

SB 6 & CHANGES IN TEXAS BAIL REFORM

JUDICIAL SUMMIT ON MENTAL HEALTH
NOVEMBER 4, 2022

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ADMINISTRATIVE DIRECTOR



SENATE BILL 6

- Enacted during the Second Called Session of the 87th Legislature (2021)
- Related to procedures for:
 - Setting the amount of bail
 - Release of certain defendants on a monetary or personal bond
 - Duties of certain officers taking bail bonds
 - Duties of magistrates in criminal cases
 - Reporting information pertaining to bail bonds
- Required:
 - The implementation of a standardized public safety report system (PSRS) for statewide use
 - PSRS went live on **April 1st, 2022**
 - Produce a public safety report (PSR)
 - Create the Bail Form
 - Magistrates to consider the PSR for defendants charged with a Class B misdemeanor or higher offense



SYSTEM DETAILS



PSR SYSTEM DETAILS

- Standardized system for statewide use.
- Designed to capture bail related data for the entire state.
- The system provides a summary report of criminal history for magistrates to consider.
- Vendor
 - Automon
 - Continue to work on system enhancements
- Training
 - Automon hosted live trainings in March and April.
 - Recordings for trainings can be found on our website.
 - Continue to hold multiple Q&A sessions each month.



PSRS USERS

Local Administrative User

- More than one per location
- Same for multiple locations
- Can add other users
- Can assign roles and administrative rights
- Can add specific conditions for their location

End Users

- Must be entered by LAU or OCA staff
- Can be assigned multiple roles in the system
- Can certify bail form on behalf of a judge



PSRS DATA ENTRY

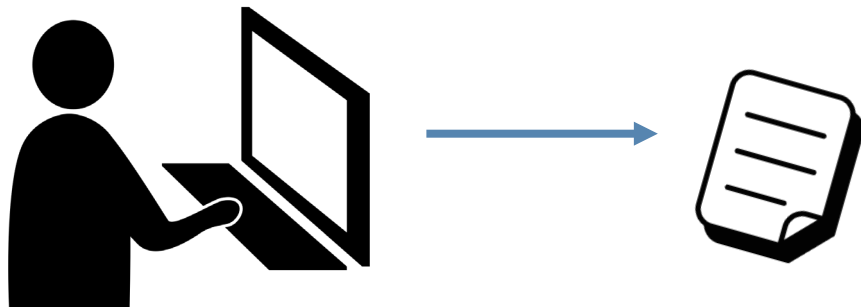
PHASE I



DEFENDANT ENTRY IN PSRS

PSRS Entry

- Defendant is entered into the PSRS.
- User entering defendant must have a TLETS User ID to query TCIC/NCIC.
- TCIC/NCIC is queried for Criminal History Record Information (CHRI).
- Public Safety Report is produced.



Who is responsible?

- Local Law Enforcement
- Jail
- Court Staff
- Magistrate
- **This should be decided at the local level***



MAGISTRATION

Magistration

Art. 15.17 Hearing

- Defendant is presented to the magistrate no later than 48 hours.
- **Note:** the PSRS may not be the only item relied on when making a bail decision.



What if the PSRS is down?

- Under Art. 17.022(f) if down for more than 12 hours, can be magistrated without PSR for misdemeanors, but should still consider criminal history if possible.
- SB 6 silent on felonies – best practice is to make bail decision within 48 hour time period mandated by statute.



PSRS DATA ENTRY

PHASE II



BAIL DECISIONS AND BAIL FORM

Bail type, amount, and conditions entered in PSRS

- Magstration is complete and bail decisions are made.
- Bail Form must be completed within 72 hours after bail was set.
- The bail type, amount, and conditions are entered in the PSRS.
 - Can be done during the magstration hearing or after the decisions have been made.
- After bail decisions are entered in the PSRS, the magistrate, or an individual of their choice will certify the information that was provided.
- Upon certification, the Bail Form is produced, and the defendant record is closed.

Who is responsible?

- Local Law Enforcement
- Jail
- Court Staff
- **This should be decided at the local level***



BAIL FORM IS PUBLISHED

OCA publishes Bail Form

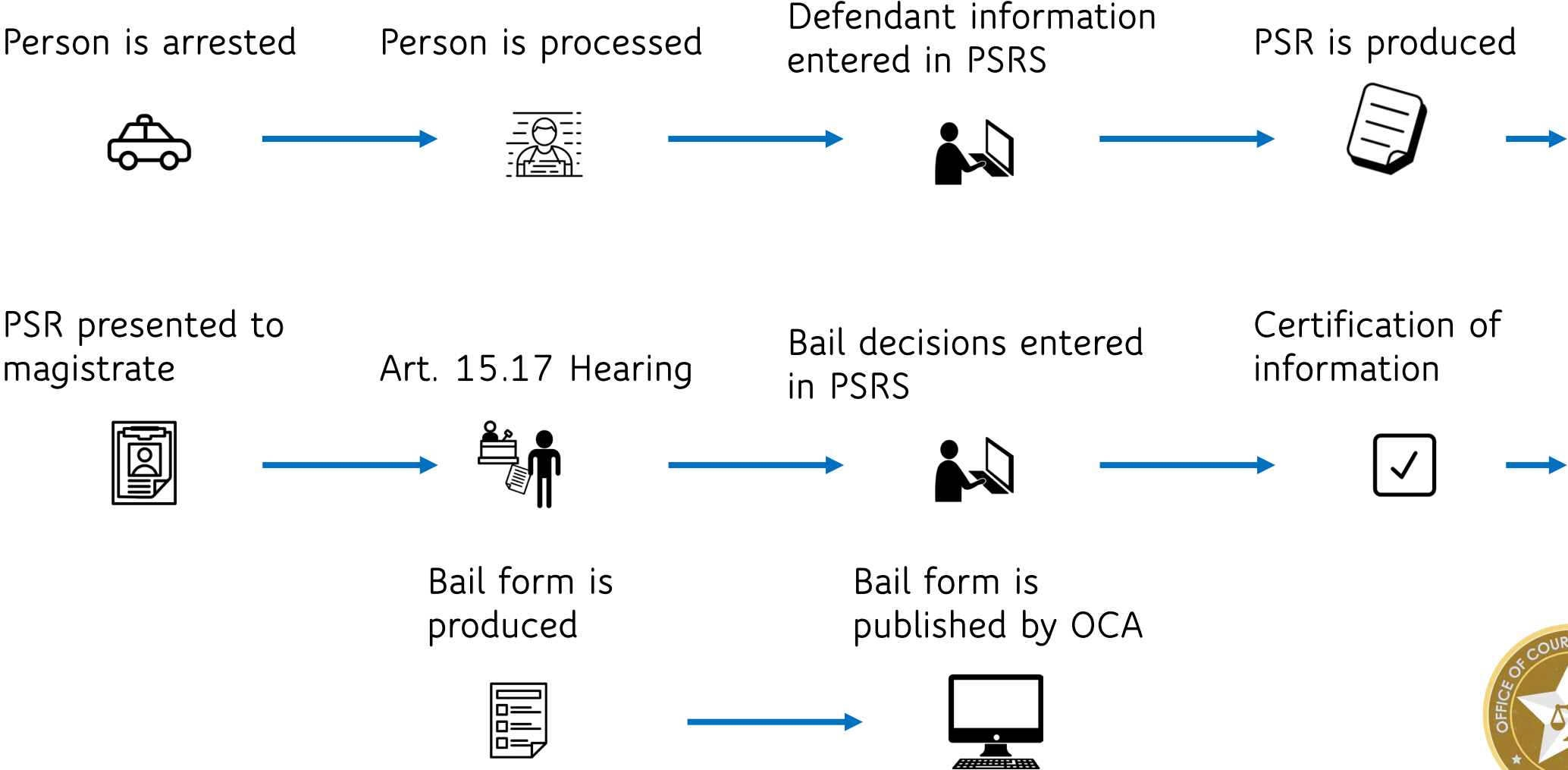
- SB6 requires that the bail form is publicly available.
- OCA retrieves the bail form from the PSRS and posts on a public website.
- The following information is published:
 - Defendant information:
 - Cause number (if available)
 - Name
 - Offense(s) leading to arrest
 - Arrest Information:
 - Date
 - County
 - Magistration date and location
 - Bail type, amount, and indication if conditions were given or not

Who is responsible?

- The Office of Court Administration



OVERVIEW



TEXAS DEPARTMENT OF PUBLIC SAFETY REQUIREMENTS



DPS REQUIRED TRAININGS & CERTIFICATIONS

Criminal Justice Practitioner (CJP) Certification

Any individual who accesses either hard or electronic copies that contain criminal history record information (ex. The PSR and CHRI from TCIC/NCIC) must obtain and maintain a CJP certification through the Texas Department of Public Safety (DPS).

Please note that a TLETS user id will be assigned to you so you can complete the CJP certification. This TLETS user id will not provide access to TCIC/NCIC, it is solely for the purpose of completing your CJP certification.

Criminal Justice Information (CJIS) Security Awareness Training

Any PSRS users with access to Criminal Justice Information (CJI) through TLETS must take the CJIS Security Awareness Training. Training shall be taken within six months and biennially thereafter and is provided through DPS. The training through CJIS Online is web based and self-paced.



DPS REQUIRED TRAININGS & CERTIFICATIONS

TLETS Mobile Access Certification

Any users who will require access to query criminal history record information (ex. The PSR and CHRI from TCIC/NCIC) must obtain and maintain a TLETS Mobile Access certification through the Texas Department of Public Safety (DPS).

Users initiating queries for criminal history information from the PSRS must have a unique TLETS ID and complete the 8-hour training to obtain the certification. DPS provides the training at no cost, both virtually and in person.



JUDICIAL EDUCATION



JUDICIAL EDUCATION

Duties of Magistrates:

- Only judges who are in compliance with the judicial education requirements of SB 6 may set bail for a defendant who has been charged with a Class B misdemeanor or higher category offense.
- The bill requires OCA to develop or approve training courses regarding magistrate duties with respect to setting bail.
- OCA has partnered with the training centers who are facilitating the training and continuing education hours.
 - Training requirements:
 - 8-hour initial training course
 - 2-hour continuing education hours



JUDICIAL EDUCATION

Duties of Magistrates:

- All Justices of the Peace must take this training regardless of whether they set bail.
- Judges in office on April 1, 2022, have until December 1, 2022 to complete this required judicial education.
- Judicial Training centers providing education hours.



REPORTING REQUIREMENTS



PSRS REPORT

Effective April 1, 2022:

The clerk of each court setting bail in criminal cases shall report:

- 1) The number of defendants for whom bail was set after arrest, including:
 - A. the number for each category of offense
 - B. the number of personal bonds; and
 - C. the number of surety or cash bonds.

These data points will be collected by OCA directly from the PSRS.

Clerks do not need to report these data elements.



JUDICIAL COUNCIL MONTHLY COURT ACTIVITY REPORTS

Effective April 1, 2022:

The clerk of each court setting bail in criminal cases shall report:

- 2) The number of cases in which defendants released on bail subsequently failed to appear.
- 3) The number of cases in which defendants released on bail subsequently violated a condition of release.
- 4) The number of cases in which defendants committed an offense while released on bail or community supervision.



CHARITABLE BAIL BOND INFORMATION

Sheriffs

Sec. 9 (f) requires that a charitable bail organization submit to the sheriff of each county, in which the organization filed an affidavit for bond payments, a report that includes information for each defendant the organization paid a bail bond for in the preceding calendar month.

The report must be submitted to the sheriff no later than the 10th day of each month.

A sheriff who receives a report from a charitable bail organization shall provide a copy of the report to the Office of Court Administration.

Copies of these reports can be email to: bail@txcourts.gov



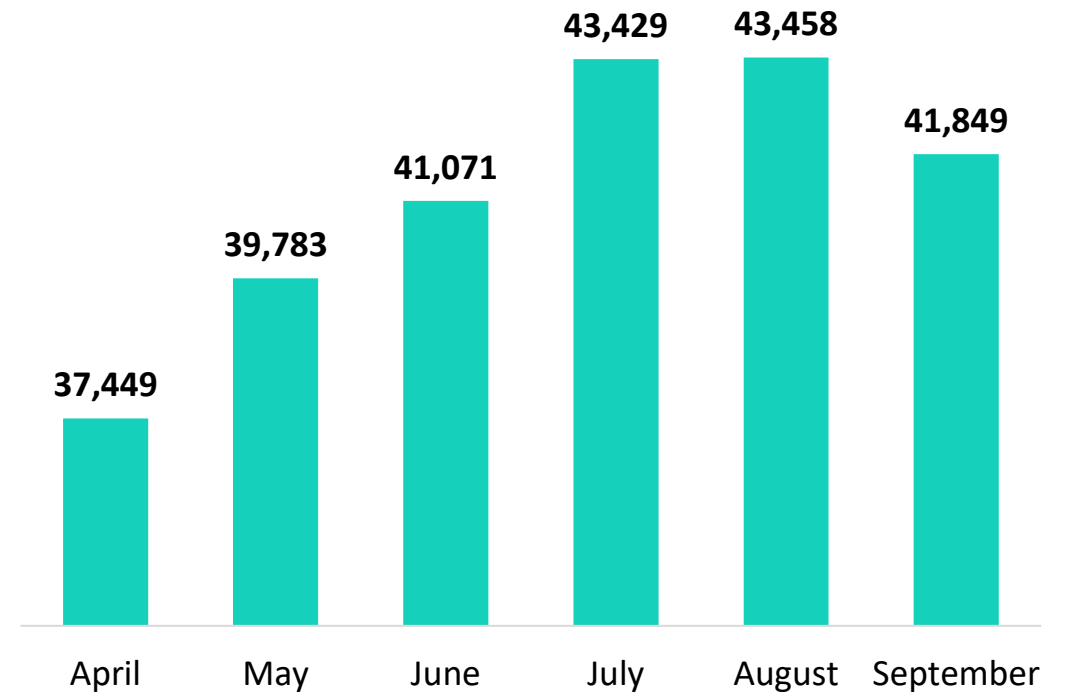
PSRS STATISTICS



PSRS DATA

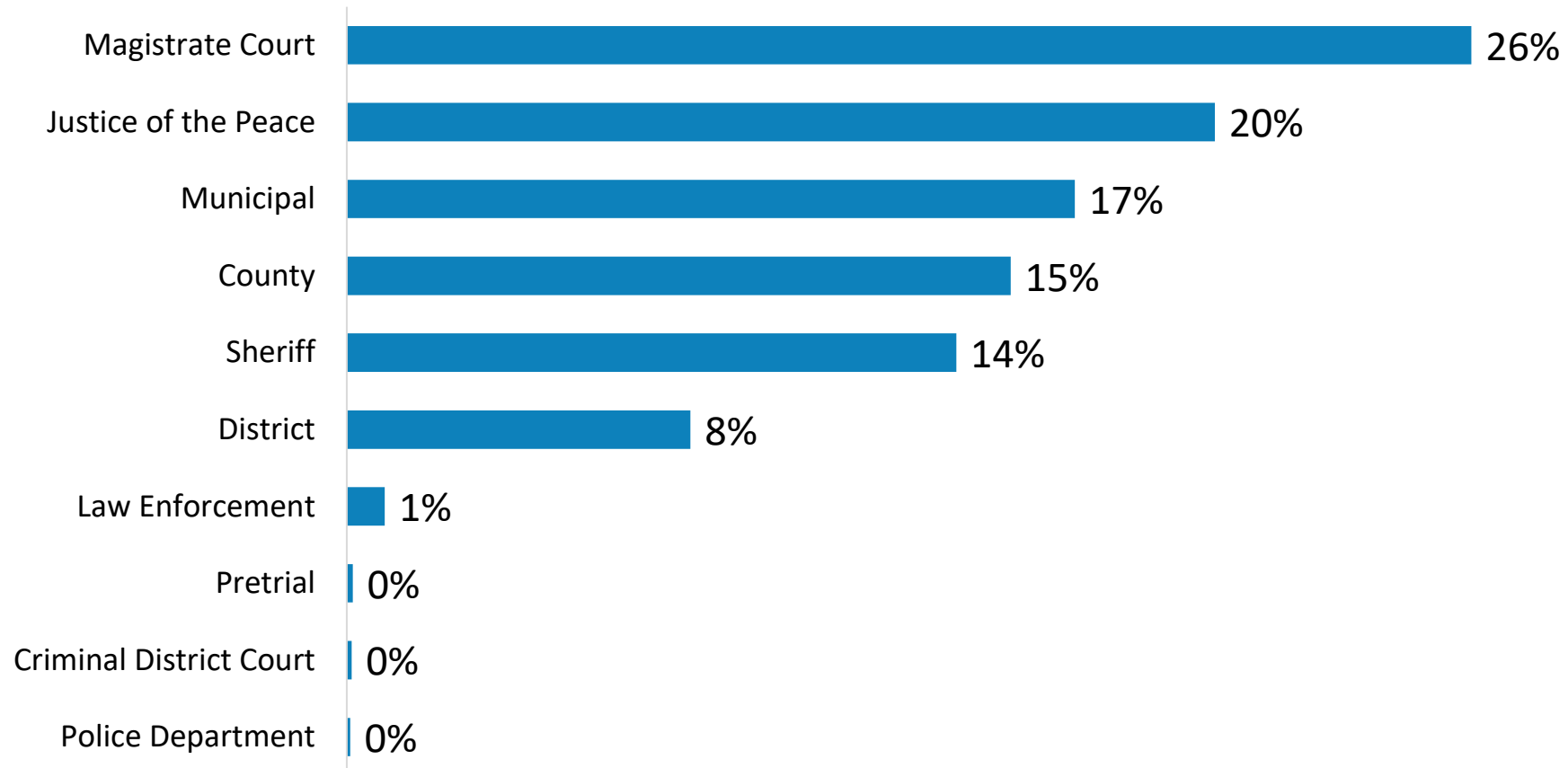
Completed Bail Forms by Month

Month	Completed Bail Forms	% Change
April	37,449	
May	39,783	6%
June	41,071	3%
July	43,429	6%
August	43,458	0.1%
September	41,849	-3.7%



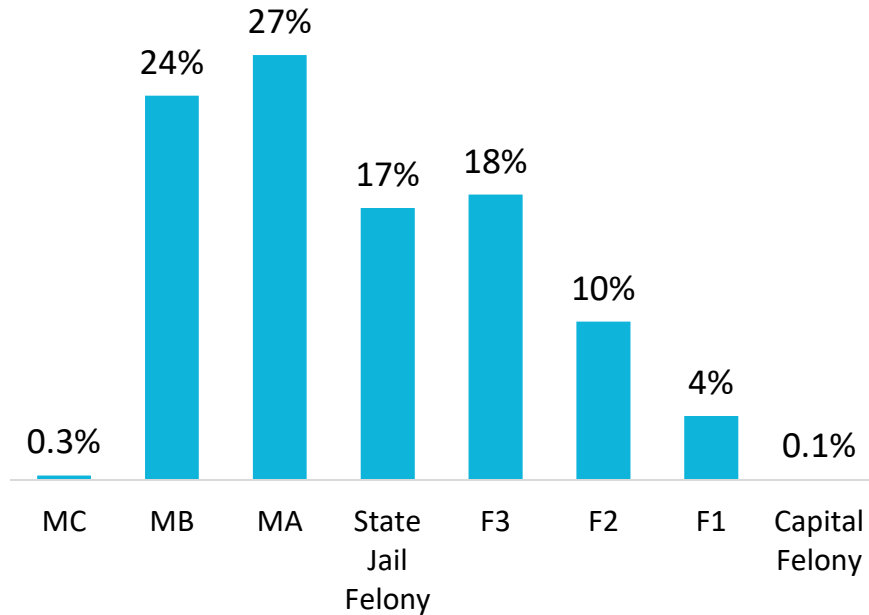
PSRS SEPTEMBER DATA

Completed Bail Forms by Location



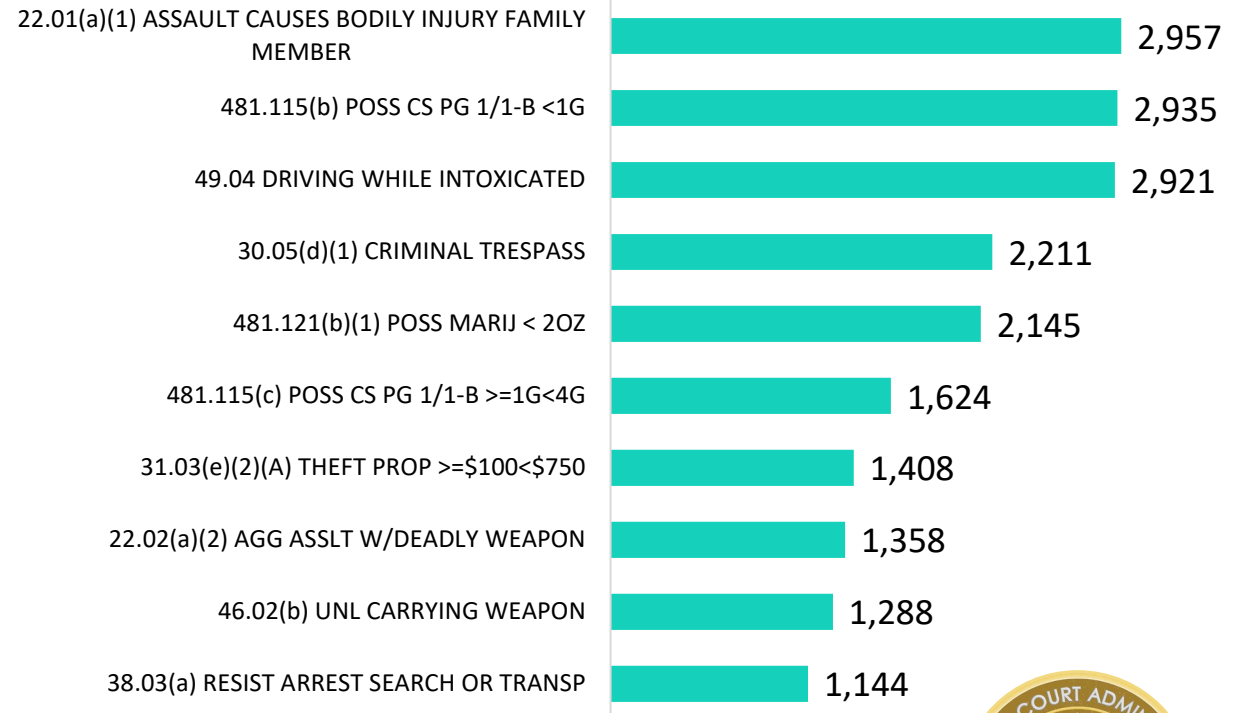
PSRS SEPTEMBER DATA

Reported Offenses



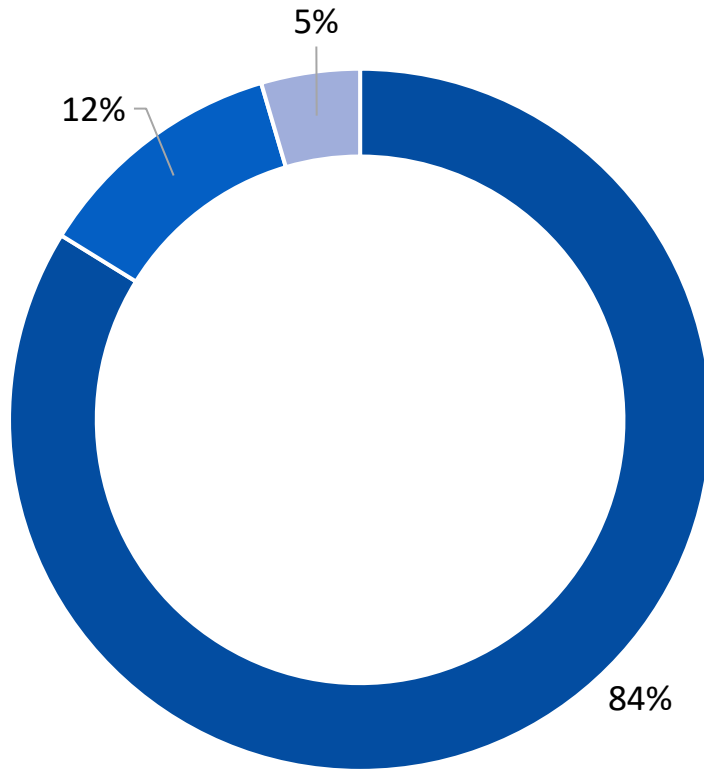
*Note Class C Misdemeanors do not have to be reported.

10 Most Reported Offenses



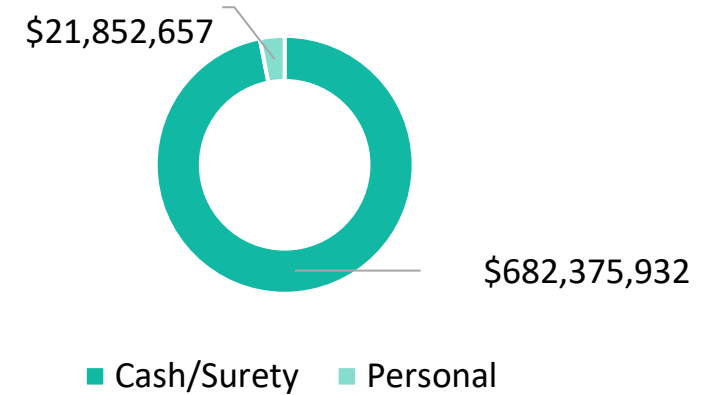
PSRS SEPTEMBER DATA

Reported Bail Types



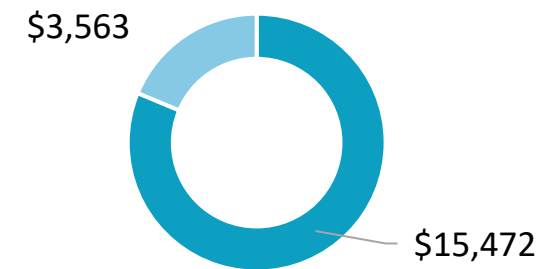
■ Cash/ Surety ■ Personal ■ Bail Denied

Total Bond Amount by Bail Type



■ Cash/Surety ■ Personal

Average Bond Amount by Bail type

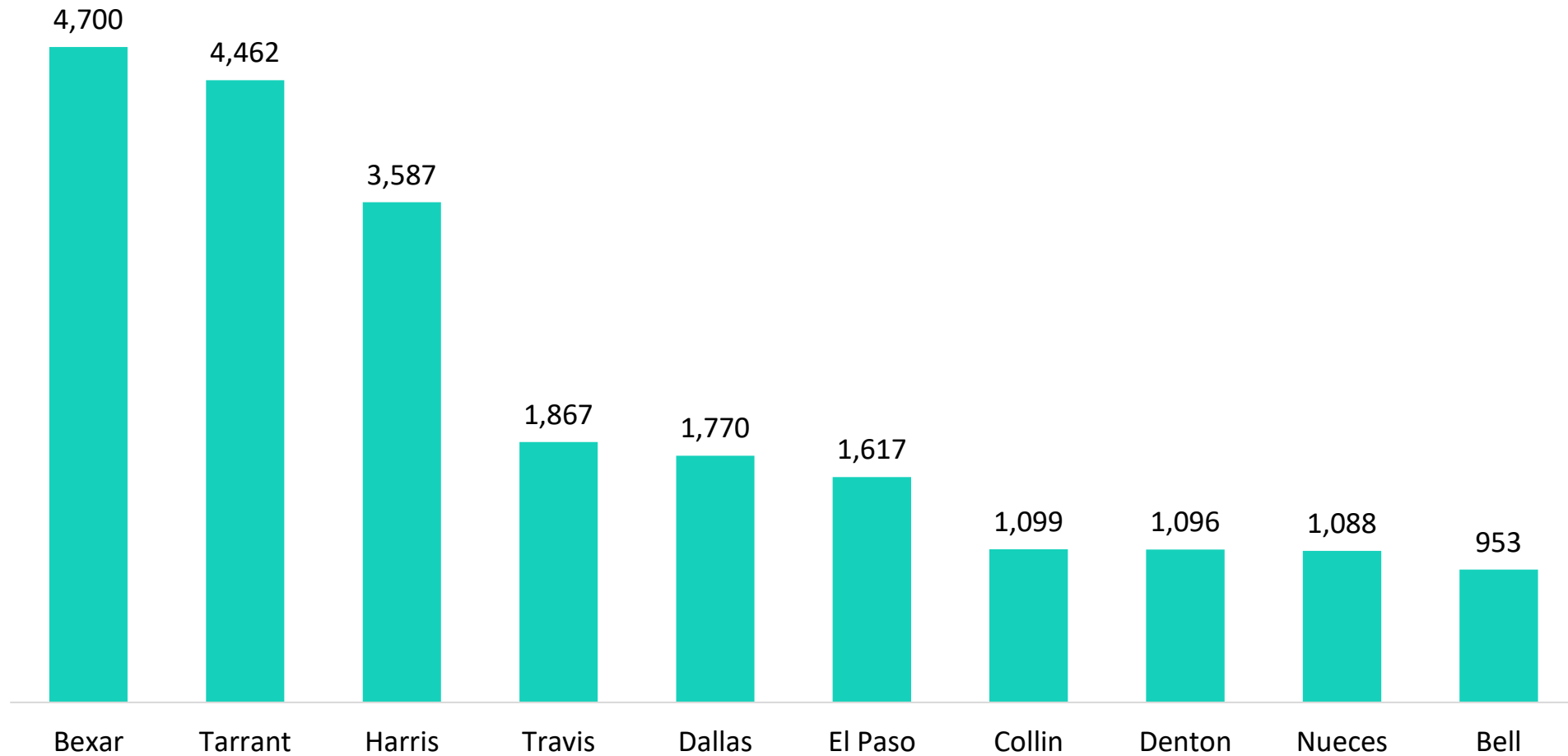


■ Cash/Surety ■ Personal



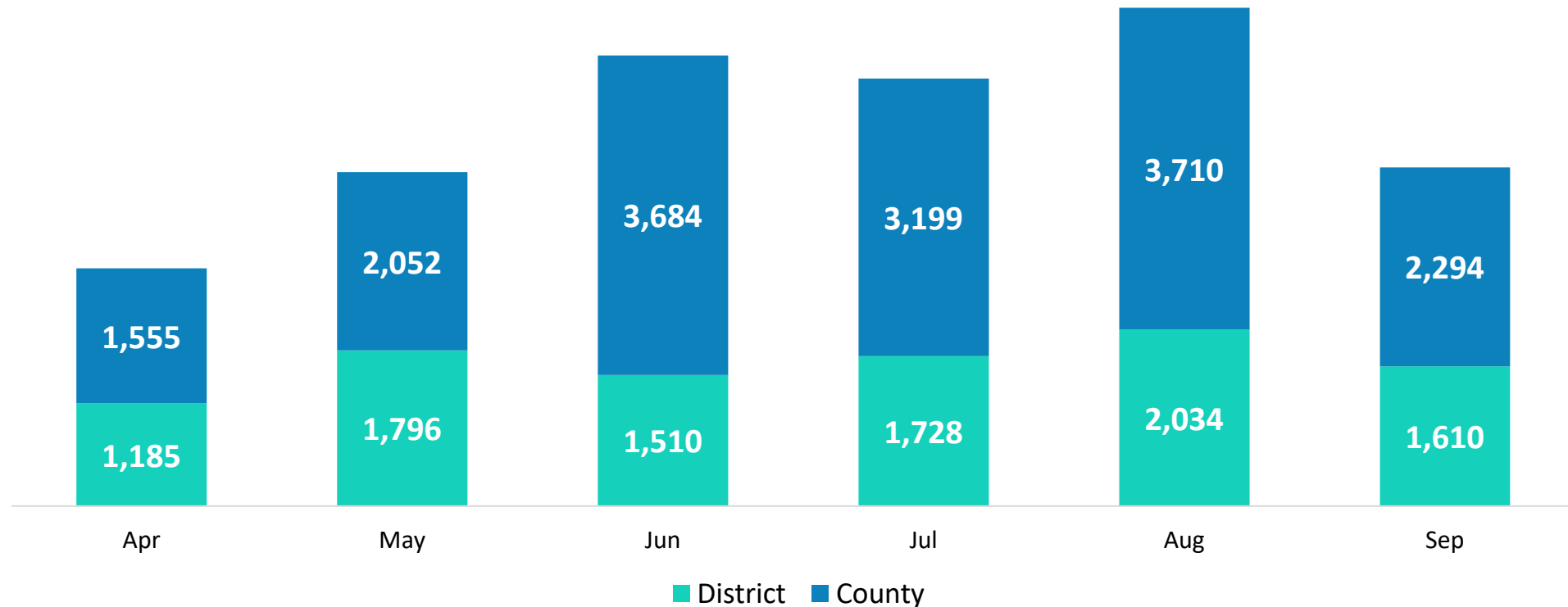
PSRS SEPTEMBER DATA

Top 10 Counties with Completed Bail Forms



FAILURE TO APPEAR

District & County Reported FTAs



FAILURE TO APPEAR –

APRIL THROUGH SEPTEMBER 2022

District

County	Cases In Which Defendant Failed To Appear
Tarrant	1732
Harris	1382
Bexar	1218
Fort Bend	545
Webb	544
Travis	524
Denton	491
Collin	432
Hidalgo	388
Galveston	291

Statutory County Court

County	Cases In Which Defendant Failed To Appear
Harris	7496
Travis	1548
Cameron	1404
Tarrant	1162
Denton	976
Collin	875
Fort Bend	733
Montgomery	688
Williamson	688
Webb	666



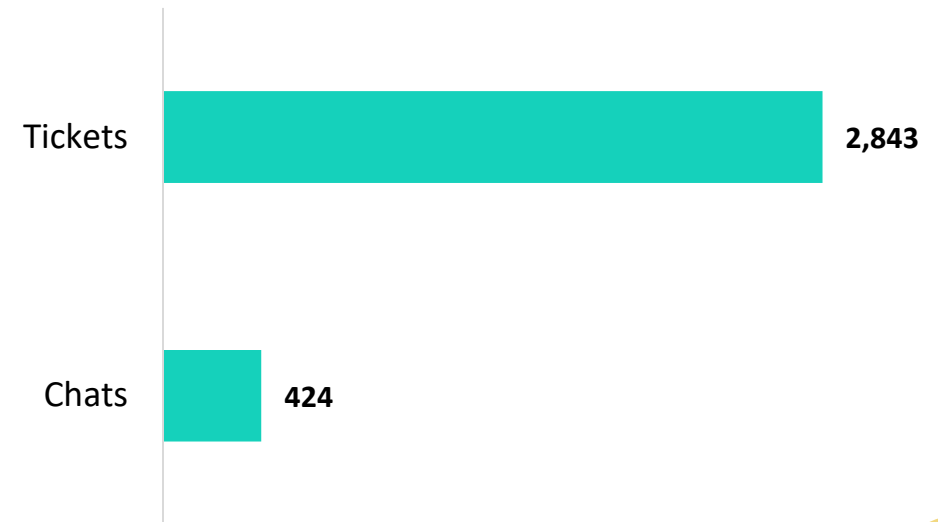
PSRS SUPPORT

PSRS Training & System Orientation

- 22 Virtual Trainings
 - 2,531 attendees
 - All trainings available on website
- OCA hosted 21 Q&A sessions from February to July
 - **653** participants
 - 2023 Q&A Sessions are scheduled and posted on OCA's PSRS website

Support Tickets

Automon provides support to all PSRS users via email, chat, and phone calls. The following data is the total number of tickets opened and resolved from February to October 28th.



CHARITABLE BAIL ORGANIZATIONS

- A report must be submitted to the sheriff of the county in which the organization paid a bail bond for a defendant
- The report must include:
 - Defendant name
 - Cause number
 - County name
 - Failure to Appear (FTA) date for charge in which bond was paid
- 28 reports have been submitted from January to September
- Reports from Harris, Travis, and Hays Counties have been from The Bail Project
- Reports from Bexar County have been submitted from the Texas Organizing Project

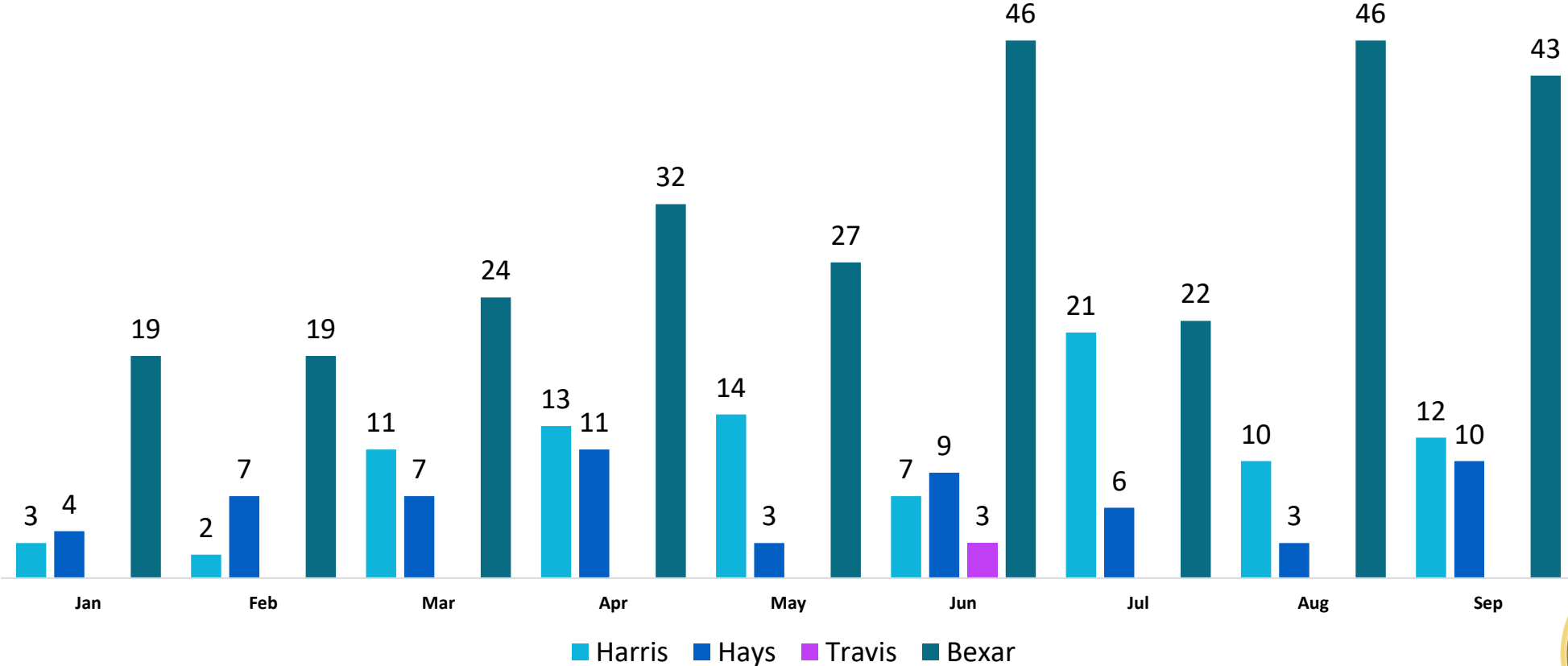
Of the defendants that The Bail Project paid bail for, three had a reported FTA.

Month	Harris	Hays
Apr	1	1
Jun	1	
Sep	1	



CHARITABLE BAIL ORGANIZATIONS

Number of Defendants by County for whom Bail was Paid



BAIL AND PREVENTATIVE DETENTION RECOMMENDATIONS

- The Legislature should amend the Texas Constitution and enact related statutes to provide that certain defendants charged with a violent crime and posing a high flight risk and/or high risk to community safety may be held in jail without bail pending trial after certain findings are made by a magistrate and a detention hearing is held.
- The Legislature should provide funding to counties to allow local case management and jail systems to integrate with the Public Safety Report System.



QUESTIONS?

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