



TAPS 90th Legislative Session Priorities

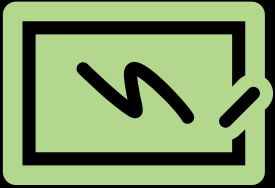
MODERNIZING PRETRIAL PRACTICES IN TEXAS



POLICY FRAMEWORK

Pretrial Context: SB 6 (87th Leg) and SB 9 (89th Leg)

- Violent Charges excluded from Personal Bonds
- High-Risk individuals legally barred from release



Personal Bond should be the *default* for eligible non-violent charges

- Aligns state practice with the Federal model

PRIORITY 1: CONTINUED MODERNIZATION

Statutory Definitions and Neutrality

- Amend Art 17.42 CCP
- Include Pretrial to the State law
- Similar neutrality to Federal Pretrial
- Provide objective information to the Magistrate
- Not Probation/Supervision – monitoring and reporting



PRIORITY 2: STATE SUPPORT

Reduce Unfunded Mandates to the Counties

- \$25M state grant allocation proposed
- Support local neutral pretrial entities and work
- Offsets costs of legislative mandated work
- Based on personal bond utilization and workload



PRIORITY 3: CITE AND RELEASE UPDATE

Article 14.06 Offenses = 10-15% of arrests statewide

- Reclassify eligible charges to Class C
- Eliminates unnecessary custodial arrests
- Reduces jail overcrowding and Magistrate case processing





PUBLIC
SAFETY
REPORT
SYSTEM

Texas Bail Proceedings and Public Safety Report System

[Home](#)[Bail Forms](#)[Offenses](#)[Bail Bonds](#)[Summary](#)[Bail Form..](#)[CARD](#)

598,506

Bail Forms

793,674

Offenses

Bail Form Completion Date

1/1/2025

12/31/2025

Bail Form Type

☐ Total

☒ Original

☐ Modified

Offense Level

☒ Select all

☐ Capital Felony

☐ Felony 1

☐ Felony 2

☐ Felony 3

☐ State Jail Felony

☐ Misdemeanor A

☐ Misdemeanor B

☐ Misdemeanor C

HELP

County

Search

☒ Select all

☐ Anderson

☐ Andrews

☐ Angelina

☐ Aransas

☐ Archer

☐ Armstrong

Reported offenses

Year ● 2025

481.115(b) POSS CS PG 1/1-B <1G

46,216

49.04 DRIVING WHILE INTOXICATED

45,843

22.01(a)(1) ASSAULT CAUSES BODILY INJURY FAMILY ME...

44,588

30.05(d)(1) CRIMINAL TRESPASS

32,747

481.121(b)(1) POSS MARIJ < 2OZ

30,141

481.115(c) POSS CS PG 1/1-B >=1G<4G

23,452

31.03(e)(2)(A) THEFT PROP >=\$100<\$750

21,346

22.02(a)(2) AGG ASSLT W/DEADLY WEAPON

20,130

38.03(a) RESIST ARREST SEARCH OR TRANSP

18,306

46.02(b) UNL CARRYING WEAPON

17,951

22.01(a)(1) ASSAULT CAUSES BODILY INJ

15,600

Offenses by Level and Year

Year ● 2025

Capital Felony 317

Felony 1 31,575

Felony 2 73,524

Felony 3 139,128

State Jail Felony 138,105

Misdemeanor A 207,402

Misdemeanor B 202,088

Misdemeanor C 1,520

521.457(f)(f-1) DRIVING W/LIC INV W/PREV CONV/SUSP/...

13,893

WHO QUALIFIES FOR FIELD CITATIONS IN TEXAS?

- **The Baseline Qualifier**: Applies to individuals charged with specific **Class A and Class B misdemeanors**, provided they reside in the county where the offense occurred.
- **Eligible Property & Theft Crimes**:
 - **Criminal Mischief**: 28.03 Property damage ranging from \$100 up to \$750.
 - **Theft of Property / Services**: 31.03/31.04 Values totaling between \$100 and \$750.
 - **Graffiti**: 28.08 Damage causing economic losses under \$2,500.
- **Eligible Contraband Offenses**:
 - **Marijuana Possession**: 481.121 Amounts under 4 ounces.
 - **Synthetic Cannabinoids**: 481.1161 Possession of Penalty Group 2-A substances under 4 ounces.
- **Regulatory Violations**:
 - **Driving While License Invalid**: 521.457 Suspended, Revoked, or Canceled License

DECONSTRUCTING THE OPERATIONAL AND SYSTEMIC BARRIERS

- **Perceived Public Relations & Political Risk:** Elected administrators face scrutiny regarding public safety metrics.
- **Biometric Verification and Identity Hurdles:** Law enforcement agencies heavily rely on jail booking to access immediate fingerprint verification (AFIS).
- **Back-End Resource Allocation:** Agencies are hesitant to shift tracking costs from immediate booking to downstream enforcement.
- **Statutory Protections vs. Perceived Liability:** Formally, the **Texas Tort Claims Act** grants broad sovereign immunity for discretionary law enforcement policies.

SYSTEMIC ALIGNMENT, FISCAL EFFICIENCY, AND STANDARDIZING BAIL

- **Maximizing Pretrial Resources**: Transitioning eligible offenses from custodial arrest to field citations diverts minor cases out of the jail infrastructure, alleviating critical overcrowding and reducing booking overhead.
- **Activating the Statutory Presumption**: Under [Texas Code of Criminal Procedure Article 15.17\(g\)](#), complying with a citation establishes a clear legal path where the magistrate **shall release the person on personal bond** at the initial appearance, unless specific good cause is noted.
- **Standardizing the Bail Framework**: Integrating the logic of [Article 45A.107](#) into Class A and B citations ensures consistent application of bail. It creates a uniform standard that prevents overlapping financial bond requirements for compliant defendants.
- **Fostering Public Trust and Equity**: Moving away from the "book and release" cycle keeps active law enforcement officers on the street and protects statutory defined low-risk individuals from the financial instability caused by unnecessary booking and arrest.

PRIORITY 4: ELECTRONIC MONITORING STUDY



EM use should be targeted and limited

- Commission statewide study on effectiveness
- Compare appearance and public safety outcomes
- Prevent costly over-conditioning

PRIORITY 5: FLEXIBLE ALCOHOL TESTING

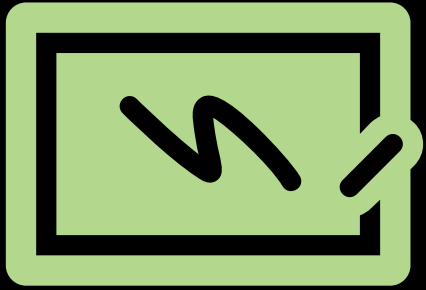


Amend Article 17.441 CCP

- Permit handheld devices & alternate testing
- Solves compliance issues for non-drivers
- Direct, targeted alcohol monitoring



QUESTIONS?



Texas Association of Pretrial Services (TAPS)

www.texaspretrial.org

pmj007@shsu.edu