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**To:** Senate Committee on Judiciary

**From:** Sheriff Nick Hunter, Marion County Sheriff's Office  
On behalf of the Oregon State Sheriffs' Association &  
Oregon Association Chiefs of Police and

**Date:** February 23, 2026

**Re:** **HB4041 - Testimony in Support**  
**Enhanced Penalties for Attempting to Elude Provisions**

**Chairs Prozanski, Vice-Chair Thatcher and members of the committee,**

For the record, my name is Nick Hunter. I am the Marion County Sheriff and I am here on behalf of the Oregon State Sheriffs' Association (OSSA) and the Oregon Association Chiefs of Police (OACP) to offer testimony in support of HB 4041 A and specifically to the provisions creating tiered penalties for attempting to elude to address serial offenders and eludes that result in injury and death.

The crime of Attempting to Elude a Police Officer criminalizes instances in which an individual knowingly flees from law enforcement in a vehicle despite being signaled to stop. Under current Oregon law, there is no differentiation in penalties based on the severity of the offense. This means that an individual who flees for a short distance without engaging in reckless behavior is treated the same as an offender who initiates a prolonged, high-speed pursuit that endangers countless lives and results in serious injuries. Additionally, our laws do not provide enhanced penalties for repeat offenders, allowing habitual offenders to continue engaging in the same dangerous conduct with minimal consequences.

Based on extended negotiations with stakeholders in the House, we agreed to a tiered approach to increased penalties to address those who present the greatest risk. HB 4041 A includes the following tiered penalties:

1. **Crime Category 4** if:
  - o The defendant has one prior conviction for Attempting to Elude or an equivalent offense in another jurisdiction within the last ten years

2. **Crime Category 6** if:

- The defendant has one prior conviction for Attempting to Elude or an equivalent offense in another jurisdiction within the last ten years; or
- The defendant's act results in physical injury to any other person or an equivalent offense in another jurisdiction within the last ten years

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3. **Crime Category 8** if the defendant act results in serious physical injury to another person.

This measure recognizes the need for a tiered approach, ensuring that those who repeatedly engage in this behavior or whose actions lead to harm face appropriate consequences. By distinguishing between different levels of severity, SB 4041 A aligns with Oregon's broader efforts to ensure proportionate sentencing and enhance community safety.

Attempting to elude law enforcement is not a victimless crime. High-speed pursuits place not only officers at risk but also endanger innocent bystanders, other drivers, and even passengers within the fleeing vehicle. Law enforcement officers are forced to make split-second decisions to balance the need for apprehension against the potential for harm, and individuals who recklessly evade police put entire communities in danger.

Due to the dangers of police pursuits, law enforcement agencies have implemented policies that assess the risks of pursuit, restrict pursuits to situations where they won't provoke the suspect into fleeing recklessly, require supervisor authorization, and prioritize strategic planning and resources to ensure quick and safe resolutions.

Increased penalties are justified for several reasons:

- **Deterrence:** Increased penalties send a clear message that attempting to elude law enforcement will carry serious consequences.
- **Accountability for Repeat Offenders:** Individuals who repeatedly flee law enforcement pose growing risks to public safety and should face stronger consequences.
- **Recognition of Harm Caused:** When eluding results in injury, sentencing should reflect the severity of the harm caused.

The Oregon Association Chiefs of Police and the Oregon State Sheriffs' Association respectfully urge the committee to support SB 4041 A as currently drafted. The measure reflects months of careful negotiation and strikes a balanced, thoughtful approach to public safety policy changes.

Thank you for your consideration.