

CODE OF CRIMINAL PROCEDURE

TITLE 1. CODE OF CRIMINAL PROCEDURE

CHAPTER 17. BAIL

Art. 17.021. PUBLIC SAFETY REPORT SYSTEM. (a) The Office of Court Administration of the Texas Judicial System shall develop and maintain a public safety report system that is available for use for purposes of Article 17.15.

(b) The public safety report system must:

(1) state the requirements for setting bail under Article 17.15 and list each factor provided by Article 17.15(a);

(2) provide the defendant's name and date of birth or, if impracticable, other identifying information, the cause number of the case, if available, and the offense for which the defendant was arrested;

(3) provide information on the eligibility of the defendant for a personal bond;

(4) provide information regarding the applicability of any required or discretionary bond conditions;

(5) provide, in summary form, the criminal history of the defendant, including information regarding any:

(A) previous misdemeanor or felony convictions;

(B) pending charges;

(C) previous sentences imposing a term of confinement, deferred adjudication or community supervision;

(D) previous convictions or pending charges for:  
(i) offenses that are offenses involving violence as defined by Article 17.03; or

(ii) offenses involving violence directed against a peace officer; and

(E) previous failures of the defendant to appear in court following release on bail; and

(6) be designed to collect and maintain the information provided on a bail form submitted under Section 72.038, Government Code.

(7) be designed to electronically provide notice of the new felony charge to an out of county court when an individual with a pending felony in that court subsequently commits a new felony in a different county than the previous offense.

(c) The office shall provide access to the public safety report system to the appropriate officials in each county and each municipality at no cost. This subsection may not be construed to require the office to provide an official or magistrate with any equipment or support related to accessing or using the public safety report system.

(d) The office shall comply with all expunction orders as they relate to the content in the public safety reporting system.

(~~e~~) The public safety report system may not:

- (1) be the only item relied on by a judge or magistrate in making a bail decision;
- (2) include a score, rating, or assessment of a defendant's risk or make any recommendation regarding the appropriate bail for the defendant; or
- (3) include any information other than the information listed in Subsection (b).

(~~e~~) The office shall use the information maintained under Subsection (b) (6) to collect data from the preceding state fiscal year regarding the number of defendants for whom bail was set after arrest, including:

- (1) the number for each category of offense;
- (2) the number of personal bonds; and
- (3) the number of monetary bonds.

(~~f~~) Not later than December 1 of each year, the office shall submit a report containing the data described by Subsection (e) to the governor, lieutenant governor, speaker of the house of representatives, and presiding officers of the standing committees of each house of the legislature with primary jurisdiction over the judiciary.

(eh) The Department of Public Safety shall assist the office in implementing the public safety report system established under this article and shall provide criminal history record information to the office in the electronic form necessary for the office to implement this article.

Added by Acts 2021, 87th Leg., 2nd C.S., Ch. 11 (S.B. 6), Sec. 5, eff. December 2, 2021.

Art. 17.022. PUBLIC SAFETY REPORT. (a) A magistrate considering the release on bail of a defendant charged with an offense punishable as a Class B misdemeanor or any higher category of offense shall order that:

(1) the personal bond office established under Article 17.42 for the county in which the defendant is being detained, if a personal bond office has been established for that county, or other suitably trained person including judicial personnel or sheriff's department personnel, use the public safety report system developed under Article 17.021 to prepare a public safety report with respect to the defendant; and

(2) the public safety report prepared under Subdivision (1) be provided to the magistrate as soon as practicable but not later than 48 hours after the defendant's arrest.

(b) A magistrate may not, without the consent of the sheriff, order a sheriff or sheriff's department personnel to prepare a public safety report under this article.

(c) Notwithstanding Subsection (a), a magistrate may personally prepare a public safety report, before or while making a bail decision, using the public safety report system developed under Article 17.021.

(d) The magistrate shall:

(1) consider the public safety report before setting bail; and

(2) promptly but not later than 72 hours after the time bail is set, submit the bail form described by Section 72.038, Government Code, in accordance with that section.

(e) In the manner described by this article, a magistrate may, but is not required to, order, prepare, or consider a public safety report in setting bail for a defendant charged only with a misdemeanor punishable by fine only or a defendant who receives a citation under Article 14.06(c). If ordered, the report shall be prepared for the time and place for an appearance as indicated in the citation.

(f) A magistrate may set bail for a defendant charged only with an offense punishable as a misdemeanor without ordering, preparing, or considering a public safety report if the public safety report system is unavailable for longer than ~~121~~ hours due to a technical failure at the Office of Court Administration of the Texas Judicial System.

(g) A magistrate may set bail for a defendant charged with an offense punishable as a felony without ordering, preparing, or considering a public safety report if the public safety report system is unavailable for longer than 4 hours due to a technical failure at the Office of Court Administration of the Texas Judicial System.

Added by Acts 2021, 87th Leg., 2nd C.S., Ch. 11 (S.B. 6), Sec. 5, eff. January 1, 2022.

Art. 17.027. RELEASE ON BAIL OF DEFENDANT CHARGED WITH FELONY OFFENSE COMMITTED WHILE ON BAIL. (a) Notwithstanding any other law:

(1) if a defendant is charged with committing an offense punishable as a felony while released on bail in a pending case for another offense punishable as a felony and the subsequent offense was committed in the same county as the previous offense, the defendant may be released on bail only by:

- (A) the court before whom the case for the previous offense is pending; or
- (B) another court designated in writing by the court described by Paragraph (A); and

(2) if a defendant is charged with committing an offense punishable as a felony while released on bail for another pending offense punishable as a felony and the subsequent offense was committed in a different county than the previous offense, electronic notice of the charge must be promptly given to the court electronically through the Public Safety Reporting System as specified by Subdivision (1) for purposes of reevaluating the bail decision, determining whether any bail conditions were violated, or taking any other applicable action.

(b) This article may not be construed to extend any deadline provided by Article 15.17.

Added by Acts 2021, 87th Leg., 2nd C.S., Ch. 11 (S.B. 6), Sec. 5, eff. January 1, 2022.

Art. 17.50. ENTRY INTO TEXAS CRIME INFORMATION CENTER OF CERTAIN INFORMATION IN CASES INVOLVING VIOLENT OFFENSES; DUTIES OF MAGISTRATES, SHERIFFS, AND DEPARTMENT OF PUBLIC SAFETY.

(a) In this article:

(1) "Business day" means a day other than a Saturday, Sunday, or state or national holiday.

(2) "Database" means the statewide law enforcement information system maintained by the Department of Public Safety, also known as the Texas Crime Information Center.

(3) "Violent offense" means:

(A) an offense under the following sections of the Penal Code:

- (i) Section 19.02 (murder);
- (ii) Section 19.03 (capital murder);
- (iii) Section 20.03 (kidnapping);
- (iv) Section 20.04 (aggravated kidnapping);
- (v) Section 21.11 (indecenty with a child);
- (vi) Section 22.011 (sexual assault);
- (vii) Section 22.02 (aggravated assault);
- (viii) Section 22.021 (aggravated sexual

assault);

(ix) Section 22.04 (injury to a child, elderly individual, or disabled individual);

(x) Section 29.03 (aggravated robbery);

(xi) Section 21.02 (continuous sexual abuse of young child or children); or

(xii) Section 20A.03 (continuous trafficking of persons); or

(B) any offense involving family violence, as defined by Section 71.004, Family Code.

(b) As soon as practicable but not later than the next business day after the date a magistrate issues an order imposing a condition of bond on a defendant under this chapter

for a violent offense, the magistrate shall ~~notifysend a copy of~~  
the order to:

\_\_\_\_\_ (1) the appropriate attorney representing the state;  
and

\_\_\_\_\_ (2) the arresting county's sheriff ~~of the condition~~  
and provide to the sheriff the following information:

(a1) the information listed in Section  
411.042(b)(6), Government Code, as that information relates to  
an order described by this subsection;

\_\_\_\_\_ (b2) the name and address of any named  
person the condition of bond is intended to protect, and if  
different and applicable, the name and address of the victim of  
the alleged offense;

\_\_\_\_\_ (c3) the date the order releasing the  
defendant on bond was issued; and

\_\_\_\_\_ (d4) the court that issued the order  
releasing the defendant on bond.

(bc) A clerk of the court may delay sending a copy of the  
order under Subsection (ab) only if the clerk lacks information  
necessary to ensure service and enforcement.

(ed) If an order described by Subsection (ab) prohibits a  
defendant from going to or near a child care facility or school,  
the clerk of the court shall send a copy of the order to the  
child care facility or school.

(de) The copy of the order and any related information may  
be sent electronically or in another manner that can be accessed  
by the recipient.

(ef) As soon as practicable but not later than the next  
business day after the date a magistrate, in a case described by  
Subsection (b), revokes a bond that contains a condition,  
modifies the terms of or removes a condition of bond, or  
disposes of the underlying criminal charges, the magistrate  
shall notify the sheriff and provide the sheriff with  
information that is sufficient to enable the sheriff to modify  
or remove the appropriate record in the database.

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(dg) As soon as practicable but not later than the next business day after the date the sheriff, or the sheriff's designee, receives the information +

~~(1)~~ described by Subsection (b), the sheriff shall:

(1A) enter information relating to the condition of release into the appropriate database of the statewide law enforcement information system maintained by the Department of Public Safety or modify or remove information, as appropriate~~enter the information into the database;~~ and

(2B) make a good faith effort to notify by telephone any named person the condition of bond is intended to protect, and if different and applicable, the victim of the alleged offense that the defendant to whom the order is directed has been released on bond; and

~~(23) described by Subsection (c), the sheriff shall~~ in the case of a modification or removal of a bond condition, modify or remove the appropriate record in the database.

(he) The clerk of a court that issues an order described by Subsection (b) shall send a copy of the order to any named person the condition of bond is intended to protect, and if different and applicable, the victim of the alleged offense at the person's last known address not later than the next business day after the date the court issues the order.

(fi) The Department of Public Safety shall:

(1) modify the database to enable the database to accept and maintain sufficient detailed information on active conditions of bond regarding the requirements and status of all current conditions of bond imposed by a magistrate for a violent offense, including information described by Subsections (b) and (c); and

(2) develop and adopt a form for use by magistrates and sheriffs to facilitate the data collection and data entry required by this article.

(3) provide ample data entry fields to enable all ordered bond conditions to be entered, including when there are multiple sets of bond conditions due to subsequent arrests on

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other charges. Each set of bond conditions should have its own expiration date, if expiration date remains a required field by the Department of Public Safety.

(ej) This article does not create liability for any errors or omissions of a sheriff caused by inaccurate information provided under this article to the sheriff by a magistrate.

Added by Acts 2021, 87th Leg., R.S., Ch. 224 (H.B. 766), Sec. 1, eff. January 1, 2022.

Art. 17.51. NOTICE OF CONDITIONS TO DEFENDANT. ~~(a) As soon as practicable but not later than the next business day after the date a magistrate issues an order imposing a condition of release on bond for a defendant or modifying or removing a condition previously imposed, the clerk of the court shall send a copy of the order to:~~

- ~~(1) the appropriate attorney representing the state; and~~
- ~~(2) the sheriff of the county where the defendant resides.~~

~~(b) A clerk of the court may delay sending a copy of the order under Subsection (a) only if the clerk lacks information necessary to ensure service and enforcement.~~

~~(c) If an order described by Subsection (a) prohibits a defendant from going to or near a child care facility or school, the clerk of the court shall send a copy of the order to the child care facility or school.~~

~~(d) The copy of the order and any related information may be sent electronically or in another manner that can be accessed by the recipient.~~

(ea) For a defendant charged with an offense punishable as a Class B misdemeanor or any higher category of offense, tThe magistrate or the magistrate's designee shall provide written notice to the defendant of:

- (1) the conditions of release on bond; and
- (2) the penalties for violating a condition of

release.

(eb) The magistrate shall make a separate record of the notice provided to the defendant under Subsection (e).

(ec) The Office of Court Administration of the Texas Judicial System shall promulgate a form for use by a magistrate or a magistrate's designee in providing notice to the defendant under Subsection (e). The form must include the relevant statutory language from the provisions of this chapter under which a condition of release on bond may be imposed on a defendant.

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Added by Acts 2021, 87th Leg., 2nd C.S., Ch. 11 (S.B. 6), Sec. 13, eff. January 1, 2022.

~~Art. 17.52. REPORTING OF CONDITIONS. A chief of police or sheriff who receives a copy of an order described by Article 17.51(a), or the chief's or sheriff's designee, shall, as soon as practicable but not later than the 10th day after the date the copy is received, enter information relating to the condition of release into the appropriate database of the statewide law enforcement information system maintained by the Department of Public Safety or modify or remove information, as appropriate.~~

~~Added by Acts 2021, 87th Leg., 2nd C.S., Ch. 11 (S.B. 6), Sec. 13, eff. January 1, 2022.~~

Art. 66.102. INFORMATION CONTAINED IN COMPUTERIZED  
CRIMINAL HISTORY SYSTEM. (a) In this article:

(1) "Appeal" means the review of a decision of a  
lower court by a superior court other than by collateral attack.

(2) "Rejected case" means:

(A) a charge that, after the arrest of the  
offender, the prosecutor declines to include in an information  
or present to a grand jury; or

(B) an information or indictment that, after the  
arrest of the offender, the prosecutor refuses to prosecute.

(b) Information in the computerized criminal history  
system relating to an offender must include the offender's:

(1) name, including other names by which the offender  
is known;

(2) date of birth;

(3) physical description, including sex, weight,  
height, race, ethnicity, eye color, hair color, scars, marks,  
and tattoos; and

(4) state identification number.

(c) Information in the computerized criminal history  
system relating to an arrest must include:

(1) the offender's name;

(2) the offender's state identification number;

(3) the arresting law enforcement agency;

(4) the arrest charge, by offense code and incident  
number;

(5) whether the arrest charge is a misdemeanor or  
felony;

(6) the date of the arrest;

(7) for an offender released on bail, whether a  
warrant was issued for any subsequent failure of the offender to  
appear in court;

(8) the exact disposition of the case by a law  
enforcement agency following the arrest; and

(9) the date of disposition of the case by the law  
enforcement agency.

Sec. 72.038. BAIL FORM. (a) The office shall promulgate a form to be completed by a magistrate, judge, sheriff, peace officer, or jailer who sets bail under Chapter [17](#), Code of Criminal Procedure, for a defendant charged with an offense punishable as a Class B misdemeanor or any higher category of offense. The office shall incorporate the completed forms into the public safety report system developed under Article [17.021](#), Code of Criminal Procedure.

(b) The form must:

(1) state the cause number of the case, if available, the defendant's name and date of birth, and the offense for which the defendant was arrested;

(2) state the name and the office or position of the person setting bail;

(3) require the person setting bail to:

(A) identify the bail type, the amount of the bail, and whether there are any conditions of bail;

(B) certify that the person considered each factor provided by Article [17.15](#)(a), Code of Criminal Procedure; and

(C) certify that the person considered the information provided by the public safety report system; and

(4) be electronically signed by the person setting the bail.

(c) The person setting bail, an employee of the court that set the defendant's bail, or an employee of the county in which the defendant's bail was set must, on completion of the form required under this section, promptly but not later than 72 hours after the time the defendant's bail is set provide the form electronically to the office through the public safety report system.

(d) The office shall publish the information from each form submitted under this section in a database that is publicly accessible on the office's Internet website. Any identifying information or sensitive data, as defined by Rule 21c, Texas Rules of Civil Procedure, regarding the victim of an offense and

any person's address or contact information shall be redacted and may not be published under this subsection.

(e) Any subsequent modifications to bail type, amount of the bail or any conditions of bail are not to be updated in the public safety reporting system. Corrections to errors made in the initial entries are required to be made, when identified.

Added by Acts 2021, 87th Leg., 2nd C.S., Ch. 11 (S.B. [6](#)), Sec. 17, eff. December 2, 2021.