

the case that is at trial at the time to see whether the machine is working. Now that means that these officers are going to be out there testing these machines repeatedly. It seems to me that if you tested it a couple of times a year or perhaps more frequently than that, that ought to be enough, but to say that before you can get a conviction under radar, there has got to be evidence that the measuring device was within a reasonable time both prior and subsequent to the arrest tested by the officer is unreasonable. If the judges want to impose that kind of requirement because they think it is necessary, fine, but for us to put that into state law so it is applicable throughout the state, I personally think is a mistake. Now again, I don't feel that strongly about it but on the other hand I don't like arguments to be made here that to me are not really legitimate, and to say that we have got to have this or the whole bill is wrong is not a legitimate argument. Thank you, Mr. President.

SENATOR CLARK: Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, the State Patrol is currently taking training which the Colonel apparently is totally unfamiliar with. I handed around court cases showing the requirements for the use of radar. I am sure that the young lieutenant that sits under the balcony and is in the Navy has probably had some experience with radar and could explain to you how unreliable these devices can be. They are not infallible. So maybe you ought to ask him for his opinion. But here is the point that we are dealing with here, I handed around court cases that show what actually is required to obtain a radar conviction. I handed around portions of a transcript of a trial involving myself where I was charged with going sixty-six in a fifty-five mile an hour zone. After seven hundred and fifty or thirty something pages of testimony, I was found not guilty because the state failed to make its case. You can put things into the minds of people on the floor of the Legislature as to what should and should not be but I have demonstrated in the court room that the State Patrol is not properly carrying out radar functions. Remember, I did not testify, I did not offer evidence. The state simply failed to prove its case. The transcript alone cost the state over a thousand dollars. The two state troopers, one of them being the one who accused me of the speeding, the other the Captain who gives the training for the State Patrol, were at the court house I believe five different days. So there were additional costs involved in those appearances to the state and they lost. The reason they lost is because they did not follow the procedures that are necessary. I