

SB 6's Public Safety Report System Information for District and County Court Judges

The Second Called Session of the 87th Legislature (2021), enacted [Senate Bill 6](#) which requires the Office of Court Administration (OCA) to develop a statewide Public Safety Report System and requires magistrates who set bail for defendants charged with a Class B misdemeanor or higher category offense to consider a public safety report generated by the Public Safety Report System. The bill also requires any magistrate, judge, sheriff, peace officer or jailer who sets bail under Chapter 17, Code of Criminal Procedure, for a defendant charged with a Class B misdemeanor or higher category offense to complete a bail form and to promptly (but no later than 72 hours) submit it to OCA through the Public Safety Report System.

What does the Public Safety Report System (PSRS) do?

The PSRS serves three primary functions – 1) generates a public safety report with respect to a defendant for magistrates to consider before setting bail for defendants charged with a Class B misdemeanor or higher category offense, 2) provides the bail form that must be completed by magistrates, judges, sheriffs, peace officers and jailers who set bail under Chapter 17, Code of Criminal Procedure, for a defendant charged with a Class B misdemeanor or higher category offense, and 3) provides a system/process for the bail form to be submitted to OCA. (Code of Crim. Proc. Arts. 17.021, 17.022; Gov't Code Sec. 72.038)

When do I have to consider a public safety report generated by the PSRS or submit a bail form?

Art. 17.022(d) of the Code of Criminal Procedure requires a magistrate setting bail for a defendant charged with a Class B misdemeanor or higher category offense to consider a public safety report generated by the PSRS and to promptly, but no later than 72 hours after setting bail, submit a bail form (Sec. 72.038, Gov't Code) to OCA using the PSRS.

The following is a guide outlining when a judge is required to consider the public safety report generated by the PSRS and whether a judge needs to complete and submit a bail form using the PSRS:

Activity	Must I Consider a Public Safety Report?	Am I required to submit a bail form?
Performing a 15.17 hearing and setting bail after arrest on a warrant (no indictment, information, or complaint filed)	Yes	Yes
Performing a 15.17 hearing and setting bail after warrantless arrest	Yes	Yes
Determining bail after a 15.17 hearing performed by another magistrate because the judge is the only judge authorized to set bail (b/c of pending felony)	Yes	Yes
Setting a new bail after surety surrender on previous bail	No	Yes
Bond modification - type of bond or amount of bond	No	Yes
Bond revocation without new bond	No	No
Issuing a capias	No	No
Arrest warrant following indictment (new charges)	No	Yes (at time of arrest)
Arrest warrant following indictment (no new charges and no change to originally set bail)	No	No
Arrest warrant following indictment (with change to originally set bail)	No	Yes (at time of arrest)
Warrant for violation of parole/probation (community supervision)	No	Yes (if bail taken after arrest)
Issuing an arrest warrant based on probable cause affidavit	No	No

Are there training requirements imposed by SB 6?

Required Judicial Education - 8-Hour Course Regarding Duties of Magistrates:

Only judges who are in compliance with the judicial education requirements of SB 6 (Art. 17.024, Code of Criminal Procedure) may set bail for a defendant who has been charged with a Class B misdemeanor or higher category offense. Art. 17.024 requires the completion of an 8-hour judicial education course on the duties of a magistrate, including duties with respect to setting bail in criminal cases. After the initial 8-hour training, judges will need to take a 2-hour judicial education course on the duties of a magistrate in each subsequent state fiscal biennium in which the judge serves. (Please note that 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. The Texas Center for the Judiciary will provide training for district and statutory county court judges and the Texas Association of Counties will provide training for constitutional county judges.

Training Required to View/Access Criminal History Information:

In order to generate a public safety report, the Public Safety Report System will be used to access criminal history information from the National Law Enforcement Telecommunications System (NLETS) and the Texas Law Enforcement Telecommunications System (TLETS). This

criminal history information will be maintained by the PSRS until the purpose for the information is served. Training requirements regarding access to criminal history will depend on a user's activity in the PSRS.

Criminal Justice Practitioner Training:

All judges or court staff who access or view hard or electronic copies of criminal history reports are required to obtain and maintain a Criminal Justice Practitioner (CJP) certification. CJP certification can be obtained after a 2-hour self-paced online course provided by the Department of Public Safety (DPS). Recertification is required after two years.

Texas Law Enforcement Telecommunications System (TLETS) Mobile Access Training:

The public safety reports generated by the PSRS will contain full and summary criminal history information on defendants pulled from NLETS and TLETS. Users who prepare public safety reports for judges will need their own individual TLETS user ID so that they can query NLETS and TLETS to obtain a defendant's criminal history. These users must maintain TLETS Mobile Access Certification. This certification is granted after the completion of an eight-hour live training provided on specific days and times, hosted by DPS with virtual and in-person options. New users have six months to complete the training after initial access to the PSRS is granted. Recertification is required after two years.

For information on how to request access to CJP certification training or TLETS Mobile Access Training or to confirm whether a user's certification is still valid, please email DPS at TCIC.Training@DPS.Texas.gov.

Additional information regarding the PSRS is available at: <https://www.txcourts.gov/programs-services/public-safety-report-system/>.