

1 HB265
2 114527-1
3 By Representative Hill
4 RFD: Public Safety
5 First Read: 14-JAN-10

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8 SYNOPSIS: Under existing law, a state trooper may
9 give a ticket for speeding to the driver of a motor
10 vehicle based on information relayed to the trooper
11 by a fellow officer on the ground or in the air
12 operating a speed measuring device.

13 This bill would authorize any law
14 enforcement officer to give a ticket for speeding
15 to the driver of a motor vehicle based on the same
16 information.

17
18 A BILL
19 TO BE ENTITLED
20 AN ACT

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22 To amend Section 32-5A-177 of the Code of Alabama
23 1975, authorizing a state trooper to arrest the driver of a
24 motor vehicle for speeding based on information relayed from a
25 fellow officer under certain conditions, to authorize arrests
26 to be made by any law enforcement officer based on the same
27 information.

1 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

2 Section 1. Section 32-5A-177 of the Code of Alabama
3 1975, is amended to read as follows:

4 "§32-5A-177.

5 "(a) In every charge of violation of any speed
6 regulation in this article, ~~the complaint, also~~ and the
7 summons or notice to appear, shall specify the speed at which
8 the defendant is alleged to have driven, ~~also~~ and the maximum
9 speed applicable within the district or at the location.

10 "(b) The provision of this article declaring maximum
11 speed limitations shall not be construed to relieve the
12 plaintiff in any action from the burden of proving negligence
13 on the part of the defendant as the proximate cause of an
14 accident.

15 "(c) Any ~~state trooper~~ law enforcement officer, upon
16 receiving information relayed ~~to him~~ from a fellow officer
17 stationed on the ground or in the air operating a speed
18 measuring device that a driver of a vehicle has violated the
19 speed laws of this state, may arrest the driver for violation
20 of ~~said~~ the laws where reasonable and proper identification of
21 the vehicle and the speed of ~~same~~ the vehicle has been
22 communicated to the arresting officer.

23 "(d) A witness otherwise qualified to testify shall
24 be competent to give testimony against an accused violator of
25 the motor vehicle laws of this state when ~~such~~ the testimony
26 is derived from the use of ~~such~~ a speed measuring device used
27 in the calculation of speed, upon showing that the speed

1 measuring device which was used had been tested. However, the
2 operator of any visual average speed computer device shall
3 first be certified as a competent operator of ~~such~~ the device
4 by the department.

5 "(e) Any person accused pursuant to ~~the provisions~~
6 ~~of~~ this section shall be entitled to have the officer actually
7 operating the device appear in court and testify upon oral or
8 written motion."

9 Section 2. This act shall become effective on the
10 first day of the third month following its passage and
11 approval by the Governor, or its otherwise becoming law.