

# Bail 2022: Implementation of the PSRS

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TJCTC

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## Resources

- TJCTC Website
  - Magistration Deskbook
  - Magistration Bench Cards
  - Self-Paced Modules
  - Bail page ([www.tjctc.org/bail](http://www.tjctc.org/bail))
- [www.txcourts.gov/programs-services/public-safety-report-system/](http://www.txcourts.gov/programs-services/public-safety-report-system/)
- [bail@txcourts.gov](mailto:bail@txcourts.gov) (OCA email for system/setup questions)
- Automon Help Desk
  - 480-368-8555 option 2
  - [support@automon.com](mailto:support@automon.com)

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## What We Will Cover

- What is the Damon Allen Act?
- Who is Eligible to Release a Defendant on Bail?
- Training and Education
- The Public Safety Report System (PSRS)
- Public Safety Reports (PSR)
- Making the Bail Decision and the Bail Form
- Bond Conditions & Required Notices
- Reporting Requirements
- FAQ

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## Who Was Damon Allen?



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## What is the Damon Allen Act?

- This bill significantly changes the process for setting bail by giving magistrates better information about a defendant, including their criminal history and any required bond conditions, prohibiting release of a defendant on a personal bond in certain situations, and increasing educational requirements for magistrates.

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## Who is Eligible to Release a Defendant on Bail?

- The DAA restricts who can release a person on bail on any jailable offense. The biggest restriction is a requirement that the magistrate receives training on magistrate duties.
- A defendant charged with any felony or a misdemeanor other than a fine-only offense may only be released on bail by a magistrate who is in compliance with the training requirements in Arts. 17.024 and 17.0501.

-- Art. 17.023, CCP

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## Judicial Ed Requirements - JP

- All Justices of the Peace, ***regardless of whether they make bail decisions***, must receive education on magistrate's duties with respect to setting bail in criminal cases, including:
  - An 8-hour initial training course that includes information on required training related to criminal history record information; and
  - A 2-hour continuing education course every state fiscal biennium.

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## Judicial Ed Requirements - JP

- The initial 8 hours of education must be received within 90 days of taking office.
- Any JP in office on April 1, 2022 has until December 1, 2022 to receive the 8 hours of education.
- The "state fiscal biennium" is a two-year period, which begins on Sept. 1 in odd years (for example, 9/1/21-8/31/23)

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## Judicial Ed Requirements - Other

- All other magistrates, in order to be legally able to set bail, must receive education on magistrate's duties with respect to setting bail in criminal cases, including:
  - An 8-hour initial training course that includes information on required training related to criminal history record information; and
  - A 2-hour continuing education course every state fiscal biennium.

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## Criminal History Info Training

- In addition to the judicial education requirement, there is training necessary to look up or review criminal history record information.
- Any person who is searching a criminal history database to pull up criminal history information must receive the 8-hour TLETS mobile certification course.
- The training is provided by DPS, both virtually and in-person, on specific days and times. New users have a 6-month grace period to complete the 8-hour training from the date they received TLETS access. Recertification is required after two years.

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## Criminal History Info Training

- If a person is not searching (or “querying”) criminal history databases, but is instead simply reviewing criminal history information, then they will only have to obtain and maintain a Criminal Justice Practitioner (CJP) certification.
- The CJP certification can be obtained after a one-two hour self-paced online course. Recertification is required after two years.
- A six-month grace period to receive this training is also provided, but TJCTC recommends receiving it as quickly as possible.

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## Criminal History Info Training

- A User Request Form must be completed by the jurisdiction's TAC or Administrator to request access to either certification training. This form is password protected as personal information is needed to create an account. For access to the User Request Form, questions about the TLETS access trainings and certifications, or to verify if certifications are still valid, contact DPS via email at:  
TCIC.Training@DPS.Texas.gov

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## **CJIS Security Awareness**

- In addition to one of those two certifications, anyone accessing the system will also need to take the CJIS Security Awareness Training. Training shall be taken within six months and biennially thereafter. The training through CJIS Online is web-based and self-paced. The training is designed to equip those who are authorized to access CJI with basic tools to protect the data.
- For information on how to access the CJIS Security Awareness Training please have the Administrator or TAC email DPS at [security.committee@dps.texas.gov](mailto:security.committee@dps.texas.gov) or [cjis.audit@dps.texas.gov](mailto:cjis.audit@dps.texas.gov).

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## **The Public Safety Report System (PSRS)**

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## PSRS - Creation

- The DAA mandated OCA to create a system to fulfill the requirements of the DAA. OCA contracted with a vendor, Automon, to create the system, which went live on April 1, 2022 ([www.bail.txcourts.gov](http://www.bail.txcourts.gov)).
- The two main goals of the system are:
  - Provide a summary of criminal history information to magistrates for the purpose of more effectively setting bail and bond conditions. These summaries are Public Safety Reports (PSR).
  - Provide a mechanism of reporting bail decisions to OCA (bail forms).
- The system is **not** designed to be a "one stop shop" for all magistrate duties or to keep records of all magistration information.

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Public Safety Report System Use Notification

You are logging into the Public Safety Report System (PSRS). By clicking below you agree and confirm that:

- you will abide by the [Department of Public Safety's \(DPS\) Rules of Behavior](#);
- you have received all training required to access and use the PSRS, including the Department of Information Resource's Annual Cybersecurity Awareness and Training required by Tex. Gov't Code Sec. 2054.5191;
- you will follow all policies and procedures including those contained within the Texas Law Enforcement Telecommunications System (TLETS) manual, National Crime Information Center (NCIC) Operating Manual, and the Criminal Justice Information Services (CJIS) Security Policy;
- you will abide by the [terms of the PSRS User Agreement](#); and
- all transactions conducted within the PSRS are logged and monitored for compliance and you consent to this.

By clicking below you also acknowledge you are aware that:

- the PSRS is a restricted information system;
- you are authorized access to the PSRS for the exclusive performance of your official duties related to the setting of bail for and magistration of criminal defendants and submitting bail forms as required by Section 72.038 of the Texas Government Code and users are prohibited from using any information available through the PSRS for personal benefit; and
- misuse of the PSRS or any source databases that PSRS uses is a violation of the Office of Court Administration's and DPS's policies and is subject to criminal prosecution or revocation of access to the PSRS.

[CANCEL](#)   [ACCEPT](#)

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## PSRS - Registration

- Registration to use the PSRS, especially to use it effectively, is a multi-step process.
- Each county has authority to set it up in a way that makes the most sense for their situation
  - Adds flexibility, but also uncertainty

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## PSRS - ORI

- The first step is to ensure that your court has an ORI (Originating Agency Number). The ORI number is a federal designation that provides agencies access to the National Law Enforcement Telecommunications System (NLETS), and, in Texas, the Texas Law Enforcement Telecommunications System (TLETS).
- An ORI is provided by DPS to entities who will be pulling or reviewing criminal history information.
- Detailed instructions to obtain an ORI are available on the TJCTC bail page under “How Do I Sign Up to Use the PSRS?”

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## PSRS - TAC/Administrator

- Note that each ORI must have either a Terminal Access Coordinator (TAC) or an Administrator
- If the ORI has a “terminal” (a dedicated connection solely used for pulling criminal history information), they need a TAC, otherwise an Administrator.
- The TAC/Admin’s role is to ensure that all users under an ORI are complying with required training and criminal history security guidelines

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## PSRS - Non-Terminal Agency Agreement

- All courts accessing criminal history information in TLETS through the PSRS that is not done through a dedicated terminal will need to complete a Non-Terminal Agency Agreement with OCA. The agreement is by ORI number and not by individual users. The agreement must be signed by the TAC or Administrator.

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## PSRS - LAU

- The next step is that each entity, such as a jail, sheriff's office, or court, that will use the PSRS must have a Local Administrative User (LAU). It is recommended, but not required, that the individual identified to be the PSRS Local Administrative User also be the current TAC or Administrator required by DPS
- The duties of the LAU are to add all of the people who need access to the system as "end users", and to assign end users the proper roles and permissions.

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## PSRS - LAU

- The LAU may be different from court to court. Some courts will have the judge be the LAU, whereas others will have the court coordinator or other court personnel fill that role. Some counties may have courts share a LAU, if desired.
- To register as an LAU, see Step 2 under the FAQ on how to sign up for the PSRS on the TJCTC Bail Page for the form that must be submitted.

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## PSRS - Two-Factor Authentication

- To log into the system after being added as an LAU or end user, a user will need to use either Google Authenticator or Microsoft Authenticator to set up a two-factor authentication for identity verification.
- Instructions, including instructions to use email instead of phone for users who need to access the system in a jail area where phones are prohibited, are on the TJCTC Bail Page under Step 3 of the FAQ “How Do I Sign Up to Use the PSRS?”

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## Public Safety Reports (PSR)

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## Public Safety Report - Preparation

- The first step is that the criminal history databases must be searched (“queried”) to find the defendant’s criminal history information.
- How – if person has been booked, should have SID# that ties to only that defendant. If no SID, name, DOB, etc.
- Who – up to local jurisdictions. Most frequently is jail/sheriff or pretrial services. Whoever does this task must get the full 8-hour TLETS mobile certification.

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## Who Prepares the Report?


- A magistrate may personally prepare the report before or while making a bail decision using the Public Safety Report System.
- Otherwise, the magistrate must order a personal bond office or suitably trained personnel (including judicial personnel or sheriff’s office personnel) to prepare the report and provide it to the magistrate no more than 48 hours after the defendant’s arrest.
  - The magistrate may not order the sheriff’s office to prepare the report without their consent.
    - Art. 17.022, CCP

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AIMS Home Search... ? Profile

Texas > District > 100th District Court > Carson

**NEW** MAGISTRATION COMPLETE

[ADD ARREST](#) 

Defendant	Date of Birth	Arrest Date/Time	Cause/Case #	Time Since Arrest
<a href="#">Fellows, Gabby</a> 2948387	10/03/1992	11/30/2021 03:56 PM	None	68 hours and 03
<a href="#">Thomas, Lawrence</a>	06/06/1986	09/27/2018 3:14 AM	CC-426598332-3	33 hours and 24

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AIMS Home Search... ? Profile

← Home

**Fellows, Gabby**  
Date of Birth: 10/03/1992

**Arrest 11/30/2021 12:30 PM**

[Arrest Details](#)

Magistrations

Cause/Case #	Arrest Date	Arrest Time	County of Arrest *
CC-20211130-1	11/30/2021	12:30 PM	Carson

**Offenses**

[ADD OFFENSE](#)

Date	Count(s)	Offense	Level/Degree
11/30/2021	1	104495(B) HS I TOBACO PROD:25FT:PLAYGROUND	Misdemeanor A
11/30/2021	2	MAN DEL CS PG 1-B >=1G<4G DFZ HE IAT 481.1123	Felony 1

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## PSR - Generation

- Once the defendant's name is entered, and the system is "queried", the PSRS will pull the criminal history into the system, and create a "public safety report (PSR)".
- This must be done any time that a defendant has been arrested for any offense other than a fine-only misdemeanor and a bail decision needs to be made for their release.

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## What if the System is Down?

- Art. 17.022(f) of the Code of Criminal Procedure provides that if the PSRS is down for more than 12 hours, a defendant charged with only misdemeanor offenses may be magistrates without considering a PSR. Best practice would be to consider criminal history from an alternate source if possible.
- The statute is silent as to what happens if the defendant is charged with a felony. TJCTC recommends performing the magistration and making the bail decision within the statutorily-mandated 48-hour time period, and considering criminal history from an alternate source if possible, and considering a PSR when available, and scheduling a bond modification, if necessary.

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## PSR - Contents

- The PSR must:
- state the requirements for setting bail under Article 17.15 and list each factor provided by Article 17.15(a)
- 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;
- provide information on the eligibility of the defendant for a personal bond;
- provide information regarding the applicability of any required or discretionary bond conditions; and
- provide, in summary form, the criminal history of the defendant.

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## PSR - Crim History Summary

- Must include information regarding any:
- previous misdemeanor or felony convictions;
- pending charges;
- previous sentences imposing a term of confinement;
- 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
- previous failures of the defendant to appear in court following release on bail

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AIMS Home Search...

Home

**Fellows, Gabby**  
Date of Birth: 10/03/1992

Arrest 11/30/2021 12:30 PM

Arrest Details

Magistration

PUBLIC SAFETY REPORT BAIL FORM

SID  OR FBI #  CLEAR UPDATE CRIMINAL HISTORY

Status: Retrieved Status Date: 12/1/2021 9:36 AM

Advanced Search

**Criminal History**

There are criminal history records from agencies that the system is unable to summarize. You will need to view the following agencies detailed information to get a full picture of the defendants criminal history.

FBI Idaho New York

**Previous Offenses**

Arrest Date	Citation	Offense	Level/Degree	Violent	Disposition	Sentence
02/26/2022	WC 11.088	DESTRUCTION OF WATER WORKS	FELONY - 2ND DEGREE	No	RELEASED ON OWN RECOGNIZANCE	Not Applicable
03/26/2008	PC 22.011(a)(1)	SEXUAL ASSLT	FELONY - 1ST DEGREE	Yes	CONVICTED	Probation 1Y
03/26/2008	PC 22.011(a)(1)	SEXUAL ASSLT	FELONY - 2ND DEGREE	Yes	CONVICTED	Confinement 2Y

View Full History

**Failures to Appear**

Review the defendant's criminal history and/or consult with local pretrial services agencies to help answer the following questions:

12/22/2009  
10/02/2006

This defendant has bond conditions. Are they due to a violent offense?  Yes  No  Unknown

This defendant has a previous probation sentence for a violent offense. Are they still on community supervision?  Yes  No  Unknown

This defendant has a pending felony. Is it in the same county in which the current felony offense was committed?  Yes  No  Unknown

CANCEL SAVE

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AIMS Home Search...

Home

**Fellows, Gabby**  
Date of Birth: 10/03/1992

Arrest 11/30/2021 12:30 PM

Arrest Details

Magistration

PUBLIC SAFETY REPORT BAIL FORM

SID  OR FBI #  CLEAR UPDATE CRIMINAL HISTORY

Status: Retrieved Status Date: 12/1/2021 9:36 AM

Advanced Search

**Current Offenses**

Date	Count(s)	Offense	Level/Degree	Eligible for Parole/Probation	Statutory Cites	Bail Requires Approval From Judge of Pending Felony
11/30/2021	1	20A.02(b) TRAFFICKING OF PERSON	Felony 2	Unknown	Not Applicable	Not Applicable
11/30/2021	2	20A.02(a)(3) TRAFFICKING PERSON ENGAGE CONDUCT/SEXUAL	Felony 2	Unknown	Not Applicable	Unknown

**Applicable Conditions**

Mandatory/Discretionary	Condition *
Discretionary (CCP 17.44)	Defendant is ordered to home confinement and electronic monitoring, under the supervision of the following agency: _____
Discretionary (CCP 17.44)	Defendant is ordered to undergo weekly testing for controlled substances, as defined by Health and Safety Code Section 481.002. Costs for this testing are: <input type="checkbox"/> Ordered to be paid by Defendant as a condition of bond. <input type="checkbox"/> To be taxed as costs of court.
Mandatory (CCP 17.41) Due to: 20A.02(b) 20A.02(a)(3)	Defendant is charged with an offense under Chapter 20A (Trafficking of Persons), 21 (Sexual Offenses), 22 (Assaultive Offenses), 43 (Public Indecency), or Section 25.02 (Prohibited Sexual Conduct), Penal Code, where the victim was under 18 years of age. Therefore: - Defendant may not communicate directly with the victim (this includes communication by phone, computer, text message, email, social media, or other electronic means); and - Defendant may not go within _____ feet of a residence, school, or other location, as specifically described below and in the bond, frequented by the victim: _____

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# Making the Bail Decision and Bail Forms

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## What is Bail?

Bail is the security that a defendant puts up to make sure they show up for future court hearings and their trial.

If they fail to show up, they may forfeit the bail in a bail forfeiture proceeding.

-- Art. 17.01, CCP; Magistration Deskbook, Chapter 2

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# The Purpose of Bail

- Setting bail has three general objectives:
  - Ensuring that the defendant appears in court as directed;
  - Protecting the safety of the victim of the offense and the general safety of law enforcement and the community;
  - Releasing the defendant from custody.
- The purpose of bail is **not** to impose an additional punishment for an alleged offense!

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# The Bail Decision

- First, determine that you have the legal right to make the bail decision.
- If so, there are three main components of the bail decision that must be made for each charge, within 48 hours of arrest:
  - What is the bond amount, if any?
  - What type of bond is the defendant allowed to post?
  - What conditions, if any, will be imposed on the defendant?

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## Defendant Charged with Committing an Offense While on Bail

- If a defendant is charged with committing a felony while released on bail for another felony, special rules apply as to who is able to set bail or what must be done once bail is set (see next two slides).

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## Defendant Charged with Committing an Offense While on Bail

- If the new offense was committed in the **same** county as the previous offense, then the defendant may be released on bail only by:
  - The court before whom the previous offense is pending; or
  - Another court designated in writing by the court where the offense is pending.

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## Designation to Set Bail

- TJCTC has created a form for courts to designate other courts or magistrates to set bail in these situations.
- The form may be found on the TJCTC Forms page under Magistrate Duties Forms in the category of Magistrations and Setting Bail.

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## Defendant Charged with Committing an Offense While on Bail

- If the new offense was committed in a **different** county as the previous offense, then:
  - the magistrate may set bail as necessary
  - electronic notice of the charge must be promptly given to the court before whom the previous offense is pending or another court designated by that court
  - for purposes of re-evaluating their bail decision, determining whether any bail conditions were violated, or taking any other applicable action.
    - Art. 17.027, CCP

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## Denial of Bail

- In most cases, a defendant may be denied bail **only by a district judge**, and only in specified situations.
- Bail may also be denied by a judge or magistrate where a defendant charged with family violence violates a bond condition relating to the safety of the victim or the community.

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## Bail Decision - Amount

- What do you use to determine the bond amount?
- The PSRS by law may not:
  - Be the only item relied upon by a magistrate in making a bail decision.
  - Include a score, rating or assessment of a defendant's risk.
  - Make any recommendation for the appropriate bail for the defendant.

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## The Bail Decision

- In setting bail the **magistrate must impose the least restrictive conditions**, if any, and the personal bond or bail bond necessary to reasonably ensure the defendant's appearance in court and the safety of the community, law enforcement and the victim.

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## Rules for Setting Bail

- Bail and bond conditions must be set under the following rules in Art. 17.15(a):
  - The nature of the offense must be considered, including whether it involved violence under Art. 17.03 or violence against a peace officer.
  - The ability to make bail must be considered and proof may be taken on this point.
  - The future safety of the community, law enforcement and a victim are to be considered.
  - (cont.)

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## Rules for Setting Bail

- The criminal history record information for the defendant must be considered, including:
  - Information maintained by DPS in CJIS/CCH and in the Public Safety Report System.
  - Any acts of family violence.
  - Other pending criminal charges.
  - Any instances in which the defendant failed to appear in court after release on bail.
- The citizenship status of the defendant must be considered.

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## The Bail Decision

A magistrate may make a bail decision for a defendant charged with a fine only offense without considering the criminal history record information of the defendant.

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## Bail Schedules and Standing Orders

- A judge may not adopt a bail schedule or a standing order that is inconsistent with these requirements or authorizes a magistrate to make a bail decision without considering each factor listed in Art. 17.15(a).

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## Bail Schedules and Standing Orders

- A defendant charged with a Class B or higher offense who is unable to give bail in the amount required by a bail schedule or standing order must be provided with an opportunity to file an affidavit stating that they do not have the means to pay the bail and requesting that an appropriate bail be set.
- TJCTC has an affidavit form on the TJCTC forms page.

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## Affidavit

- A defendant who files an affidavit must complete a financial information form. Same form for appointment of counsel or a form created by OCA.
- The magistrate must inform the defendant of their right to file an affidavit and ensure the defendant receives reasonable assistance in completing it and the financial information form.

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## Review of Affidavit

A defendant may file an affidavit at any time during the bail proceeding.



The defendant is entitled to a prompt review by the magistrate on the bail amount.



The review may be conducted by the magistrate making the bail decision or may occur as a separate pretrial proceeding.

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## Review of Affidavit

The magistrate must consider the facts presented and the factors in Art. 17.15(a) and must set the bail.

If the magistrate does not set the defendant's bail below the amount required by a bail schedule or standing order the magistrate must issue written findings of fact supporting the bail decision.

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## Failure to Conduct Review within 48 Hours

If a magistrate or criminal trial judge does not conduct a review within 48 hours after the defendant's arrest, they must report that to OCA.

If a delay occurs that will cause the review to be held more than 48 hours after the defendant's arrest, notice of the delay must be given to the defendant's counsel or to the defendant if he does not have counsel.

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## Bail Decision - Type of Bond

- The magistrate or judge who sets bail also decides whether the bond must be a bail bond, a personal bond or a “PR Bond.”

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## Personal Bonds & Bail Bonds

- There are two main categories of bonds that a defendant might be ordered to post: bail bonds & personal bonds.
- A personal bond is based solely on the defendant’s promise. If they fail to honor the terms of the bond (generally to appear as directed), they promise to pay the amount of the bond.

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## What is a “PR Bond”?

- Many people (including judges) mistakenly call **all** personal bonds “PR Bonds.”
  - This is incorrect: if the bond has a monetary amount the defendant agrees to pay if they fail to appear, then it is a **personal** bond; if there is no monetary amount, then it is a personal recognizance, or “PR Bond.”

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## So No Penalty on “PR” Bond??

- It is true that there would not be a monetary penalty for not appearing for a “PR” bond. But failing to appear on any bond, including a PR bond, is a criminal offense under Penal Code Sec. 38.10 (“Failure to Appear; Bail Jumping”).
- So a defendant who fails to appear after signing a “PR Bond” could be charged with a new criminal offense for that failure.

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## Appropriateness of “PR Bond”?

- “PR Bonds” are generally used only in fine-only and other minor misdemeanor cases while personal bonds, especially with effective conditions, may be appropriate in other cases as well.

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## Eligibility for Personal Bond

- As noted earlier, the PSR will indicate if the defendant is eligible for personal bond. However, this does not mean the magistrate must release them on personal bond if eligible.
- Ultimately, the magistrate has the discretion if the defendant is legally eligible.

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## Personal Bond - Partially Eligible

- Only the court before whom the case is pending may release a defendant on a personal bond if charged with:
- Burglary (Section 30.02, Penal Code);
- Engaging in organized criminal activity (Section 71.02, Penal Code); or
- Certain felonies under the Controlled Substances Act or under Section 485.033, Health and Safety Act (inhalant paraphernalia).

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## Personal Bond - Ineligible

- A defendant may not be released on a personal bond if the defendant:
- Is charged with an offense involving violence; or
- While released on bail or community supervision for an offense involving violence is charged with committing a felony or an offense alleging assault, deadly conduct, terroristic threat, or disorderly conduct involving a firearm.
- Visit the Magistration Deskbook now on P. 23-24 for the list of offenses that make a person ineligible for personal bond.

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## Materials Check - Deskbook

- Review P. 24-25 for a list of situations where a defendant must be released on a personal bond.

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

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## Bail Form

- The DAA also requires that the PSRS generate “bail forms” which are simply tools to report the bail decisions made to OCA. OCA maintains a searchable webpage (<https://topics.txcourts.gov/>) where bail forms are stored.
- A separate order imposing the bail and conditions must be entered and given to the defendant.

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Search for Bail Forms

Name  Cause Number  Magistration Location  Offense(s)

Clear search fields

Show 10 entries

Name	Cause Number	Magistration Location	Offense(s)	
AALIYAH DIXON		Texas > Montgomery > Magistrate Court	30.05(d)(1) CRIMINAL TRESPASS	<a href="#">View</a>
AARIAN D ANTE DECKARD		Texas > McLennan > Magistrate Court	481.116(b) POSS CS PG 2 < 1G; 481.121(b)(1) POSS MARIJ < 2OZ	<a href="#">View</a>
Aaron Cole Baldwin		Texas > Travis > Municipal > Austin	46.02(b) UNL CARRYING WEAPON	<a href="#">View</a>
Aaron Deyon Payne		Texas > Travis > Municipal > Austin	38.04(b)(1) EVADING ARREST DET W/PREV CONVICTION; 481.121(b)(1) POSS MARIJ < 2OZ; 481.117(b) POSS CS PG 3<	<a href="#">View</a>

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## Bail Form - Info

- The bail form will contain the type and amount of bail and bond conditions.
- When the bail form opens, there will be a list of conditions, you may select the red circle with the minus sign to remove those conditions.

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AIMS Home Search...

Home

**Fellows, Gabby**  
Date of Birth: 10/03/1992

Arrest 11/30/2021 12:30 PM  
Arrest Details  
Magistration

PUBLIC SAFETY REPORT **BAIL FORM**

CANCEL SAVE AS DRAFT COMPLETE 10 | 11

### Bail Form

Date	Count(s)	Offense	Level/Degree
11/30/2021	1	20A.02(b) TRAFFICKING OF PERSON	Felony 2
11/30/2021	2	20A.02(a)(3) TRAFFICKING PERSON ENGAGE CONDUCT/SEXUAL	Felony 2

**Bail**

Bail Type \*  Bail Amount \*  Comments

**Conditions**

Mandatory/Discretionary  Condition \*

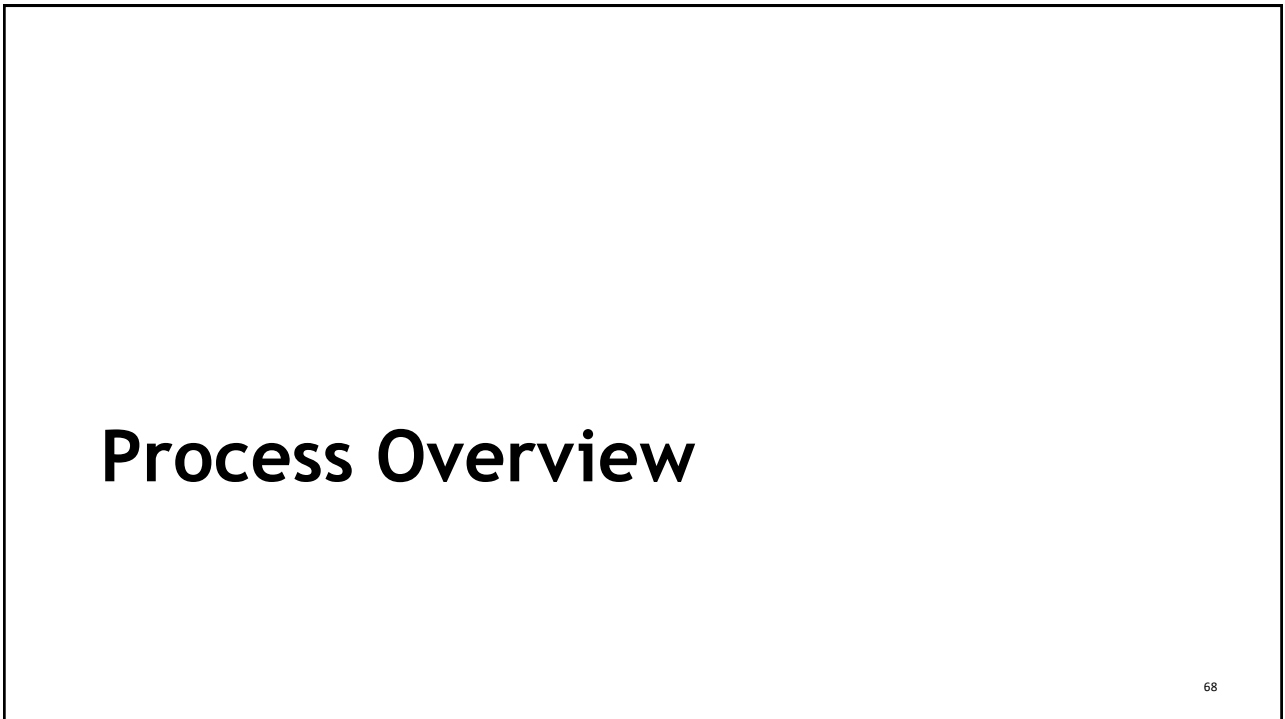
Discretionary (CCP 17.44)  Defendant is ordered to home confinement and electronic monitoring, under the supervision of the following agency:  -

Discretionary (CCP 17.44)  Defendant is ordered to undergo weekly testing for controlled substances, as defined by Health and Safety Code Section 481.002. Costs for this testing are:  -

Ordered to be paid by Defendant as a condition of bond.

*To be found as a matter of fact*

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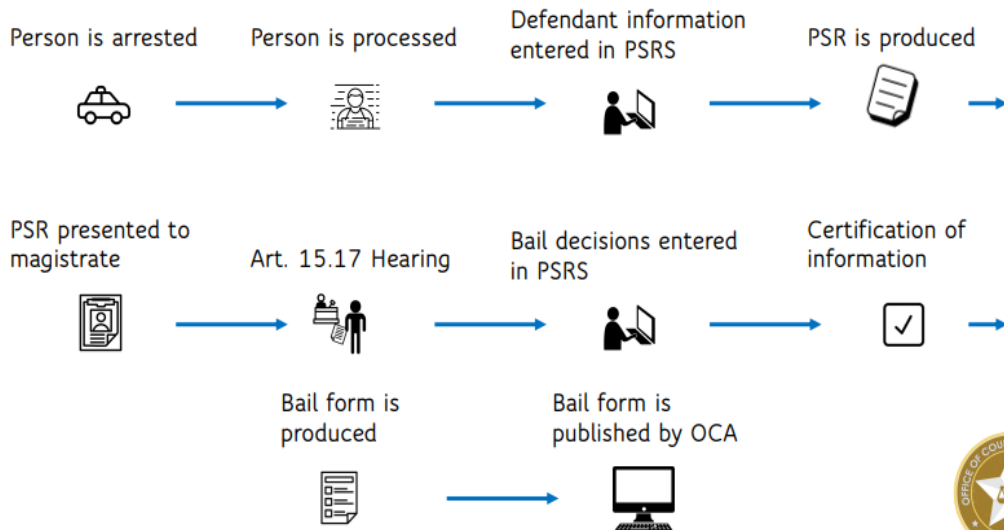


# Process Overview

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# OVERVIEW



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## Bond Conditions and Required Notices

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## What are Bond Conditions?

A magistrate may impose any **reasonable condition** of bond related to the safety of a victim or the community.

-- Art. 17.40(a), CCP

For example:

No additional offenses

No contact with the victim

Drug testing

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## What are Bond Conditions?

Bond conditions are specific obligations included as terms of the bond the defendant signs and that the defendant must meet as a condition of their release from custody.

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## Required Notification

- The DAA required OCA to develop a form notifying the defendant of the consequences of violating bond conditions. This form is available on the TJCTC forms page, as well as in the PSRS.
- Additionally, a written order laying out the bond conditions must be issued and served on the defendant. The PSRS does not generate this order.

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## Material Review - Bond Conditions

- Go to the Magstration Bench Cards, look at Card 8 and fill in the condition related to each offense:
- DWI 2<sup>nd</sup>/Child Passenger: \_\_\_\_\_
- Prostitution (43.02/43/021):  
\_\_\_\_\_
- Stalking: \_\_\_\_\_

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# Reporting Requirements

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## Notice of Bond Conditions for Violent Offenses (Magistrate)

- A magistrate must notify the sheriff in any case involving a violent offense of any revocation of bond that contains a condition of release, any modification of a condition of bond in any case, or any disposition of a case involving conditions of release involving a violent offense. The notification should occur as soon as practical, but no later than the day after the issuance of an order releasing the defendant on bond.

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## Report in Violent Offense Cases

- The report notifying the sheriff of new bond conditions must contain:
  - The identifying information listed in Government Code § 411.042(b)(6);
  - The name and address of any person the condition of bond is intended to protect as well as the name and address of any victim of the alleged offense if different;
  - The date the order releasing the defendant on bond was issued; and
  - The court that issued the order releasing the defendant on bond.
- DPS was required to create a form for this notification, and it is posted on the TJCTC forms page.

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## Notification to Victim - Violent Offense

- Additionally, the court must send any order imposing a bond condition in a violent offense to any named person that the condition is intended to protect, as well as any victim of the alleged offense, if different. The order must be sent no later than the next business day after the court issued the order.

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## Materials Review: Deskbook

- Important Note: The list of violent offenses for this notification is different than the list of violent offenses ineligible for personal bond.
- This list is found in Art. 17.50(3), discussed on P. 32 of the Deskbook.
- Pause the recording and compare the list on P. 32 to that list on P. 23-24 for personal bond ineligibility. You may wish to prepare a cheat sheet of these offenses.

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## Notice of Bond Conditions - Other Cases (Clerk)

- The clerk of the court must send a copy of an order imposing a bond condition, or modifying or removing a bond condition, to the prosecutor and the sheriff of the county where the defendant resides.
- The clerk must do this as soon as practicable but no later than the next business day after a magistrate issues the order and may delay sending a copy of the order only if they lack information necessary to ensure service and enforcement.

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## Notice of Bond Conditions - Other Cases (Clerk)

- If the bond condition order prohibits a defendant from going near a child-care facility or school, the clerk must send a copy of the order to the facility or school.
- The copy of the order may be sent electronically.

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## Reporting of Bond Conditions - Violent Offense (Sheriff)

- In the case of a violent offense, the sheriff must enter, modify or remove the information in the TCIC database no later than the next business day after receiving it.
- And make a good faith effort to notify anyone who is protected by a bond condition, or a victim, of the defendant's release.
  - Art. 17.50, CCP (HB 766)

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## Reporting of Bond Conditions - Other Cases (Sheriff)

- A chief of police or sheriff who receives a copy of a bond condition order in any other case must, as soon as practicable but no later than the 10<sup>th</sup> day after receiving it, enter information relating to the bond condition into CJIS/CCH, or modify or remove information as appropriate.
  - Art. 17.52, CCP

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# FAQ

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## What If I'm Having Issues Logging In or Setting Up?

- TJCTC is unable to provide assistance related to your login, ORI, LAU, or other details of the PSRS. For assistance on these issues, you can reach OCA's bail team by emailing [bail@txcourts.gov](mailto:bail@txcourts.gov). You can reach the Automon help desk by calling 480-368-8555 and selecting option 2, or by email at [support@automon.com](mailto:support@automon.com).

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## I Need More Help Signing Up?

- Additionally, anyone may view recordings of the training sessions on the OCA resource page. There are separate trainings for LAUs (people who add users to the system) and end users (such as magistrates reviewing PSRs and submitting bail forms.)

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## What If I'm Not Signed Up for PSRS?

- Effective April 1, 2022, it is mandatory in most situations, including after an on-sight arrest or on an arrest warrant based on probable cause for a new offense, for a magistrate to review a PSR before setting bail.
- If you have not yet gotten signed up, in order to magistrate, the best option is to have someone who has access print off a PSR for you to review.

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## What If I'm Not Signed Up for PSRS?

- Keep in mind that you will need to complete the self-paced CJP certification if you review criminal history, including PSRs. You will need to complete the 8-hour TLETS mobile certification if you are going to query the system to create PSRs. You do have a six-month grace period to get these certifications, so you do not have to wait until they are completed before accessing the system

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## What About Bond Modifications?

- When a person's bond is modified, a PSR is not required to be considered (though the magistrate or court modifying the bond must consider all of the factors in Art. 17.15(a), including the defendant's criminal history information, so the magistrate may wish to do so by viewing a PSR).

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## What About Bond Modifications?

- However, a bail form must be submitted through the PSRS when the modification occurs, if either the bond type or amount is modified. If only the bond conditions are changed, a new bail form is not required, though there are separate bond condition reporting requirements.
- This requirement would apply to new bonds applied after a modification hearing or after a surety surrender or other bond modification process.

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## What About Issuing Warrants?

- For issuance of standard arrest warrants (meaning a warrant issued after presentation of a probable cause affidavit for arrest on a new charge), use of the PSRS will not be required. Bond amounts on arrest warrants are recommendations, and therefore not final determinations of bail, so a PSR does not need to be considered, and a bail form does not have to be generated. When the person is arrested, the magistrate who determines the bail amount must review a PSR and submit a bail form.

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## What About Issuing Warrants?

- Warrants where the issuing court is determining the bail amount, and a magistrate may not modify that amount, such as warrants on probation revocation hearings, would require a bail form to be generated, but not consideration of a PSR. This bail form should be generated once the defendant is arrested and ordered to post the bail.
- Since there is no bail on a *capias pro fine* warrant, there is no bail form generated and a PSR does not need to be considered.

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## What About Extradition Cases?

- No PSR is needed to be considered because the magistrate isn't "considering the release on bail of a defendant charged with an offense punishable as a Class B misdemeanor or any higher category of offense." because the person isn't charged with a Texas offense. Additionally, a bail form is not needed to be submitted because bail isn't being set under Chapter 17 of the CCP but instead under Chapter 51.