

January 7, 1982

LB 413

bill was advanced to General File. There are committee amendments pending, Mr. President.

SPEAKER MARVEL: The Chair recognizes Senator Nichol.

SENATOR NICHOL: Mr. Speaker and members of the Legislature, there is only one committee amendment to LB 413 which provides several foundational requirements which the prosecution would have to establish prior to the introduction of radar evidence in a criminal prosecution. One of those foundational requirements in the original bill was that the operator of a speeding vehicle was afforded the opportunity to observe the recorded speed on the radar device. This was questioned at a public hearing whether compliance with this provision would be practical in many circumstances. After discussion, the committee decided to strike this particular provision of the bill. I move for the adoption of the committee amendment.

SPEAKER MARVEL: The motion is the adoption of the committee amendments. Any further discussion? Okay, the motion before the House is the adoption of the committee amendments to LB 413. All those in favor of that motion vote aye, opposed vote no. Have you all voted? We are voting on the committee amendment to LB 413. Record the vote.

CLERK: 26 ayes, 0 nays on adoption of the committee amendments.

SPEAKER MARVEL: The motion is carried. The committee amendments are adopted. Senator Chambers, do you wish to explain the bill?

SENATOR CHAMBERS: Yes. Mr. Chairman and members of the Legislature, I want you to be as clear as possible on what this bill does. It does not take away the use of radar in detecting speed. It does not take away the right of the State Patrol, a county sheriff, a police officer at any level who may use radar, it doesn't take away their right to make use of it as evidence. But what it does do is put into statutory form in Nebraska certain requirements that courts and other states have placed in the law as a prerequisite to the use of radar evidence to determine speed. I will go through these items and any questions that you have I will be glad to answer them. But one thing I should point out to you. I have on occasion been stopped by the State Patrol under the allegation by them that I was going faster than 55 miles an hour. When we would go to court and judges would listen to the evidence, they would disagree. Now there was one time that they snuck up on me by means of air