

PRESIDENT MOUL: LB 31 is advanced. LB 25.

CLERK: LB 25 was a bill introduced by Senators Chambers and Lindsay. (Read title.) The bill was introduced on January 7, referred to the Judiciary Committee, advanced to General File.

PRESIDENT MOUL: Senator Chambers.

SENATOR CHAMBERS: Madam President and members of the Legislature, Senator Lindsay is the Chairman of the Judiciary Committee. I am the Vice-Chair and we cosponsored the bill. So since he is not here, I will do the entire thing with it. This bill was heard and there was opposition expressed by the State Patrol and by a representative of the Omaha Police Division. Both of them said that their opposition was very narrowly focused, and I will tell you what that focus was when I get to that amendment because that is what it pertains to. But the bill requires what the State Patrol and all law enforcement agencies do right now and that is to corroborate a visual estimate of speed by use of some speed measuring device. Until a very recent Nebraska Supreme Court decision, it was presumed by everybody in law enforcement, by other judges, by defense attorneys and prosecutors, that the corroboration by the device was necessary. The current law is the way it is, I am not talking about the amended version, the current law is the way it is now because of changes that I was able to get into law in conjunction with the former superintendent of the State Patrol. He said that what those changes did was to reflect what the State Patrol would do anyway, and here's what that would be. The officer sees a vehicle which he or she feels is exceeding the speed limit. Then by use of some device, whichever one would be utilized, a clock or measurement of that car's speed is made. The speed measurement...measuring device provides the corroboration or the backing up of the officer's visual estimate. I went to the Supreme Court on an issue. The case came from Hall County. At the trial court, the officer's testimony was admitted. The reading from the VASCAR device was admitted, a certificate that went to the officer's training was admitted. I was found guilty of exceeding the speed limit by ten miles per hour. I appealed to the district court in Hall County. The district judge said that the certificate relating to the officer's training had been improperly admitted and it was stricken. So the evidence of the training was no longer in the case, but he still upheld the speeding conviction saying