

RULE 9. SETTING AND MODIFYING BAIL SCHEDULE

9.1. Pursuant to the agreed final judgment and order of the federal court in *Roberson v. Richardson* (No. H-84-2974), Southern District of Texas (1987)), the Harris County Criminal Court at Law Judges promulgate this initial bail schedule. The district attorney shall affix an initial bail amount at the time a complaint is filed in a county criminal court at law. The initial bail amount shall be determined by either presenting relevant information in the possession of the district attorney to a county criminal court at law judge, or Harris County Hearing Officer, or by applying the initial bail schedule. The district clerk shall record the bail amount set by the judicial officer or applied by the district attorney from the initial bail schedule in the case file. This shall be the exclusive means of setting the initial amount of bail, unless otherwise directed by the Judges of the Harris County Criminal Courts at Law.

Misdemeanor Bail Schedule

Class:	B, Standard Offense	
	1st Offense	\$500
	2nd Offense	\$500, plus \$500 for each prior misdemeanor conviction, plus \$1,000 for each prior felony conviction (not to exceed \$5,000)
Class:	A, Standard Offense	
	1st Offense	\$1,000
	2nd Offense	\$1,000, plus \$500 for each prior misdemeanor conviction, plus \$1,000 for each prior felony conviction (not to exceed \$5,000)
Class:	Family Violence or Threat of Violence	
	1st Offense	\$1,500
	2nd Offense	\$1,500, plus \$2,000 for each prior conviction for a violent offense or threat of violence
Class:	DWI	
	First Offense	\$500
	Subsequent Offense	\$2,500, plus \$1,000 for each prior conviction not to exceed \$5,000
Class:	Any offense committed while on bond, community supervision, intervention, or parole	\$5,000
	Any motion to adjudicate or revoke community supervision	\$5,000

9.2. The initial bail amount shall be determined by application of the bail schedule. In any case where the district attorney desires a bond higher than that on the bail schedule, the district attorney shall make a request to a judge of the county criminal court at law or a criminal law hearing officer. The order, when signed by the judge or hearing officer shall be provided to the district clerk along with the complaint and information for filing.

9.3. The district clerk shall apply the amount of bond from the bail schedule except in cases where the district attorney has provided the clerk with an order setting bail signed by a judge of a county criminal court at law or a criminal law hearing officer, in which case the clerk will apply the amount of bail provided for in the order setting bail.

9.4. If the clerk does not receive an order setting bail or if the amount of bail exceeds the amount provided for in the bail schedule, the clerk shall make an entry in the bail field as provided by Rule 2D, and bail will then be set by a judicial officer.

RULE 12. APPROVAL OF PERSONAL BONDS

- 12.1. Whether to approve or deny a personal bond is up to the reviewing magistrate's sound discretion.
- 12.2. In general, personal bonds are favored in the following types of cases, absent good cause to deny a personal bond:
 - 12.2.1. theft by check;
 - 12.2.2. driving while license suspended or invalid;
 - 12.2.3. gambling offenses;
 - 12.2.4. illegal dumping;
 - 12.2.5. fictitious vehicle license plate or registration;
 - 12.2.6. prostitution;
 - 12.2.7. violation of laws regulating sexually oriented businesses;
 - 12.2.8. public intoxication;
 - 12.2.9. driving without a license;
 - 12.2.10. class B criminal trespass, if the defendant has no prior convictions or community supervision for a Class B or greater offense;
 - 12.2.11. class B retail theft, if the defendant has no prior convictions or community supervision for a Class B or greater offense; and
 - 12.2.12. possessing a drug or marijuana (except possession of synthetic cannabinoids or Class A possession of marijuana), if the defendant has no prior convictions or community supervision for a Class B or greater offense.
- 12.3. In general, personal bonds are disfavored where the defendant has demonstrated a risk to reoffend or harm society, examples of which might be where:
 - 12.3.1. the defendant is charged with an offense alleged to have occurred while on bond for another offense;
 - 12.3.2. the defendant is charged with multiple offenses (unless both are favored for personal bond under the above criteria; not including offenses punishable by fine only);
 - 12.3.3. the defendant is charged with an offense alleged to have occurred while the defendant was on community supervision;
 - 12.3.4. the defendant appears to be a danger to himself/herself or others; or
 - 12.3.5. the defendant has shown an unwillingness to follow bond conditions in the past.
- 12.4. In general, personal bonds are disfavored where the defendant has previously failed to appear in court as instructed.