

February 3, 1982

LB 413

SENATOR HOAGLAN: Colleagues and Mr. President, I can't help but respond to Senator DeCamp's argument. I mean there is no reason why this has to be part of this bill. To say that for somehow this bill isn't going to work unless this additional fifth requirement is part of all the other requirements that have to be established by State Troopers before they can get a conviction, and somehow you can't have the bill without having this fifth additional requirement just is a bogus argument, with all due respect, Johnnie. The more requirements you add to this bill, the harder it is going to be to get radar convictions. We are not convicting people of high-grade misdemeanors or felonies or capital offenses here. We are trying to make the highway safe. Several years ago before most of us were in the Legislature why Senator Chambers convinced this body to pass that rule about how if you are only ten miles over the speed limit on the interstate all that happens to you is a ten dollar fine. No court costs, no points, no nothing else. I don't agree with that policy statement. I think it is a mistake to have provisions in the law that is going to make it easier for people to speed or harder to convict speeders. Next to drunk driving, excessive speeding is one of the leading causes of highway fatalities. Now I know I was quoted in the paper the other day as saying that I am worried about the loss of speeding fines. Well, I didn't say that. What I said is I am worried about the loss of speeding convictions and the effect that is ultimately going to have on the safety of the highway system in Nebraska. I see no point in making it more difficult to convict people of speeding. Let's let the judges decide what kind of due process standards are required. They are responsible for conducting fair trials. They are responsible for making judgments as to whether there is evidence beyond a reasonable doubt to convict people. If people are going sixty-five or seventy or seventy-five miles an hour, let's convict them of speeding and fine them whatever the fine is and leave it to the judges to conduct fair trials. I don't know why we have to get into these rules that are purely matters of evidence, purely matters of what is competent evidence and what is not competent evidence when a judge sits down to try a case, and to say that somehow this additional fifth requirement is essential to the bill so the whole bill is destroyed without it, well, how about the fourth requirement that you all can see on page 3 of your copy of the bill, and I object to that requirement, too, and that requirement says that before an officer can testify about the results of a radar operation he has to have conducted a test both prior and after, within a reasonable amount of time prior and after, the time he clocked the person in

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