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To: House Committee on Judiciary

From: Chief Mike Krantz, Bend Police Department
On behalf of the Oregon Association Chiefs of Police and
Oregon State Sheriffs' Association

Date: February 24, 2025

**Re: HB 3097 - Testimony in Support
Enhanced Penalties for Attempting to Elude**

Chairs Kropf, Co-Chair Wallan and members of the committee,

On behalf of the Oregon Association Chiefs of Police (OACP) and the Oregon State Sheriffs' Association (OSSA), we submit this testimony in strong support of HB 3097, with expected amendments based on conversations with stakeholders. This measure is a necessary step toward enhancing public safety and ensuring that offenders who recklessly endanger others while attempting to elude law enforcement are held appropriately accountable.

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.

Through discussions with stakeholders, we support expected amendments to HB 3097 that would require the Oregon Criminal Justice Commission to classify Attempting to Elude a Police Officer under the sentencing guidelines grid to:

1. **Crime Category 6** if:
 - o The defendant has one or more prior convictions for Attempting to Elude or an equivalent offense in another jurisdiction within the last ten years; or
 - o The defendant's actions result in physical injury to any other person.

2. **Crime Category 8** if the defendant's act results in serious physical injury to any other person.

This measure and the expected amendments recognize 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, HB 3097 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:** By increasing the consequences for attempting to elude, HB 3097 sends a clear message that such actions will not be treated lightly, discouraging would-be offenders from engaging in this dangerous behavior.
- **Accountability for Repeat Offenders:** A person who has previously eluded law enforcement and continues to do so poses an escalating risk to public safety. Higher penalties for habitual offenders ensure that those who demonstrate a pattern of disregard for law enforcement face meaningful consequences.
- **Recognition of Harm Caused:** When an elude attempt results in injuries, whether minor or severe, the law should acknowledge the harm inflicted upon victims. By aligning sentencing with the severity of the consequences, HB 3097 ensures that the punishment reflects the real-world impact of the offender's actions.

The Oregon Association Chiefs of Police and the Oregon State Sheriffs' Association urge the committee to support HB 3097 with the anticipated amendments. This bill represents a balanced approach that differentiates between varying levels of severity in eluding offenses while ensuring that habitual offenders and those who cause harm face appropriate consequences. Protecting our communities from reckless and dangerous behavior must remain a priority, and this measure is a crucial step in achieving that goal.

Thank you for your consideration.