



Houston Ticket Lawyer Warns of Decriminalization of Traffic Tickets in Texas

Attorney, Kameron Searle, warns of trend to decriminalize traffic tickets in Texas led by City of Houston. From parking tickets to red light traffic cameras, large municipalities are seeking to reduce the State's burden of proof in order to increase revenues. Fight coming in current session of Texas Legislature.

([PRWEB](#)) January 28, 2005 -- Houston traffic ticket defense attorney, Kameron Searle, warns of a disturbing trend toward the decriminalization of traffic tickets in Texas. Searle says it started with the decriminalization of parking tickets in Texas' larger cities in 1995. Parking tickets ceased to be criminal cases and became civil cases at that time.

Because parking tickets were criminal cases before 1995, someone who received a parking ticket was presumed "not guilty" and had the right to a judge or a jury trial. The State had to come into court and prove "beyond a reasonable doubt" that the accused had illegally parked his or her car. With the change from criminal to civil, the burden of proof changed. Since 1995, a person who receives a ticket in Houston is presumed to be "guilty" just because he or she got a parking ticket on their windshield. To fight these tickets, the accused must now go before an administrative hearing officer, not a judge or jury, and prove that they did not park the car illegally.

Our country and our State were founded on the basic American principle of "innocent until proven guilty." This was to prevent Government from running roughshod over the rights of the citizens. But defendants win a lot of court cases when the State has to prove a criminal case beyond a reasonable doubt. "Many cash starved municipalities just don't care about whether or not justice is being served," says Searle, "they only care about what they see as "lost revenues." So the City of Houston and other municipalities are attempting to change the burden of proof in as many different types of cases as they can by switching what were once criminal cases over to civil cases. The parking tickets were the first because they were the least noticeable. The trend to decriminalize traffic tickets has been a slow incremental process over the last ten years, but lately it has begun to pick up speed.

A more recent example is the City of Houston's aggressive attempt to decriminalize red light tickets. Running a red light under Texas State law is a Class C Misdemeanor, a criminal offense. As such, it carries all the protections due an accused in a criminal case. In what many consider an unconstitutional move, the City of Houston passed an ordinance on December 21, 2004 to decriminalize some red light tickets at intersections where the City of Houston will be installing cameras to monitor traffic. The City of Houston, a political subdivision of the State of Texas, has usurped the power of the Texas State Legislature and changed running a red light from a criminal violation to a civil violation.

There will be two different standards in Houston for the same offense. Those accused of running a red light at an intersection without a camera will be charged criminally and those accused of running a red light at an intersection with a camera will be cited civilly. Under Houston's ordinance, the owner of a car cited with running a red light at an intersection monitored by a camera will be presumed guilty and owe a fine of \$75 (\$150 for a third or subsequent violations). To fight these tickets, the owner of the car will now have to go before an administrative hearing officer, not a judge or jury, and prove that he or she did not run the red light.

Red light traffic cameras have been voted down in the last three sessions of the Texas State Legislature with strong bipartisan cooperation between Republicans and Democrats. Many Republicans have opposed red light



cameras on grounds that they are an overly intrusive form of government (i.e., "Big Brother is watching you."). Democrats have opposed the red light cameras because of the undue burden fines and penalties will place on the already strained budgets of the poor and middle class. Others have opposed on the grounds that the companies that install and operate the red light cameras receive a portion of each fine and therefore have a conflict of interest. In California, it was shown that intentional tampering with the length of yellow lights and red light camera hardware/software occurred to artificially increase the number of "violations" at some red light camera intersections.

In States like California, red light cameras can generate tens of thousands of dollars in revenue each month at each intersection where they are installed. This is why the City of Houston really wants them, not for the safety concerns they argue publicly. Attorney Ronald Mangus, the Chief Clerk of the City of Houston Municipal Courts from 1996 thru 2001, advised Searle in a recent interview that he participated in numerous high-level meetings at the City of Houston where red light traffic cameras were discussed. Mangus stated, "the emphasis was on increasing daily cash deposits in the revenue accounts." Mangus further stated, "that during these discussions public safety concerns were never even brought up." There are other methods to reduce the number of accidents at red light intersections. These methods work quite effectively, but don't generate any revenue. So the City of Houston has rejected them completely.

Traffic court is the one contact that the average Texan ever has with our legal system. Searle warns, "the City of Houston and others are working very hard to make sure that when someone gets a traffic ticket that the rights and protections they enjoy today will not be there in the future." The City of Houston has sent its lobbyists to Austin for the current Texas legislative session to fight to keep its red light camera citations civil rather than criminal. It should be quite a battle.

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