

three reasons that I gave a week ago when we decided to take this provision out. I don't think we need to change this bill back to the way it was before and here are the reasons. First of all, this bill is going to make it tougher to convict people of radar convictions if it passes because it sets out the way it is presently written four separate things police officers have to establish before they can get a radar conviction. If this amendment is successful, there will be five separate things they will have to establish. Secondly if this principle is required by the law, I am sure the judges will apply it. The judges are ultimately responsible for providing for a due process guarantees in court. I don't know that we need to set rules of evidence for the courts or tell them by way of statutes that so intimately deal with the order in which evidence is presented and what kind of evidence is required for a conviction, to tell the court so specifically how to run their business. They are a third branch of government. They are responsible of being sure that trials are conducted in a fair manner in this state, and if Senator Chambers is correct that these principles are required, I am sure the judges are going to apply them. Third, I do quarrel with the language in the bill the way it was written by Senator Chambers earlier and that is that before the police officers can even take a radar reading of an automobile they have to first make a visual observation that that automobile is speeding. Now I don't know why those things can't be done concurrently. It seems to me as I indicated before if a police officer is going in one direction down the road and an automobile is approaching him from the other direction, it is going to be virtually impossible for a police officer looking at a car seventy-five or a hundred or two hundred yards in front of him coming towards him to tell the difference between a car that is going fifty or fifty-five or sixty or sixty-five, and to require that that officer make an independent judgment that that car coming towards him is speeding before he can use his radar device, it seems to me is a policy mistake. Now we are going to be inviting the police officers to fabricate testimony because you know in many cases they are not going to be able to do that. They are going to have their radar device going and they are going to see that the radar sees he is speeding and then concurrently, perhaps, make an independent judgment that the car is speeding, but to require that he can't use his device until after he makes that independent judgment, as Senator Chambers' language requires, it seems to me is not good public policy, is requiring the officers to fabricate if they want to get a conviction. Finally, if it is required, why the judges are going to be perfectly capable of imposing that obligation on the