

However, being brought up short with the realities of the Nebraska Legislature, the bill as I envisioned it was changed considerably. It will continue to allow radar to be used as evidence to convict a speeder. However, the current law accords the radar what is known as prima facie evidential status...evidentiary status. There is a presumption that the radar is accurate simply because it is radar. This bill would take away the prima facie status of radar as evidence, but it would still allow it to be used as competent evidence to establish the speed of an alleged violator. What that means is that certain preliminary requirements would have to be met before the evidence could be offered. No longer could an officer simply say, this is a radar device, the clocking said 66 or whatever in a 55 zone...I have set it up at this location, so and so was driving the car and that is it and you are convicted, unless you turn all of that around. We are trying to restore some public and judicial confidence in radar as a valid traffic regulation device. Another thing that might assist you in making your decision is the fact that the National Highway Traffic Safety Administration has put out a report and despite the fact that they said that radar can be a usable tool for traffic enforcement, unless it is properly installed and operated by highly trained officers, there are serious problems with its validity. It recommended, this report did, that a state level policy establishing statewide standards, uniformity of enforcement and training should be put in place as soon as possible. As far as the training requirement that the report suggests it breaks the 40 hours down into 16 in the classroom, 24 on the road. Naturally, these are just minimum standards but we both wind up with 40. In addition to the training, this statement indicates we recommend statewide standards, guidelines and procedures for operator training and certification, equipment purchase, maintenance testing and certification, operating practices and periodic recertification of both equipment and operators. We believe that adoption of these basic measures should enable police agencies to more effectively respond to the challenges to traffic radar which were raised by the Day County hearing. Then there are other comments in this report which indicate that substantial questions have been raised relative to the accuracy of radar and these questions have caused the public and the Judiciary to have serious doubts, and unless a program similar to the one envisioned in 822 is put in place, there will not be public confidence in radar clockings and the lack of confidence is justified. Although this is not one of the most exciting bills that has come before you, I will tell you this. The Department... I meant the Motor Vehicle....this National Highway Traffic