - Requires the pursuing officer to be able to directly communicate with other officers engaging in the pursuit, the supervising officer, and the dispatch agency, such as being on a common radio channel or having other direct means of communication;
  - Requires the pursuing officer, supervising officer, or responsible agency, as soon as practicable after initiating a vehicular pursuit, to develop a plan to end the pursuit through the use of available pursuit intervention options, such as the use of the pursuit intervention technique, deployment of spike strips or other tire deflation devices, or other department-authorized pursuit intervention tactics; and
  - Specifies that the pursuing officer must have completed an emergency vehicle operator's course, have completed updated emergency vehicle operator training in the previous two years, and be certified in at least one pursuit intervention option.

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**BILL REQUEST - CODE REVISER'S OFFICE**

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BILL REQ. #: H-2546.1/22

ATTY/TYPIST: JO:lel

BRIEF DESCRIPTION: Concerning vehicular pursuits.

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 ((ontrol)) 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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