

OFFICE OF THE ATTORNEY GENERAL

95-00235

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ATTORNEY GENERAL
STATE OF ALABAMA

JUN 14 1995

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Honorable Wendy Allen
Chairman, Baldwin County Commission
P. O. Box 1488
Bay Minette, AL 36507

Roads, Highways and Bridges -
Radar Devices - Speed Limits
- Law Enforcement

While photo radar devices may be used by law enforcement officers under current Alabama law, the use of such devices as a basis to mail speeding citations to motorists would not comply with substantive or procedural requirements of Alabama law.

Dear Ms. Allen:

This opinion is issued in response to your request for an opinion from the Attorney General.

QUESTION

Is it legal for law enforcement officers to use photo radar devices in this state, and may individuals be mailed speeding tickets based on such photographs?

Honorable Wendy Allen
Page 2

FACTS AND ANALYSIS

On April 29, 1994, this office issued an opinion discussing the use of photo radar devices. Opinion No. 94-00165 (copy attached). For the reasons set forth in that opinion, this office opined that while the use of such devices is legal, the use of such devices to mail speeding citations to motorists would not comply with substantive or procedural requirements of Alabama law.

That opinion sets forth the problems under current Alabama law with using such devices to mail traffic citations to motorists.

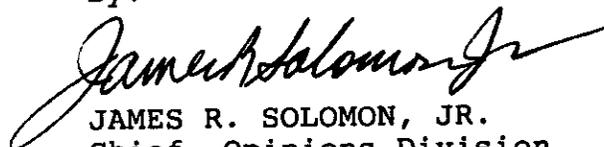
CONCLUSION

While photo radar devices may be used by law enforcement officers under present Alabama law, the use of such devices as a basis to mail speeding citations to motorists would not comply with substantive or procedural requirements of Alabama law and would be impractical.

I hope this sufficiently answers your question. If our office can be of further assistance, please contact Jack M. Curtis, Legal Division, Department of Public Safety.

Sincerely,

JEFF SESSIONS
Attorney General
By:


JAMES R. SOLOMON, JR.
Chief, Opinions Division

JS/JMC/cp

Attachment

A6.95/OP