

SENATE AMENDMENTS TO SENATE BILL 245

By COMMITTEE ON JUDICIARY

May 13

1 In line 2 of the printed bill, before the period insert “; creating new provisions; and amending
2 ORS 811.540”.

3 Delete lines 4 through 15 and insert:

4 “**SECTION 1.** ORS 811.540 is amended to read:

5 “811.540. (1) A person commits the crime of fleeing or attempting to elude a police officer if:

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

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

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

13 “(B) The person gets out of the vehicle and knowingly flees or attempts to elude the police of-
14 ficer.

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

19 “(3) The offense described in this section, fleeing or attempting to elude a police officer, is ap-
20 plicable upon any premises open to the public and:

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

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

26 “[*(b)*] (c) Is a Class A misdemeanor if committed as described in subsection (1)(b)(B) of this
27 section.

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

31 “**SECTION 2.** The amendments to ORS 811.540 by section 1 of this 2009 Act apply to
32 **conduct occurring on or after the effective date of this 2009 Act.”.**

33