

HB 3097-2  
(LC 1292)  
3/24/25 (HE/ps)

Requested by HOUSE COMMITTEE ON JUDICIARY (at the request of Oregon District Attorneys Association)

**PROPOSED AMENDMENTS TO  
HOUSE BILL 3097**

1 On page 1 of the printed bill, delete lines 5 through 29.

2 On page 2, delete lines 1 through 22 and insert:

3 **SECTION 1.** ORS 811.540 is amended to read:

4 “811.540. (1) A person commits the crime of fleeing or attempting to elude  
5 a police officer if:

6 “(a) The person is operating a motor vehicle; and

7 “(b) A police officer who is in uniform and prominently displaying the  
8 police officer’s badge of office or operating a vehicle appropriately marked  
9 showing it to be an official police vehicle gives a visual or audible signal to  
10 bring the vehicle to a stop, including any signal by hand, voice, emergency  
11 light or siren, and either:

12 “(A) The person, while still in the vehicle, knowingly flees or attempts  
13 to elude a pursuing police officer; or

14 “(B) The person gets out of the vehicle and knowingly flees or attempts  
15 to elude the police officer.

16 “(2) It is an affirmative defense to a prosecution of a person under this  
17 section that, after a police officer operating a vehicle not marked as an of-  
18 ficial police vehicle signaled the person to bring the person’s vehicle to a  
19 stop, the person proceeded lawfully to an area the person reasonably believed  
20 was necessary to reach before stopping.

21 “(3) The offense described in this section, fleeing or attempting to elude

1 a police officer, is applicable upon any premises open to the public and:

2 “(a) Is a Class C felony if committed as described in subsection (1)(b)(A)  
3 of this section; or

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

6 **“(4) When the crime of fleeing or attempting to elude a police offi-  
7 cer is committed under the circumstances described in subsection  
8 (1)(b)(A) of this section, the Oregon Criminal Justice Commission shall  
9 classify the crime as follows:**

10 **“(a) Crime category 6 of the sentencing guidelines grid of the com-  
11 mission if the defendant has one or more prior convictions under  
12 subsection (1)(b)(A) of this section or an equivalent crime in another  
13 jurisdiction in the 10 years prior to the date of the current offense;**

14 **“(b) Crime category 6 of the sentencing guidelines grid of the com-  
15 mission and a person felony if the defendant’s act results in physical  
16 injury to any other person; or**

17 **“(c) Crime category 8 of the sentencing guidelines grid of the com-  
18 mission and a person felony if the defendant’s act results in serious  
19 physical injury to any other person.**

20 **“(5) As used in this section, ‘person felony’ has the meaning given  
21 that term in the rules of the Oregon Criminal Justice Commission.”.**

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