
SUBSTITUTE SENATE BILL 6051

State of Washington

53rd Legislature

1994 Regular Session

By Senate Committee on Law & Justice (originally sponsored by Senators Quigley, Ludwig and A. Smith)

Read first time 02/04/94.

1 AN ACT Relating to speed measuring device expert testimony in
2 court; and adding a new section to chapter 46.63 RCW.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 46.63 RCW
5 to read as follows:

6 (1) In prosecutions involving the use of a speed measuring device,
7 the defendant may, ten days before the defendant's court date, request
8 a certified copy of the speed measuring device expert's affidavit from
9 the appropriate law enforcement agency's speed measuring device expert.
10 The certified copy is prima facie evidence in court of the reliability
11 and functionality of the speed measuring device in question.

12 (2) The defendant in a prosecution involving the use of a speed
13 measuring device may subpoena the appropriate speed measuring device
14 expert to testify in court if, ten days before issuing the subpoena,
15 the defendant gives the supervisor of the speed measuring device expert
16 notice of the defendant's intention to require the speed measuring
17 device expert's appearance.

18 (3) In addition, if the defendant in a prosecution involving the
19 use of a speed measuring device has subpoenaed a speed measuring device

1 expert and is found to have committed the violation in which the speed
2 measuring device was used, the judge hearing the case shall impose an
3 appropriate witness fee upon the defendant for the use of the speed
4 measuring device expert. The fee collected must be forwarded to the
5 employing agency of the speed measuring device expert for use in
6 supporting traffic law enforcement functions.

--- END ---