

TEXAS ASSOCIATION OF PRETRIAL SERVICES (TAPS)

90th TEXAS LEGISLATURE | POLICY PRIORITIES

Modernizing Pretrial Practices in Texas

TAPS is presenting five priorities focused on **clear statutory roles, state-local cost sharing, efficient case processing, evidence-informed monitoring, and practical compliance tools**. The proposals below are TAPS policy positions; current-law references are noted for context.

1 DEFINE A NEUTRAL PRETRIAL ROLE

Amend Code of Criminal Procedure Art. 17.42 to more clearly define pretrial services as a neutral court-support function: gathering and reporting objective information to magistrates and monitoring/reporting compliance with court-ordered conditions. TAPS seeks clearer separation from post-conviction probation/community supervision.

2 STATE SUPPORT FOR LOCAL PRETRIAL WORK

Create a proposed \$25 million state grant program for local neutral pretrial entities, using personal-bond utilization and workload as allocation factors. TAPS identifies this funding as a way to offset local costs associated with legislatively required and court-ordered pretrial functions.

3 UPDATE CITE-AND-RELEASE

Update Art. 14.06 to expand efficient handling of eligible low-level offenses, including TAPS' proposal to reclassify specified eligible charges to Class C. Current law already permits citations for certain Class A/B misdemeanors when statutory criteria are met. The stated objective is to reduce unnecessary custodial booking, jail intake, and magistrate processing for covered cases.

4 COMMISSION AN ELECTRONIC-MONITORING STUDY

Commission a statewide study of electronic monitoring (EM), including court-appearance outcomes, public-safety outcomes, costs, and utilization. TAPS seeks evidence that can help identify when EM is appropriate and when less restrictive alternatives may achieve comparable results.

5 MODERNIZE ALCOHOL-TESTING OPTIONS

Amend Art. 17.441 to allow approved handheld devices or other alternative alcohol-testing methods in appropriate cases, including situations in which a defendant does not drive or does not have practical access to a vehicle. Current law is centered on motor-vehicle ignition interlock requirements for specified intoxication offenses.

FUNDING CONTEXT

The 89th Legislature provided TDCJ **\$25 million in additional funding for pretrial diversion programs** administered through the Community Justice Assistance Division/CSCD framework. That funding is not the same program category as TAPS' proposed pretrial-services grant, but it is a recent example of state funding for local pretrial-related functions.

POLICY FRAMEWORK TAPS supports personal bond as the default for eligible nonviolent charges, subject to current statutory exclusions and judicial findings. Texas law, including SB 6 (87th Legislature) and SB 9 (89th Legislature), restricts personal-bond eligibility for specified offenses and circumstances.

PRETRIAL SERVICES VS. PROBATION

TAPS describes pretrial services as a pre-adjudication, neutral court-support function centered on information, monitoring, and reporting. Probation/community supervision follows a conviction or placement on community supervision and operates under a different statutory framework.

PRETRIAL SERVICES FUNDING VS. PRETRIAL DIVERSION

The proposed TAPS grant would support neutral pretrial entities. The existing \$25M CSCD appropriation supports pretrial diversion programs. The categories are related to pretrial practice but should not be presented as identical programs.

Sources: TAPS 90th Legislative Session Priorities; Texas Code of Criminal Procedure Arts. 14.06, 17.42, 17.43-17.44 & 17.441; TDCJ 89th Legislature funding summary.

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