

A-Engrossed
Senate Bill 245

Ordered by the Senate May 13
Including Senate Amendments dated May 13

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Senate Interim Committee on Judiciary for Oregon District Attorneys' Association)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

[Directs Oregon Criminal Justice Commission to classify fleeing or attempting to elude police officer as crime category 8 under certain circumstances.]

Subjects person who commits crime of fleeing or attempting to elude police officer under certain circumstances to maximum of 10 years' imprisonment, \$250,000 fine, or both. Directs Oregon Criminal Justice Commission to classify specified violation of fleeing or attempting to elude police officer as crime category 7.

A BILL FOR AN ACT

Relating to sentencing guidelines; creating new provisions; and amending ORS 811.540.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 811.540 is amended to read:

811.540. (1) A person commits the crime of fleeing or attempting to elude a police officer if:

(a) The person is operating a motor vehicle; and

(b) A police officer who is in uniform and prominently displaying the police officer's badge of office or operating a vehicle appropriately marked showing it to be an official police vehicle gives a visual or audible signal to bring the vehicle to a stop, including any signal by hand, voice, emergency light or siren, and either:

(A) The person, while still in the vehicle, knowingly flees or attempts to elude a pursuing police officer; or

(B) The person gets out of the vehicle and knowingly flees or attempts to elude the police officer.

(2) It is an affirmative defense to a prosecution of a person under this section that, after a police officer operating a vehicle not marked as an official police vehicle signaled the person to bring the person's vehicle to a stop, the person proceeded lawfully to an area the person reasonably believed was necessary to reach before stopping.

(3) The offense described in this section, fleeing or attempting to elude a police officer, is applicable upon any premises open to the public and:

(a) Is a Class B felony if committed as described in subsection (1)(b)(A) of this section by a person operating a motor vehicle under circumstances manifesting extreme indifference to the value of human life;

[(a)] (b) Except as provided in paragraph (a) of this subsection, is a Class C felony if committed as described in subsection (1)(b)(A) of this section; or

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 *[(b)]* (c) Is a Class A misdemeanor if committed as described in subsection (1)(b)(B) of this sec-
2 tion.

3 **(4) The Oregon Criminal Justice Commission shall classify a violation of this section, if**
4 **committed as described in subsection (3)(a) of this section, as crime category 7 of the sen-**
5 **tencing guidelines grid of the Oregon Criminal Justice Commission.**

6 **SECTION 2. The amendments to ORS 811.540 by section 1 of this 2009 Act apply to con-**
7 **duct occurring on or after the effective date of this 2009 Act.**

8
