

House Bill 3097

Sponsored by Representative LEWIS, Senator ANDERSON; Representative LEVY B, Senators NASH, WEBER (at the request of Oregon District Attorneys Association) (Pre-session filed.)

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**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act increases crime seriousness for the crime of attempting to elude a police officer. The Act states the OCJC must make sentence longer than the OCJC has it now. (Flesch Readability Score: 70.3).

Increases sentencing guidelines for felony attempting to elude a police officer.

A BILL FOR AN ACT

1
2 Relating to the offense of attempting to elude a police officer; creating new provisions; and amending
3 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) The Oregon Criminal Justice Commission shall classify attempting to elude a police**
25 **officer as a crime category 6 of the sentencing guidelines grid of the commission when the**
26 **crime is committed under the circumstances described in subsection (1)(b)(A) of this section**
27 **and:**

28 **(a) The defendant's act results in damage to property of another; or**

29 **(b) The defendant is also convicted of violating any of the following arising out of the**

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 same criminal episode:

2 (A) The offense of careless driving under ORS 811.135; or

3 (B) The offense of driving while under the influence of intoxicants under ORS 813.010.

4 (5) The commission shall classify attempting to elude a police officer as a crime category
5 8 of the sentencing guidelines grid of the commission when the crime is committed under the
6 circumstances described in subsection (1)(b)(A) of this section and:

7 (a) The defendant has one or more prior convictions under subsection (1)(b)(A) of this
8 section or an equivalent crime in another jurisdiction;

9 (b) At the time of the offense there was a passenger in the motor vehicle who was under
10 18 years of age; or

11 (c) The defendant is also convicted of violating any of the following arising out of the
12 same criminal episode:

13 (A) The offense of reckless driving under ORS 811.140; or

14 (B) The offense of recklessly endangering another person under ORS 163.195.

15 (6) The commission shall classify attempting to elude a police officer as a person felony
16 and a crime category 8 of the sentencing guidelines grid of the commission when the crime
17 is committed under the circumstances described in subsection (1)(b)(A) of this section and
18 the defendant's act results in physical injury to any other person.

19 (7) As used in this section:

20 (a) "Criminal episode" has the meaning given that term in ORS 131.505.

21 (b) "Person felony" has the meaning given that term in the rules of the Oregon Criminal
22 Justice Commission.

23 **SECTION 2.** The amendments to ORS 811.540 by section 1 of this 2025 Act apply to con-
24 duct occurring on or after the effective date of this 2025 Act.