

HB 3097 -2 STAFF MEASURE SUMMARY

House Committee On Judiciary

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Meeting Dates: 2/24, 3/31, 4/7, 4/8

WHAT THE MEASURE DOES:

The measure increases the crime seriousness for felony fleeing or attempting to elude a police officer if the crime involves certain circumstances such as property damage, a passenger under 18 years old, or specified accompanying offenses.

What the Measure Does

Increases the crime seriousness of felony fleeing or attempting to elude a police officer.

Increases the crime seriousness to six if:

- The crime resulted in damage to another's property; or
- The defendant is also convicted of careless driving or driving under the influence of intoxicants.

Increases the crime seriousness to eight if:

- The defendant has a prior conviction for felony fleeing or attempting to elude or an equivalent crime from another jurisdiction;
- There was a passenger in the vehicle who was under 18; or
- The criminal episode also resulted in the defendant's conviction for reckless driving or recklessly endangering another person.

Increases the crime seriousness to eight and classifies the offense as a person felony if the conduct results in physical injury to any other person.

ISSUES DISCUSSED:

- Current range of punishments for the crime of fleeing or attempting to elude a police officer

EFFECT OF AMENDMENT:

-2 The amendment replaces the measure and increases the crime seriousness of felony fleeing or attempting to elude a police officer to crime category 6 if the defendant has a prior conviction for felony elude or if the act resulted in physical injury to another person. The amendment increases the crime seriousness to category 8 if the act resulted in serious physical injury to another person. And the amendment makes it a person felony if the act resulted either in physical injury or serious physical injury to another person.

REVENUE: Has minimal revenue impact.

FISCAL: Fiscal impact statement issued.

BACKGROUND:

A person commits "fleeing or attempting to elude a police officer" if they operate a motor vehicle, a police officer in uniform or operating a marked official police vehicle gives an audible or visible signal for the person to stop their vehicle, and the person either:

- (A) 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.

An offense under (B) is a Class A misdemeanor, while an offense under (A) is a Class C felony. Felony fleeing or attempting to elude a police officer is a two on the Crime Seriousness Scale. OAR 213-017-0010.

This summary has not been adopted or officially endorsed by action of the committee.

Sentencings for most felony crimes are governed by [sentencing guidelines](#) that provide presumptive sentences based on a defendant's criminal history and the crime's "Crime Seriousness." The relevant presumptive sentence ranges for crime categories in this measure are:

- Crime Seriousness two: 18 months probation.
- Crime Seriousness six: from three years probation to 30 months prison followed by two years of post-prison supervision.
- Crime Seriousness eight: from 16 to 45 months prison followed by three years of post-prison supervision.