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**SENATE BILL 5034**

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**State of Washington**

**68th Legislature**

**2023 Regular Session**

**By** Senators Padden, Fortunato, Short, Holy, L. Wilson, , King, , TOR, Braun, Warnick, Muzzall, Schoesler, J. Wilson, Dozier, and Wagoner

Prefiled 12/08/22.

1 AN ACT Relating to providing the authority for a peace officer to  
2 engage in a vehicular pursuit when there is reasonable suspicion a  
3 person has violated the law and the officer follows appropriate  
4 safety standards; amending RCW 10.116.060; and declaring an  
5 emergency.

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

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

9 (1) A peace officer may not (~~engage in~~) conduct a vehicular  
10 pursuit, unless:

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

15 ~~(ii) There is reasonable suspicion a person in the vehicle has~~  
16 ~~committed or is committing~~), a driving under the influence offense  
17 under RCW 46.61.502, a crime against persons offense pursuant to RCW  
18 9.94A.411, or another criminal offense where the public safety risks  
19 of failing to apprehend or identify the person are reasonably  
20 considered to be greater than the safety risks of the vehicular  
21 pursuit under the circumstances;

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

3 (c) The person poses (~~(an imminent threat to the)~~) a public  
4 safety (~~(of others)~~) risk and the safety risks of failing to  
5 apprehend or identify the person are reasonably considered to be  
6 greater than the safety risks of the vehicular pursuit under the  
7 circumstances; and

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

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

29 (2) A pursuing officer shall comply with any agency procedures  
30 for designating the primary pursuit vehicle and determining the  
31 appropriate number of vehicles permitted to participate in the  
32 vehicular pursuit and comply with any agency procedures for  
33 coordinating operations with other jurisdictions, including available  
34 tribal police departments when applicable.

35 (3) A peace officer may not fire a weapon upon a moving vehicle  
36 unless necessary to protect against an imminent threat of serious  
37 physical harm resulting from the operator's or a passenger's use of a  
38 deadly weapon. For the purposes of this subsection, a vehicle is not  
39 considered a deadly weapon unless the operator is using the vehicle

1 as a deadly weapon and no other reasonable means to avoid potential  
2 serious harm are immediately available to the officer.

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

12 NEW SECTION. **Sec. 2.** This act is necessary for the immediate  
13 preservation of the public peace, health, or safety, or support of  
14 the state government and its existing public institutions, and takes  
15 effect immediately.

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