

May 8, 1973

PRESIDENT: Chair next recognizes Senator Chambers.

SENATOR CHAMBERS: Mr. President and Members of the Legislature. I believe the amendment was valid at the time it was offered and in spite of certain statements by law enforcement people and others who are opposed to the amendment, I still support it. Everybody has talked about the difficulty of darkness and a person not looking and therefore not seeing a State Patrol car. The amendment says that the car or the piece of equipment must be visible. That means capable of being seen or perceptible to the eye. Now if I'm driving down the highway and a car is in front of me and I look off to the side and run into the back of it and I tell the judge I don't want to be ticketed or held responsible because I did not see it, the judge would tell me that the law holds me accountable for seeing what is before my eyes and able to be seen. So it, this does not say that the car has to be seen by the speeder. It has to be in a position where, if he or she were watchful or observing, then the vehicle would be seen so I don't see any problem with darkness or with a person not looking and therefore not seeing the vehicle. The question and the issue to be decided is the same as it was when the amendment was offered originally and when the Legislature, in its wisdom adopted it, that the purpose of law enforcement is not hide and seek. Law enforcement is not primarily the apprehension of criminals. If some of you had taken the time to gather statistics, you'd see that from only 12 to 16% of the time is any law enforcement official engaged in tracking down and apprehending criminals and a very small percentage of that time does he actually succeed, in apprehending, so what has to be done is to prevent violations of the law in the first place. If the radar equipment is hidden now and there are a large number of speeders, then it's clear that there is not any psychological effect taking place which would reduce the amount of speed in a vehicle traveling on the highway so the psychological effect that everybody has talked about is not occurring. If you place a vehicle of the State Patrol in view, then the testimony of those who are opposed to the amendment have all said that this causes a reduction in speed. Now if a vehicle has stopped a car on the road, a State Patrol vehicle has stopped a speeder on the road or wants, for any other reason is stopped, then there is a helicopter which Senator Barnett has talked about which has clocked other vehicles speeding so there are alternatives and ways to prevent speeding on the highway and having a man hide in the bushes, laying wait in ambush, is not the thing to do and somehow, for the image of the State Patrol the people have trying-- have been trying to bring into being, the image that I would like to have of the State Patrol, is not one of those skulking and lurking and sneaking and hiding and abusing when it comes to the enforcement of traffic regulations. We must keep this State, the enforcement of a traffic law and the enforcement of a criminal law, even in the Municipal Court in the Police Station downtown, there is a traffic court and a criminal court so since the nature of the two laws is different, the method of enforcement is different. I think the amendment was valid at the time and it ought to be retained. You've had an attempt to test the method of letting the State Patrolmen hide in ambush, lie in wait, sneak up and see what they can catch, and they haven't been too successful in lowering speed limits or speeding. Why don't you try to allow the State Patrol cars to be visible and in every attempt made by anybody in this body to give more money to the State Patrol for any purpose, even those purposes that I felt may not have been completely wise at the time, I have voted in favor of all of those provisions, all of those measures, suggestions or recommendations. This,