

SENATE BILL 9 PROSECUTOR EDITION

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Office of Court Administration

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SESSION OVERVIEW

1. Legislative Context - Senate Bill 9 (89th Legislature)
2. Mandatory Notifications at Bail-Stage
 - District Attorney
 - Cross-County
3. Review and Appeal of Bail
 - Prosecutor
 - Judge
 - Appeals Court
4. Pretrial Intervention Conditions (PTI)
5. Prosecutor Access to the PSRS
6. Training, Support and Resources
7. Q & A



LEGISLATIVE CONTEXT

Mandatory Notifications

- Senate Bill 9 reflects a legislative determination that certain criminal cases require notice at the bail stage.
- Statutes identify specific offenses and circumstances that trigger mandatory notification requirements, including notice related to violent offenses listed in Article 17.03, Texas Code of Criminal Procedure.
- Notification triggers are primarily offense-based and, in some instances, dependent on defendant characteristics expressly identified in statute.

Review of Bail Decision by Prosecutor, District Judge and Court of Appeals

- Senate Bill 9 provides guidance regarding when and how a prosecutor may seek review of a bail decision, including challenges to bail amount or conditions.
- Additional statutory guidance applies when a defendant is released under Article 17.151 (mandatory release for speedy-trial time limits).

Pretrial Intervention Conditions

- Requires the prosecutor's office, or a designee, to enter data into NCIC/TCIC a person's participation and conditions in a pretrial intervention program. The information will be available to law enforcement, prosecutors, and judges until the person completes the program

Prosecutor Access to the Public Safety Report System – Bail Form

- The bail form within PSRS is the primary record of the magistrate's bail decision and is available to prosecutors with PSRS access.



MANDATORY NOTIFICATION REQUIREMENTS

District Attorney Notification - Government Code §72.038

- Applies when a **violent felony** (as outlined in Article 17.03, CCP) is magistrated and bail form certified;
- Magistrate, support staff, clerk must utilize the PSRS system to generate an email to be sent to the District Attorney of their county.

Example: Waldo is arrested and magistrated after being charged with Aggravated Robbery in Armstrong County. Armstrong County staff (generally, the person certifying the bail form) is **required** to generate notification to Armstrong County District Attorney within the PSRS.

Cross County Notifications - Code of Criminal Procedure Art. 17.027

- Applies when a person has a felony charge pending in one county and is arrested and magistrated for a new felony in a different county;
- Magistrate, support staff, clerk must utilize the PSRS system to generate an email to be sent to the county where the first felony is still pending.

Example: Waldo was released on bail in Armstrong County to await trial. He has now been arrested in Zapata County for a 3rd degree Possession of a Controlled Substance. Zapata County staff (generally, the person certifying the bail form) is **required** to generate notification to Armstrong County within the PSRS.

Key Takeaway: These are stand alone notifications with different designators, different audiences and one notification does not satisfy the other.



DA DESIGNEE RESPONSIBILITIES

Ensure your designee knows how and who to route notifications through internally.

BECAUSE

- A **DA must receive notice** when a magistrate sets bail within the county **on a violent offense** — because the DA is the lead prosecutor and must know the terms and conditions of release as early as possible to determine whether the bail decision supports public safety.
- A **DA must also receive electronic notice** when a defendant on bail in their county is arrested for a new felony in another county – providing the prosecutor the facts needed to revisit bail, consider conditional bail changes, or take appropriate other appropriate action.
- In both cases, the **legislative purpose** is the same: to equip the elected prosecutor with timely, actionable information and determine if additional action is necessary.



TIMING REQUIREMENT

Cross County Notification *Section 5 of SB 9 amending Article 17.027(a)(2), Code of Criminal Procedure:*

“...electronic notice of the charge must be given to the individual designated to receive electronic notices for the county in which the previous offense was committed, not later than the next business day after the date the defendant is taken before the magistrate...for purposes of...determining whether any bail conditions were violated or taking any other applicable action”.

District Attorney Notification

The statutes do not establish a specific deadline for providing email notification to the district attorney for a violent felony offense. However, as a best practice, notifications should follow the timeline described above to ensure notice is provided no later than the next business day after the defendant is taken before the magistrate.



PROSECUTOR REQUESTS FOR JUDICIAL REVIEW OR APPEAL

OF BAIL DECISIONS

REVIEW OF BAIL DETERMINATIONS

BAIL FORM

1. **The bail form reflects magistrate's bail determination:**
 - document the magistrate's bail determination,
 - memorialize the application of statutory bail requirements
 - create an official record of the bail-stage decision.
2. **The Bail Form is available to the prosecution in two ways:**
 - Mandatory Email Notification
 - View Only Access within the PSRS to view Bail Form
3. **Bail form reflects magistrate's bail determination**
 - Includes bond, bond conditions and any required findings. the bail form is the source document reflecting the magistrate's bail determination required by statute.
4. **Serves as record of the bail-stage decision - But BE AWARE**
 - The bail form documents the magistrate's bail-stage determination, but it should not be relied upon as the sole source of information when evaluating whether bond conditions may have been violated.



DISTRICT COURT REVIEW

If the original bail decision in a felony case wasn't made by a district judge, any district judge in the county may review it - Article 17.029

Notification process: A prosecutor should request a review of bail under Art. 17.029 to the District Clerk. The District Clerk should follow the procedure established by the LADJ to notify Judges of the requested review.

Timeliness: A district judge must review the bail decision no later than the next business day after the prosecutor's request is filed.

Standards applied: The reviewing judge must follow Article 17.09, Code of Criminal Procedure, and the established rules for setting bail, considering all presented facts.

If bail is increased / conditions added: Applies when the defendant is not in custody. Judge must issue a summons first, giving the defendant a reasonable chance to appear. Only then may a warrant be issued if the defendant fails to comply.



APPEAL OF BAIL WITH THE COURTS OF APPEALS

The State may appeal a bail decision, however, this right is limited to certain cases.

The case must involve:

murder, a capital murder, certain aggravated assaults, an aggravated kidnapping, an aggravated robbery, an aggravated sexual assault, an indecency with a child, a trafficking of persons, or a continuous trafficking of persons offense;

OR

the defendant must have committed a felony while on bail for a previous felony.

Article 44.01, CCP



BAIL APPEAL

If a prosecutor appeals the bail:

- The Court of Appeals will conduct a de novo review of the bail decision and issue an order no later than the 20th day after the appeal is filed.
- The court of appeals can affirm or modify the bail amount or reject and remand the case for modification of the bail amount.

Custody Status:

- If the defendant is in custody, he or she will remain in custody during the pendency of the appeal.
- If the defendant is on bail, the defendant is entitled to remain on the existing bail during the pendency of the appeal.
- The Texas Supreme Court posted the Preliminary Approval of Texas Rule of Appellate Procedure 31.8 on August 29th. The comment period ended December 1st. The rule has been effective beginning September 1, 2025..

Texas Rules of Appellate Procedure Rule 31.8



BAIL REVIEW AFTER DEFENDANT IS RELEASED DUE TO 'SPEEDY TRIAL' VIOLATION

ARTICLE 17.151 & 17.09, CCP

A judge or magistrate can require a defendant to post a new bond, even if the defendant is already on bail when delays occur that violate Article 17.151 of the Code of Criminal Procedure.

Before ordering a new bond, the judge must make specific findings.

- Grounds for requiring a new bond include:
- The bond is defective, excessive, or insufficient in amount.
- The sureties are deemed unacceptable.
- Any other good and sufficient cause exists

In such cases, the judge may also order the defendants rearrest until a new bond is provided.



PRETRIAL INTERVENTION CONDITIONS (PTI)

Effective 4/1/2026

PRETRIAL INTERVENTION

ARTICLE 16.24, CCP

*As soon as practicable but not later than the 10th business day after the date a defendant enters a **pretrial intervention program (PTI)**, the attorney representing the state, or the attorney's designee who is responsible for monitoring the defendant's compliance with the condition of the program, shall enter information relating to the conditions of the program into the appropriate database of the statewide law enforcement information system maintained by the Department of Public Safety or modify or remove information as appropriate.*

- Entry of PTI conditions into TCIC/NCIC statewide database
- Statutory assignment of responsibility to the district attorney
- Authority to designate another entity who is monitoring the defendant's compliance such as Probation or Pretrial
- Distinction between statutory responsibility and operational requirements

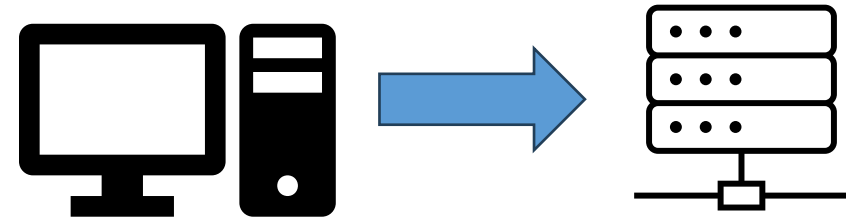
Effective Date April 1, 2026



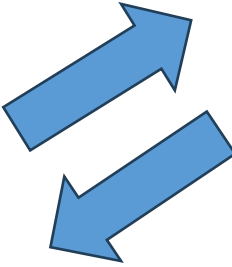
Supervised Release File, Notice, & the Public Safety Report System

Entry into NCIC/TCIC
“Supervised Release File”

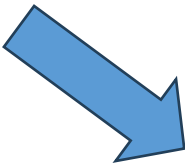
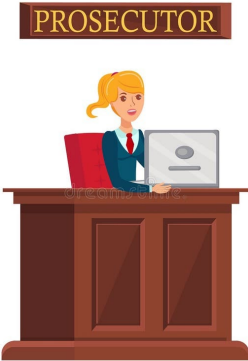
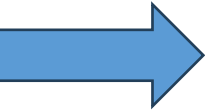
NCIC/TCIC
“Statewide Database”



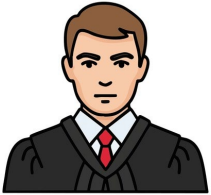
Criminal History information access via NCIC/TCIC also referred to as “**Rap Sheets**” provide a linear archival summary of an individual’s past arrest and convictions.



The **Supervised Release File** is part of the statewide database (**NCIC/TCIC**). The records within the database are removed when no longer applicable. Queries can instantly check warrants, probation status, bond conditions, and pretrial intervention conditions, etc.



Public Safety Report System





- Prosecutors or their designee entering these records MUST complete required training. (TCIC Full Access & CJIS Security Awareness)
- Pretrial Intervention Program records must be entered into the NCIC Supervised Release file no later than the 10th business day of the defendant entering a program using the State's Attorney's ORI.
- Records must be modified or removed, as appropriate.

Required Training

TCIC Full Access

Individuals entering supervised release information must complete the TCIC Full Access Training within six months of access.

TCIC Full Access is a three-day, in-person class. Training availability can be found here: <https://txletstraining.dps.texas.gov/nextest>
Use your TLETS User ID and password to sign in to view.

NOTE: When attending any DPS class, users are **required** to create a Cornerstone ID for training record-keeping and tracking purposes. Failure to comply will result in removal of system access.

CJIS Security Awareness

Individuals accessing criminal justice information must complete CJIS Security Awareness Training (SAT) prior to access and annually thereafter.

CJIS SAT can be accessed here: <https://www.cjisonline.com/>

For questions on how to obtain/access the CJIS SAT, please contact security.committee@dps.texas.gov

Don't have a TLETS User ID?

Individuals that do not have a current TLETS User ID, must have one requested by their Terminal Agency Coordinator (TAC) or Agency Head using the appropriate forms.

The TAC or Agency Head will complete the Crime Records Agency Access and Contact form along with the TLETS User Request Form (URF) which can be found on nexTEST Launch Pad here: <https://txletstraining.dps.texas.gov/launchpad/> and submit to TLETS at TLETS.URF@dps.texas.gov

Pretrial Intervention & Technology:

- Statutory PTI conditions are reported into TCIC/NCIC.
- DPS has clarified that PTI participation will be entered into the **Supervised Release File** within TCIC/NCIC.
- In most cases, agencies that already run criminal histories have the technical foundation in place. The more common gaps involve training and permissions rather than hardware.
- DPS staff can confirm what access an agency currently has and identify what additional permission or training may be required.
- Access/Permission Questions? tlets.urf@dps.Texas.gov
- 512-424-7385
- NCIC/TCIC Training Question? tcic.training@dps.Texas.gov
- 512-424-2832



PROSECUTOR ACCESS TO THE PSRS BAIL FORM

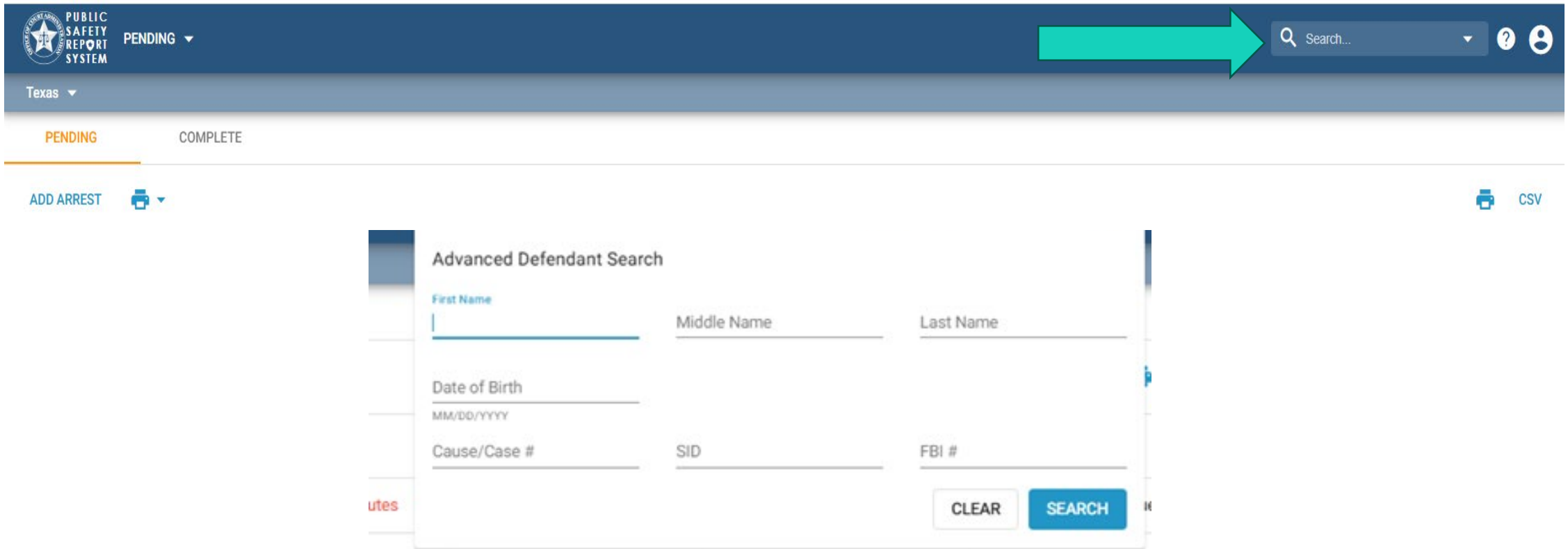
PROSECUTOR ACCESS TO THE PSRS BAIL FORM

*17.021 (c-1) On request by an attorney representing the state, the *office shall provide to the attorney access to the public safety report system for the purpose of allowing the attorney to access a bail form submitted to the office under Section 72.038, Government Code. * office is referring to Office of Court Administration*

- Access to PSRS is provided to support statutory functions at the bail stage; it does not expand or limit prosecutorial authority established in Chapter 17.
- Prosecutors seeking access to PSRS must submit a [Prosecutor Access Request Form](#) through the OCA website.
- Once a request is verified, users will receive confirmation, and instructions for setting up PSRS profiles and accessing bail records.
- View-only access allows you to search for defendant's and review their bail form and review bail decisions and conditions.



UTILIZATION OF THE PSRS





PUBLIC SAFETY REPORT SYSTEM

PENDING ▾

Texas ▾

PENDING COMPLETE

ADD ARREST 

CSV 

Advanced Defendant Search

First Name

Middle Name

Last Name

Date of Birth
MM/DD/YYYY

Cause/Case #

SID

FBI #

Best Way to Search: Utilize the SID or FBI to locate the subject of your search or enter the Date of Birth. In this case you will see all the defendants with that birth date, but you are looking for just one name.

Magistration Location

Texas > 100th District Court > Childress

Magistration Date/Time

02/03/2026 09:00

Defendant Name

[REDACTED]

Date of Birth

03/03/1990

Bail

Date	Cause/Case #	Offense Level/Degree	Qualifier	Violent Offense Under Article 17.03	Bail Type	Bail Amount	Mandatory Release under 17.151	Comments
10/31/2022	Not Available	481.112(d) MAN/DEL CS PG 1 >= 4G < 200G Felony 1	None	No	Cash/Surety	\$15,000.00	No	

Conditions

Mandatory/Discretionary	Condition
Discretionary (CCP 17.44)	Defendant is ordered to home confinement and electronic monitoring, under the supervision of the following agency: CSCD.
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: ___x___ Ordered to be paid by Defendant as a condition of bond. _____ To be taxed as costs of court.
Discretionary (CCP 17.47)	Defendant is ordered to provide a specimen of DNA to local law enforcement for the purpose of creating a DNA record. (Mandatory for Defendants described by Government Code Section 411.1471(a).)
Discretionary (CCP 17.03)	Defendant will be released on personal bond and is ordered to: _____ undergo _____ (frequency) testing for alcohol. ___x___ undergo _____ as determined by Pretrial Serv ices _____ (frequency) testing for controlled substances. _____ participate in an alcohol or drug abuse treatment or education program provided by _____.
Discretionary	Report any address changes to the court of record within 10 days of change.

Certification

I, Melissa Astrowski, OCA Staff, hereby certify on behalf of Eileen Marin, Vendor, that each factor required by Code of Criminal Procedure Art. 17.15(a) for setting bail and the information provided by the Public Safety Report System was considered, if applicable.

Assistance and Training Resources:

- [Bail and Pretrial Website](#) or [OCA Website](#)
- [Prosecutor Specific Information Regarding Senate Bill 9.](#)
- [OCA Prosecutor Request for PSRS Access](#)
- [Email Notifications FAQ](#)
- Email questions to: Bail@txcourts.gov





THANK YOU

Email Questions to: Bail@TXcourts.gov

Visit Us At: <https://www.txcourts.gov/bail/>

A recording and copy the PowerPoint presentation will be available online later today at <https://www.txcourts.gov/bail/training-education/>

Please complete the online survey after the presentation.