

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.

1 A BILL FOR AN ACT

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

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

27 (a) **Crime category 6 of the sentencing guidelines grid of the commission if the defendant
28 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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