

The 89th Texas Legislature

Senate Bill 9

Key Bail Reform Changes

Presented By:

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Agenda

- Public Safety Report System (PSRS) Enhancements
- Ordering Of and Access To the PSRS
- Cross-County Felony Offense Notification
- Personal Bond Restrictions
- Chapter 54 Magistrate Limitations
- Review and Modifying Bail
- Defendant's Appearance and Mandatory Confinement
- Failure to Appear
- Right to Appeal an Order Granting Bail
- Relevant Bills for Judicial Consideration
- FAQ and Resources

This overview does NOT summarize every section of SB 9



Public Safety Report System (PSRS) Enhancements



Public Safety Report System (PSRS) Enhancements

September 1, 2025

- Deadline to certify the Bail Form reduces from 72 hours to 48 hours

Article 72.023 (c)

- 17.151 bail modifications tracking (already live)

January 1, 2026

- Prosecutors will have access to bail forms

17.021 (c-1)

- Cross-county felony email notification

17.027 (c-d)

- Notification to elected District Attorney within the county a bail has been set for an offense involving violence

Article 72.038 (c-1)

April 1, 2026

- Significant updates to PSRS features:

- Current Protective Orders
- Outstanding Warrants
- Pending status on bail or participation in a pretrial intervention program and conditions of release
- Summary of CCH to include status (as applicable) of community supervision
- Failure to Appear by offense

17.021 (b)(5) (E-I)



Grants to Reimburse Costs Related to Integration

(effective 1/1/2026)

17.021 (h-1)

- SB9 requires the PSRS to be configured to allow a county or municipality to integrate their jail records management system and case management systems
- *OCA may provide grants to reimburse counties and municipalities for costs related to integrating jail records management system and case management system (expiration – August 31, 2027)

**OCA is developing a streamlined process for grant applications. Additional details and guidance will be provided once framework is finalized*



Ordering Of and Access To PSRS



Ordering Of and Access To the PSRS

Judges - *may* but are not obligated to prepare a PSR when setting or recommending bail for a defendant **NOT** in custody. (9/1/2025)

Article 17.022, Subarticle (g)

Prosecutors - will have limited access to the Public Safety Report System. Now, prosecutors will be able to view completed bail forms in the system. (1/1/2026)

Article 17.021, Subarticle (c-1)



Cross-County Felony Notifications

Effective 1/1/2026



New Felony Committed with Pending Felony Notification Procedures

Article 17.027(a)(2), Subarticles (a-1), (c), and (d)

- Each county is required to have a designee to receive electronic cross-county notification when a defendant is released on bail for a felony and commits a subsequent felony offense in another county
 - Local administrative judge determines designee
 - Designee information must be in the PSRS
 - Designee must promptly notify the court where the original felony is pending, the district clerk and the defendant's attorney
- Original County must act in determining if the defendant violated bail conditions



Notification Procedures

Clarification to 17.027

The magistrate must provide cross-county notifications no later than **the next business day** after the defendant's appearance before the magistrate.

Effective 1/1/2026



Personal Bond Restrictions



Restrictions for Personal Bond

Article 17.03

The bill removes authority to grant a personal bond if the defendant commits a:

- Felony offense
- Class A misdemeanor assault
- Deadly conduct offense, or certain disorderly conduct offenses while on parole for an offense involving violence



NO Release on Personal Bond if Defendant is Charged With:

Article 17.03

- Murder under Section 19.02(b)(4), Penal Code
- Violating certain court orders or conditions of bond in a:
 - family violence
 - child abuse or neglect
 - sexual assault or abuse
 - indecent assault
 - stalking, or trafficking case under Section 25.07, Penal Code
- Unlawful possession of a firearm under Section 46.04(a), Penal Code
- Terroristic Threat under Section 22.07, Penal Code if offense is punishable as a Class A or higher. *(The bill removes the requirement that the defendant must have committed the terroristic threat while released on bail or community supervision for an offense involving violence)*



Chapter 54 Magistrate Limitations



Chapter 54 Magistrates

Article 17.027(a)(2)

A magistrate appointed under Chapter 54 of the Government Code may not release on bail a defendant who:

- Commits a felony while on bail, parole, or community supervision for another felony;
- Is finally convicted of two or more felonies for which the defendant was imprisoned;
- Is subject to a federal immigration detainer;

OR

- Is charged with murder, including capital murder, aggravated kidnapping, or aggravated sexual assault.



Appointing Authority

Article 17.027, Subarticle (a-3).

A magistrate appointed under Chapter 54 of the Government Code must include on an order granting bail the name of each individual who appointed the magistrate and state that the magistrate was appointed by those individuals.



Review and Modifying Bail



District Court Review

If the original bail decision in a felony case wasn't made by a district judge, any district judge in the county may review it.

Article 17.029

Timeliness: A district judge must review the bail decision no later than the next business day after the request is filed.

Standards applied: The reviewing judge must follow Article 17.09, Code of Criminal Procedure, and the established rules for setting bail, considering all presented facts.

If bail is increased / conditions added: *Applies when the defendant is not in custody.* Judge must issue a summons first, giving the defendant a reasonable chance to appear. Only then may a warrant be issued if the defendant fails to comply.

Notification process: Local administrative district judges must establish procedures for the clerk to notify all district judges when a bail review request is filed.



Reviewing Bail after Defendant Released due to delay – “Speedy Trial” Violation

Article 17.09

A judge or magistrate can require a defendant to post a new bond, even if the defendant is already on bail when delays occur that violate Article 17.151 of the Code of Criminal Procedure.

Before ordering a new bond, the judge must make specific findings.

- Grounds for requiring a new bond include:
- The bond is defective, excessive, or insufficient in amount.
- The sureties are deemed unacceptable.
- Any other good and sufficient cause exists

In such cases, the judge may also order the defendants rearrest until a new bond is provided.

MANDATORY RELEASE UNDER 17.151

ONLY check this box to indicate that the bail decision is made under CCP 17.151, requiring the defendant's release either on personal bond or by bail reduction when the prosecution is not ready to proceed in the specified time frame.

Bail

Date	Cause/Case #	Offense	Qualifier	Bail Type	Bail Amount	Mandatory Release under 17.151	Comments
		Level/Degree					
02/07/2025	CR-9451847	30.02(c-1)(2) BURGLARY OF BLDNG ENTER/CONCEAL INTND THEFT CS Felony 3	None	Personal	\$ 500	<input checked="" type="checkbox"/>	<div>Comments</div>

Magistrates

As described by Article 2A.151(5) – (14)

May not reduce the bail amount or conditions of bond set by the judge of a district court, including amounts or conditions set by the judge of a district court in another county.

Article 17.092.



Defendant's Appearance & Mandatory Confinement



Appearance:

In cases of felony, a magistrate **must** ensure a defendant's appearance before the magistrate **and** consider a public safety report prepared for the defendant **before** releasing the defendant on bail, even if the magistrate is releasing the defendant on a bail or bond fixed by the court in which the felony is pending.

Article 17.21

Confinement:

If the court adjudges the defendant guilty of an offense listed in Article 42A.054(a), Code of Criminal Procedure

AND

the offense is punishable as second-degree higher felony after the defendant enters a plea of guilty or nolo contendere, **the court MUST confine the defendant until sentencing if the offense is one for which a jury cannot recommend community supervision.**

Article 27.20



Failure to Appear



A Court Must Make And Enter An Affirmative Finding In The Judgment Or Dismissal Order If The Defendant Fails To Appear After Being Released From Custody For The Offense.

- If the court determines that the defendant **willfully** failed to appear after being released from custody for a Class B misdemeanor or higher category of offense, the court **must make and enter an affirmative finding** of the fact in the judgment or dismissal order in the case.
- The affirmative finding **must** include the number of times the defendant failed to appear for the offense.

Article 42.01 and Article 42.0195



Right to Appeal an Order Granting Bail



The Prosecutor is entitled to appeal an order they believe is insufficient.

However, this right is limited to certain cases.

The case must involve:

- murder, a capital murder, certain aggravated assaults, an aggravated kidnapping, an aggravated robbery, an aggravated sexual assault, an indecency with a child, a trafficking of persons, or a continuous trafficking of persons offense

OR

- the defendant must have committed a felony while on bail for a previous felony



Role of the Court of Appeals

If a prosecutor appeals the bail:

- The court of appeals will conduct a *de novo* review of the bail decision and issue an order no later than the 20th day after the appeal is filed.
- The court of appeals can affirm or modify the bail amount or reject and remand the case for modification of the bail amount.

Custody Status:

- If the defendant is in custody, he or she will remain in custody during the pendency of the appeal.
- If the defendant is on bail, the defendant is entitled to remain on the existing bail during the pendency of the appeal.

The Texas Supreme Court must adopt rules to implement the state's right of appeal under the bill no later than October 1, 2025.

Article 44.01



Relevant Bills for Judicial Consideration



House Bill 75: *(Effective 9/1/2025)*

- Creates a standard for documenting probable cause findings. Magistrates must articulate in writing the rationale for the release of individuals for lack of probable cause within 24 hours of magistrate's determination.

Senate Bill 664: *(Effective 9/1/2025)*

- Standardizes qualifications for judicial officers, mandates training requirements for officials setting bail and reporting compliance violations.

Constitutional Amendment SJR5: *(Ballot Issue - November 4, 2025)*

- Allows judges and magistrates to deny bail to individuals accused of serious violent offenses such as murder, aggravated sexual assault and continuous human trafficking.





Questions?

Resources

❖ OCA Website:

- OCA Guidance for Senate Bill 9: www.txcourts.gov/bail
- OCA FAQ for Senate Bill 9: www.txcourts.gov/bail

For assistance, support and questions please email

Bail@txcourts.gov

