

Senate Bill 9 Frequently Asked Questions

Public Safety Report System

Senate Bill 9 (SB 9), recently passed by the 89th Texas Legislature, addresses the release on bail of habitual and violent offenders. SB 9 also creates changes to the Public Safety Report System (PSRS), new processes related to bail reviews and appeals. This document addresses frequently asked questions.

Question #1	Where can I find an overview of Senate Bill 9?
Answer	For an overview, click here .

Question #2	Per Article 17.027, how much time do the district judges have to set bond?
Answer	The court/designated court will have the same statutory time to set bond which is 48 hours.

Question #3	Per Article 17.027, does the judge authorized under this article need to be an elected district judge or can it be a retired judge or visiting judge?
Answer	A retired district judge or visiting judge assigned to the court can also set bond.

Question #4	Per Article 17.027, does the district judge need to set bond hearing within 48 hours or the next business day?
Answer	The court receiving a case transferred pursuant to Art. 17.027(a)(1) must set bail within 48 hours of the defendant's arrest for the offense. Language regarding "the next business day" applies to the magistrate's duty to notify the court in another county when one of the defendants released on bail for a felony offense in the other county commits a new felony in the county of the magistrate providing the notice.

Question #5	Per Article 17.027 (a-3), do we list all judges under the council of judges or only the LAJ?
Answer	This is dependent on the authorizing statute for the county and who will sign the appointment order.

Question #6	Under the new provisions of CCP Art. 17.027(a-2), is it required that the district judge set the bond at a hearing with all parties (State, defense, defendant) present, or may the judge set bond remotely via Zoom with only the defendant and clerk staff present?
Answer	In reference to 17.027, if bail is being set by a district judge, all parties are not required.

Question #7	Will a transfer order be created when a case needs to be referred to a district judge?
Answer	Due to differing procedures and policies for counties, each jurisdiction will need to create their own referral order.

Question #8	Can a Chapter 54 magistrate issue a no bond in cases where they are not allowed to make a bail decision? Is that considered a bail consideration under Article 15.17?
Answer	For cases where a magistrate is not allowed to set bail, setting bail includes any decisions, including a denial of bail.

Question #9	Is there some mechanism whereby the District Judges could designate the Chapter 54 Magistrates not to release someone on a personal bond, but to just set an amount of bail (or would that count as potentially “releasing someone” since once bail is set, they could post it and be released from jail)?
Answer	Due to setting an amount of bail may allow the person to be released, the magistrate may not set a bail amount.

Question #10	Can Chapter 54 Magistrates make a recommendation to the District Judge and forward that recommendation and the PSR to the District Judge to have the District Judge set the bail amount and determine bond eligibility?
Answer	The magistrate may but is not required to provide a recommendation to the district judge.

Question #11	Per Article 42.0195, will the dismissal forms be updated?
Answer	Yes, OCA’s model felony judgment forms will be updated. Counties will need to update any other judgment and dismissal forms used by courts.

Question #12	Per Article 42.0195, specific to, “affirmative finding must include the number of times the defendant failed to appear for the offense”, who will provide this information to the court?
Answer	The court will be aware of failures to appear from the court’s own knowledge, the clerk, and/or prosecutor. The judge must first make an affirmative finding of fact that the defendant willfully failed to appear before entering the finding in the judgment.

Question #13	Per Article 17.029, could a district judge review a bail decision remotely/virtually?
Answer	Article 17.029 does not require a hearing for the process of reviewing a bail decision. If the court increased the bond amount or adds conditions of bond, the defendant must be summoned to appear before the court.

Question #14	Per Article 17.029, can the judge modify bond on PSR and bail form or does there need to be a hearing set?
Answer	The district judge can modify the bond by considering a PSR and would issue a modified bail form if the amount of bail was modified, and if they increase the amount or add conditions, they must summon the defendant to appear before them.

Question #15	Additional Questions?
Answer	Contact bail@txcourts.gov .