



**TO: Rep. Jason Kropf, Chair
Rep. Willy Chotzen, Vice Chair
Rep. Kim Wallan, Vice Chair
Members of House Judiciary Committee**

FR: Oregon District Attorneys Association

RE: HB 3097 - Support

February 24, 2025

Thank you for this opportunity to provide testimony from the Oregon District Attorneys Association (ODAA) in support of House Bill 3097. This bill seeks to appropriately address aggravated circumstances where a person flees a police officer while operating a motor vehicle.

The crime of Attempting to Elude a Police Officer criminalizes instances where people know police are trying to stop them but flee in a vehicle. Currently, Oregon law does not differentiate between different levels of severity of an elude. For example, an offender who only flees a short distance without other egregious conduct is treated the same as a long chase at high speeds over all lanes of traffic that results in a crash and injury to a bystander or passenger. Additionally, there is no enhancement for persons who habitually elude police officers.

The crime of Attempting to Elude a Police Officer is a serious offense that presents real safety concerns for our community members on the road and law enforcement officers involved in the incident. A few recent examples of this crime in Oregon include:

- 1) Defendant driving over speeds of 130mph, through red lights, and eventually crashed into a semi-truck. The vehicle was stolen and Defendant had meth in her urine. Her passenger was hurt and taken to the hospital, where he had to be resuscitated in the ER.
- 2) Defendant eluded at speeds up to 97mph, unsafely passed and cut off numerous vehicles, almost hit a pedestrian, and ultimately crashed into another vehicle. Defendant had 14 prior convictions, and had a firearm and drugs on him.
- 3) Defendant eluded at over 100mph, eventually crashing into another vehicle and ramming a police car. He injured the other driver and officer and had a prior conviction for Eluding.

- 4) Defendant fled police in driving 70mph in a 35 zone, passing cars and intersections, and struck two vehicles, including a head on crash that injured the civilian driver. Defendant had 18 prior convictions.

In response to negotiations with stakeholders, we have narrowed the base bill to enhanced sentence options when either an offender has previously been convicted of eluding police at least once within the last 10 years, or causes some level of injury to another person during the elude. See below.

HB 3097 Proposed Amendment

(4) The Oregon Criminal Justice Commission shall classify attempting to elude a police officer as a crime category 6 of the sentencing guidelines grid of the commission when the crime is committed under the circumstances described in subsection (1)(b)(A) of this section and:

~~[(a) The defendant's act results in damage to property of another; or
(b) The defendant is also convicted of violating any of the following arising out of the same criminal episode:~~

~~(A) The offense of careless driving under ORS 811.135; or~~

~~(B) The offense of driving while under the influence of intoxicants under ORS 813.010.]~~

~~[(a) The defendant has one or more prior convictions under subsection (1)(b)(A) of this section or an equivalent crime in another jurisdiction;]~~

(a) The defendant has one or more prior convictions under subsection (1)(b)(A) of this section or an equivalent crime in another jurisdiction in the 10 years prior to the date of the current offense;

(b) The defendant's act results in physical injury to any other person; or

~~[(c) The defendant recklessly engages in conduct which creates a substantial risk of serious physical injury to any other person.]~~

(5) The commission shall classify attempting to elude a police officer as a crime category 8 of the sentencing guidelines grid of the commission when the crime is committed under the circumstances described in subsection (1)(b)(A) of this section and **the defendant's act results in serious physical injury to any other person.**

~~[(a) The defendant has one or more prior convictions under subsection (1)(b)(A) of this section or an equivalent crime in another jurisdiction;~~

~~(b) The defendant's act results in physical injury to any other person.~~

~~(c) At the time of the offense there was a passenger in the motor vehicle who was under 18 years of age; or~~

~~(d) The defendant is also convicted of violating any of the following arising out of the same criminal episode:~~

~~(A) The offense of reckless driving under ORS 811.140; or~~

~~(B) The offense of recklessly endangering another person under ORS 163.195.]~~

(6) The Commission shall classify any conviction under subsection (4)(b), (4)(c), and (5) of this section as a person felony.