

Section 1
Date 3-30-05
HB 368

MEMORANDUM

TO: The Senate Judiciary Committee
From: William Dial, Whitefish Police Chief *WAD*
SUBJECT: HB 368
DATE: March 30, 2005

I REPRESENT numerous law enforcement agencies throughout the state. While it may appear that the issue is "public safety", police feel that the bill will hinder law enforcement efforts and put an unnecessary fiscal strain on all departments/agencies. Outlined below are our concerns with possible remedies.

1. Unmarked police vehicles are currently utilized by numerous law enforcement agencies to detect and enforce traffic regulations, eg: reckless driving, road rage, speeding, and DUI. Professional journals strongly suggest that the best means of traffic enforcement comes with the deployment of officers in "unmarked" vehicles.
2. Curtailing the use of "unmarked" police vehicles would force law enforcement agencies to clearly identify their vehicles. This normally requires the attachment of roof lights, insignias, decals, numbering, and striping. The average cost to fully mark a police vehicle in Whitefish, is approximately \$3,700. The cost for an unmarked police vehicle is approximately \$1,500. Additionally, the decrease in fuel economy, marked vs. unmarked vehicle, is between 10% and 20%. We all know the skyrocketing price of fuel.
3. Several State Representatives have cited incidents where criminals have impersonated police and have harassed, injured or killed unsuspecting motorists using the guise of an unmarked police vehicle. We can reference many incidents where criminals have taken steps to fully mark vehicles making them look exactly like police vehicles and have utilized these vehicles to stop and in some cases kill motorists. They purchased the equipment through on-line stores via the Internet. There are no laws limiting these sales.
4. A proposal: amend MCA section 61-8-316 and exclude penalties for fleeing or eluding from an unmarked police vehicle. Many states have enacted such legislation.

Suggested language: a driver who reasonably believes that under the circumstances an immediate stop (yield) poses a risk to his/her personal safety may activate their emergency flashers, proceed on while obeying all traffic laws, to the nearest public area before stopping. The statute should clearly state that there will be no reprisal or enhanced penalties for a driver who does not immediately stop for an unmarked police vehicle. Future police training should emphasize this important aspect of the law.

Montana's traffic is becoming more congested and the related challenges to enforcement are ever changing. Eliminating proven traffic enforcement tools will hinder effective law enforcement.

Fiscal Note Request HB0368, As Introduced
(continued)

FISCAL IMPACT:

	<u>FY 2006</u> <u>Difference</u>	<u>FY 2007</u> <u>Difference</u>
<u>Expenditures:</u>		
Operating Expenses	\$31,891	\$0
<u>Funding of Expenditures:</u>		
State Special Revenue (02)	\$31,891	\$0
<u>Net Impact to Fund Balance (Revenue minus Funding of Expenditures):</u>		
State Special Revenue (02)	(\$31,891)	\$0