

House Bill 4101

Sponsored by Representatives LEWIS, BOICE; Representatives BREESE-IVERSON, BUNCH, DIEHL, EDWARDS, HARBICK, HELFRICH, LEVY B, MCINTIRE, OSBORNE, OWENS, SCHARF, SKARLATOS, YUNKER, Senator SMITH DB (Presession 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 fleeing or attempting to elude a police officer.
Takes effect on the 91st day following adjournment sine die.

A BILL FOR AN ACT

Relating to the offense of fleeing or attempting to elude a police officer; amending ORS 811.540; and prescribing an effective date.

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

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

(4) When the crime of fleeing or attempting to elude a police officer is committed under the circumstances described in subsection (1)(b)(A) of this section, the Oregon Criminal Justice Commission shall classify the crime as follows:

(a) Crime category 6 of the sentencing guidelines grid of the commission if the defendant has one or more prior convictions under subsection (1)(b)(A) of this section or an equivalent

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 crime in another jurisdiction in the 10 years prior to the date of the current offense;

2 (b) Crime category 6 of the sentencing guidelines grid of the commission and a person
3 felony if the defendant's act results in physical injury to any other person; or

4 (c) Crime category 8 of the sentencing guidelines grid of the commission and a person
5 felony if the defendant's act results in serious physical injury to any other person.

6 (5) As used in this section, "person felony" has the meaning given that term in the rules
7 of the Oregon Criminal Justice Commission.

8 SECTION 2. This 2026 Act takes effect on the 91st day after the date on which the 2026
9 regular session of the Eighty-third Legislative Assembly adjourns sine die.

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