

# House Bill 2826

Sponsored by Representative OLSON; Representative NOBLE

## 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 **as introduced**.

Requires court to impose mandatory minimum sentence of imprisonment if person is convicted of crime of fleeing or attempting to elude police officer under certain circumstances.

## A BILL FOR AN ACT

1  
2 Relating to the crime of fleeing or attempting to elude a police officer; creating new provisions; and  
3 amending ORS 811.540.

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

5 **SECTION 1.** ORS 811.540 is amended to read:

6 811.540. (1) A person commits the crime of fleeing or attempting to elude a police officer if:

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

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

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

14 (B) The person gets out of the vehicle and knowingly flees or attempts to elude the police offi-  
15 cer.

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

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

22 (a) Is a Class C felony if committed as described in subsection (1)(b)(A) of this section; or

23 (b) Is a Class A misdemeanor if committed as described in subsection (1)(b)(B) of this section.

24 **(4) Notwithstanding subsection (3)(a) of this section, if a person drives 30 miles per hour**  
25 **in excess of the speed limit or designated speed posted under ORS 810.180 or drives in a**  
26 **residence district, business district or school zone when the person commits the offense de-**  
27 **scribed in subsection (1)(b)(A) of this section, the court shall impose and not suspend exe-**  
28 **cution of a sentence requiring the person to serve a minimum term of imprisonment as**  
29 **follows:**

30 **(a) For a first conviction, 30 days.**

31 **(b) For a second conviction, 60 days.**

**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       **(c) For a third or subsequent conviction, 90 days.**

2       **SECTION 2.** **The amendments to ORS 811.540 by section 1 of this 2017 Act apply to con-**  
3 **duct occurring on or after the effective date of this 2017 Act.**

4

---