

SB 5352 -- Redline

Bill to Engrossed -- Concerning vehicular pursuits.

Deletions ~~struck~~ · Insertions underlined

~~S-0580-1~~ ENGROSSED 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.

AN ACT Relating to permitting peace officers to engage in a vehicular pursuit only when there is reasonable suspicion to believe that a person in the vehicle has committed or is committing a violent offense as defined in RCW 9.94A.030, a sex offense under RCW 9.94A.030, a vehicular assault offense under RCW 46.61.522, an assault in the first, second, third, or fourth degree offense under chapter 9A.36 RCW only if the assault involves domestic violence as defined in RCW 10.99.020, an escape under chapter 9A.76 RCW, or a driving under the influence offense under RCW 46.61.502, and imposing training requirements on pursuing officers, and modifying safety and supervision requirements on vehicular pursuits;

~~and~~ amending RCW ~~10.116.060~~ 10.116.060;

and declaring an emergency.

(1) A peace officer may not ~~((engageengage in))in-conduct~~ a vehicular pursuit, unless:

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

~~or(i) (ii)))A Thereviolent isoffense reasonable((or)) suspicionas adefined person in the vehicle has committed or is committing a ((driving under the influence offense under RCW 46.61.502;9.94A.030;~~
p.

1 ESB 5352 (ii) A sex offense as defined in RCW 9.94A.030((, or an));

(iii) A vehicular assault offense under RCW 46.61.522;

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

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

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

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

~~((andand p-(d)(i) Except as provided in (d)(ii) of this subsection, the ((officer has received authorization to engage in the pursuit from)) pursuing officer notifies a supervising officer ((and)) immediately upon initiating the vehicular pursuit;~~

~~1 SB 5352 (d))) (b)(i) Except as provided in (((d))) (b)(ii) of this subsection, the officer ((has received authorization to engage in the pursuit from a supervising officer and there is supervisory control((control)) oversight of the pursuit.pursuit((.~~

~~TheThe)); officer in consultation with the supervising officer must consider alternatives to the vehicular pursuit.~~

~~The supervisor must consider)) notifies a supervising officer immediately upon initiating the vehicular pursuit, informing the supervisor of the justification for the vehicular pursuit and other safety considerations, including but not limited to speed, weather, traffic, road conditions, and the knownpursuing presence of minors in the vehicle, and ((the vehicular pursuit must be terminated if any of the requirements of this subsection are not met)) the officer, in consultation with the supervising officer, officer ((must consider)), considers alternatives to the vehicular pursuit;pursuit((.~~

~~((ii)The ((For supervisor thosemust jurisdictionsconsider)), withthe fewerjustification thanfor 10the commissionedvehicular officers,pursuit if))and Ifother asafety supervisorconsiderations, isincluding but not onlimited dutyto atspeed, theweather, time,traffic, road conditions, and the officerknown willpresence requestof minors in the on-callvehicle((, supervisorand the vehicular pursuit must be notifiedterminated if any of the pursuitrequirements accordingof tothis thesubsection agency'sare procedures,not met));~~

~~The(ii) officerFor mustthose considerjurisdictions alternativeswith tofewer thethan vehicular10 pursuit,commissioned theofficers, justificationif forathe supervisor vehicularis pursuit,not andon otherduty safetyat considerations,the includingtime, butthe notpursuing limitedofficer to((will speed,request)) weather,requests traffic,the roadon-call conditions,supervisor andbe thenotified knownof presenceof the ofpursuit minorsaccording into the vehicle((-agency's procedures((.~~

~~TheThe)), and the pursuing officer must((must terminateconsider)) considers alternatives to the~~

vehicular pursuit, if the any justification for the requirements of vehicular pursuit, this and subsection other are safety considerations, including but not met, limited to speed, weather, traffic, road conditions, and the known presence of minors in the vehicle.

~~(2))~~; ((The officer must terminate the vehicular pursuit if any of the requirements of this subsection are not met.)) (2) ((A pursuing)) In any vehicular pursuit under this section:

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

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

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

2 SB ESB 5352 ~~(f)~~ (a) As The soon pursuing as officer practicable and after initiating a vehicular pursuit, the pursuing officer, supervising officer, or if responsible applicable, agency shall develop comply with plan any to agency end procedures the for pursuit designating through the use primary of available pursuit intervention vehicle options, and such determining as the use appropriate of number the pursuit intervention technique, deployment of spike vehicles strips permitted or to other participate tire in deflation the devices, vehicular or other department authorized pursuit intervention ~~((and tactics; comply));~~

~~(g)~~ (b) The supervising officer, the pursuing officer, has or completed dispatcher an shall emergency notify vehicle other operator's law course, enforcement has agencies completed or updated surrounding emergency jurisdictions vehicle that operator may training be impacted by the previous vehicular two pursuit years, or called upon to assist with the vehicular pursuit, and is the certified pursuing in officer at and least the one supervising pursuit officer, intervention if option applicable, shall comply with any agency procedures for coordinating operations with other jurisdictions, including available tribal police departments when applicable;

~~(2)~~ (c) A The vehicular pursuing pursuit officer not must meeting be able to directly communicate with other officers engaging in the requirements pursuit, under the subsection supervising ~~(1)~~ officer, of if this applicable, section and must the be dispatch terminated, agency, such as being on a common radio channel or having other direct means of communication;

~~(3)~~ (d) A As peace soon officer as may practicable not after fire initiating a weapon vehicular upon pursuit, at the moving pursuing vehicle officer, unless supervising necessary officer, if applicable, or responsible agency shall develop a plan to protect end against the an pursuit imminent through threat the use of serious available physical pursuit harm intervention resulting options, from such as the operator's use of or at the passenger's pursuit use intervention technique, deployment of a spike deadly strips weapon, or other tire deflation devices, or other department authorized pursuit intervention tactics;

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

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

~~((3))~~ (4) A peace officer may not fire a weapon upon a moving vehicle unless necessary to protect against an imminent threat of serious physical harm resulting from the operator's or a passenger's use of a deadly weapon.

~~(4)~~ ~~((4))~~ (5) For purposes of this section, "vehicular pursuit" means an attempt by a uniformed peace officer in a vehicle equipped with emergency lights and a siren to stop a moving vehicle where the operator of the moving vehicle appears to be aware that the officer is signaling the operator to stop the vehicle and the operator of the moving vehicle appears to be willfully resisting or ignoring the officer's attempt to stop the vehicle by increasing vehicle speed, making evasive maneuvers, or operating the vehicle in a reckless manner that endangers the safety of the community or the officer.

3 ESB 5352 with emergency lights and a siren to stop a moving vehicle where the operator of the moving vehicle appears to be aware that the officer is signaling the operator to stop the vehicle and the operator of the moving vehicle appears to be willfully resisting or ignoring the officer's attempt to stop the vehicle by increasing vehicle speed, making evasive maneuvers, or operating the vehicle in a reckless manner that endangers the safety of the community or the officer.

NEW SECTION.

Sec.

2.

This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

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