

page 3, we talk about the test for operating the device. The officers will be trained how to make these tests and they are very simple. You get a tuning fork and it is calibrated, that just means that it is set to transmit a wave based on the vibration. It is not the sound, but it is the vibration, the wave that is set up that disturbs the atmosphere and when you put the radar device on it, the device measures the movement of the fork, not the sound. If the fork is properly vibrating, then the reading on the radar will be a miles per hour. If the fork is calibrated to read 45 miles per hour and you strike the fork and put it in front of the antenna and the radar reads 45 miles per hour in the appropriate window, then you have it. I won't mention the double forks because that could be confusing but the idea I want you to understand is that the tuning fork method is one that is traditionally used, it is accepted and courts in most instances require it. So that is something that can easily be complied with. The highway traffic commission, or highway commission in the state, whatever agency it is, puts out a little bulletin and they periodically advise all law enforcement officers to bring in their tuning forks to them to be tested for proper calibration, so that is not difficult to be dealt with. The second provision under subdivision (d) at line 4 talks about before and after testing. What the courts require is that shortly before a reading is taken the device must be tested to be sure that it is in working order. After the reading is taken, then there must be another test to be certain...if it is operating properly before the reading, operating properly after the reading, the conclusion that it was operating properly when the reading was taken. So the before and after testing is required.

SPEAKER MARVEL: You have one minute.

SENATOR CHAMBERS: Now I have mentioned the visual observation. That is about all that there is to the bill. And remember, to put it in a nutshell it would relate to training for the officer to make sure that he understands the device, testing of the device in a proper fashion that is acceptable by the court, and then when all of these things are met with, the evidence is offered and the judge makes the determination based on all of the evidence. But everything in this bill can be found in laws of other states or court decisions. And anybody who is interested in seeing the opinions, I can give them to you but it would have been too voluminous to copy for every member and hand it out. So what I am asking is that you advance this bill.

SPEAKER MARVEL: The motion...is there any further discussion?