

**OFFICE OF COURT MANAGEMENT
HARRIS COUNTY CRIMINAL COURTS AT LAW**



JUDGES

Hon. Paula Goodhart
County Criminal Court
At Law Number 1

Hon. William Harmon
County Criminal Court
At Law Number 2

Hon. Natalie C. Fleming
County Criminal Court
At Law Number 3

Hon. John Clinton
County Criminal Court
At Law Number 4

Hon. Margaret S. Harris
County Criminal Court
At Law Number 5

Hon. Larry Standley
County Criminal Court
At Law Number 6

Hon. Pam Derbyshire
County Criminal Court
At Law Number 7

Hon. Jay Karahan
County Criminal Court
At Law Number 8

Hon. Analia Wilkerson
County Criminal Court
At Law Number 9

Hon. Dan Spjut
County Criminal Court
At Law Number 10

Hon. Diane Bull
County Criminal Court
At Law Number 11

Hon. Robin Brown
County Criminal Court
At Law Number 12

Hon. Don Smyth
County Criminal Court
At Law Number 13

Hon. Mike Fields
County Criminal Court
At Law Number 14

Hon. Jean Spradling Hughes
County Criminal Court
At Law Number 15

Hon. Linda Garcia
County Criminal Court
At Law Number 16

STAFF

Ed Wells
Court Manager

Peyton Peebles
Staff Attorney

Iliana Mize
Office Manager

To: All attorneys practicing law in the Harris County Criminal Courts at Law

Re: Bail hearings and personal bonds

Colleagues,

We are committed to making criminal justice in Harris County efficient, fair, and legal for all those involved. Please know that as we strive for that goal in the 16 statutory county criminal courts, we are mindful of your duties and your commitment to protecting your client's best interests at all stages of the criminal proceeding. For a prosecutor this includes seeking justice.

We have modified some of our rules and procedures relevant to these goals. First, any defendant that remains in custody after his or her Article 15.17 proceeding will be set to appear in the court of dispositive jurisdiction to receive appointed counsel, if eligible, and to require each defendant to address bail with the judge absent a voluntary and affirmative waiver by the defendant.¹ All attorneys involved should provide the court with any additional information relevant to the defendant's bail amount, bail conditions, and suitability for personal bond at this setting and thereafter if necessary. If a defendant wishes to waive or reset a bail review hearing, he or she must execute a waiver of, or request to reset, the bail hearing. Additionally, our courts have determined that Pretrial Services need only verify an arrestee's information through one reliable source (formerly two), which should expedite approval or execution of a personal bond in appropriate cases. We also recently acknowledged in our local rules that certain situations may inherently favor personal bond whereas others might inherently disfavor one (*see* L.R. 12, attached).

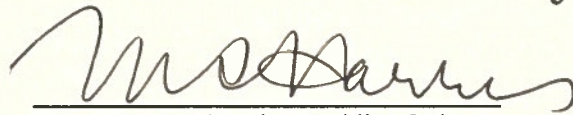
In addition, we are working with the district courts and relevant Harris County agencies to implement the Arnold Foundation's Public Safety Assessment tool in early spring. This tool should help ensure that bail is assessed at a meaningful amount for each defendant and that risk and flight concerns are addressed with appropriate conditions. We continue to ask Harris County to increase resources for its Pretrial Services department, given that we feel: (1) the information they provide is so very important to determining bail issues; and (2) it must be able to effectively supervise defendants released on personal bonds. Furthermore, the Harris County Commissioner's Court recently approved two new Hearing Officer positions to provide additional resources to facilitate, among other things, probable cause hearings and bail review. By December

¹ We are currently working to implement a "BLHG" (bail review hearing) setting code for this initial appearance.

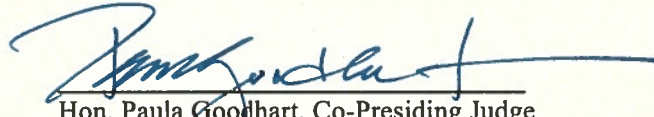
1, 2016, there will be seven Hearing Officers working to carry out the duties tasked to them under the Government Code and Code of Criminal Procedure.

We hope you find this information helpful.

Dated: 11.18.2016



Hon. Margaret Harris, Presiding Judge
County Criminal Courts at Law
Harris County, Texas



Hon. Paula Goodhart, Co-Presiding Judge
County Criminal Courts at Law
Harris County, Texas

cc: Tyler Flood, President, Harris County Criminal Lawyer's Association
Alex Bunin, Harris County Public Defender
Devon Anderson, Harris County District Attorney

Amended Local Rule 12:

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.