

COURT ORDER

00154-N Document 10-9 Filed 01/30/18 Page 1 of 4

ORDER NO: 99 1951DATE: OCT 19 1999

STATE OF TEXAS §

COUNTY OF DALLAS §

BE IT REMEMBERED at a regular meeting of Commissioners Court of Dallas County, Texas, held on the 19th day of October, 1999 on a motion made by Mike Cantrell, Comm. Dist. #2, and seconded by Jim Jackson, Comm. Dist. #1, the following Court Order was adopted:

WHEREAS, the Dallas County Pre-Trial Release Program was initiated in 1973 in cooperation with the Dallas Bar Association to pursue three major goals:

- (1) provide service to the public by allowing low risk persons an economical avenue for release from jail,
- (2) assist in reduction/management of jail population by rapidly interviewing persons for release and executing bonds, and
- (3) recover the maximum revenue possible without jeopardizing the safety of the community and provide a positive impact on the jail population; and

WHEREAS, on September 28, 1999 the Commissioners Court was briefed by the Office of Budget and Evaluation (OBE) regarding the Community Supervision and Corrections Department's contract to operate the Pre-Trial and Post Trial release programs for Dallas County; and

WHEREAS, OBE recommended changing the reference requirement for pre-trial release bonds from four (4) references to two (2) references as outlined in criteria #2 and #3 of the attached eligibility criteria; and

WHEREAS, the District Attorney's Office reviewed the list of excluded offenses set forth below and updated the list to reflect non-substantive changes in the Texas Penal Code, and

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the attached eligibility criteria is hereby adopted and this court order supersedes Court Order 97 387 and any other previous court order that established Pre-Trial Release guidelines.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that all offenses are available with the following exclusions:

1. Aggravated Kidnapping;
2. Aggravated Manufacture, Delivery or Possession with the Intent to Manufacture or Deliver a Controlled Substance;

3. Aggravated Promotion of Prostitution;
4. Aggravated Sexual Assault;
5. Aggravated Sexual Abuse;
6. Capital Murder;
7. Criminal Solicitation;
8. Aggravated Assault;
9. Enticing a Child;
10. Prohibited Sexual Conduct;
11. Indecency with a Child;
12. Injury to a Child, Elderly Individual or Disabled Individual;
13. Murder;
14. Sexual Assault;
15. Parole Violation;
16. Sale, Distribution or Display of Harmful Materials to a Minor;
17. Sale or Purchase of a Child;
18. Sexual Performance by a Child;
19. Criminal Solicitation of a Minor;
20. Any Charge Involving a Firearm;
21. Any Charge Involving Assault With Bodily Injury;
22. Stalking;
23. Family Violence (Including Associated Assaults);
24. Violation of Protective Order or Magistrate's Order; and
25. Harassment (Includes Telephone Harassment).

Pre-Trial Release shall consider for release any defendant booked into jail with the exception of those individuals charged with an excluded offense listed in this order. Any current charge or previous convictions resulting from an attempt to commit an offense listed on the exclusion list within this order shall be regarded as an excluded offense.

For purposes of this order a felony conviction, in the context of this order, is defined as any probation, jury or judicial sentence, deferred adjudication, plea or nolo plea given to or as a result of a sentence imposed in a felony offense.

Eligibility for Pre-Trial Release shall then be determined by the following criteria:

1. A defendant must currently be a resident of Dallas County or an ADJOINING county; however, no requirement shall be established for length of residency in the immediate area if a pattern of stability can be documented in a previous community or through local employment/ties.
2. A defendant must be able to provide Pre-Trial Release with names, addresses and telephone numbers of ~~four~~ two references who can confirm information relating to the defendant's current status (residence, employment, etc.) and who will be able to assist in locating the defendant if he/she fails to appear for court. Such references need not be local if contact can be established with them by telephone; however, charges for long distance telephone calls out of this area code must be paid for by the person(s) receiving the calls.
3. The ~~four~~ two references requirement is waived for Pre-Trial Release bonds for MHMR clients, upon the recommendation of MHMR, which will allow these detainees without sufficient references to receive a Pre-Trial bond.

4. A defendant must have no previous felony conviction of violent or assaultive offenses within the past ten years. Violent or assaultive offenses are defined as offenses which cause serious bodily injury or death or make a threat or threats, communicating the same.
5. A defendant is ineligible if within the last year (twelve months) he/she has been convicted of a Class A or B misdemeanor involving PHYSICAL ASSAULT or ASSAULT WITH A WEAPON or if he/she is currently awaiting trial or on probation for such offense.
6. A defendant must have no felony convictions within the past year. A defendant must have no more than two felony convictions within the past ten years.
7. At least six years must have elapsed since the defendant's most recent release from the Texas Department of Criminal Justice Institution Division for EXCLUDED offenses listed within the order.
8. At least three years must have elapsed since the defendant's most recent release from the Texas Department of Criminal Justice Institution Division for NON-EXCLUDED offenses.
9. A defendant currently on probation or deferred adjudication is ineligible for release.
10. A defendant must not have had any probation/parole revocation action within the past year.
11. A defendant must not have any record of escape(s).
12. A defendant must not have any previous felony bond forfeiture. A defendant must not have had a previous misdemeanor bond forfeiture within the past three years or two misdemeanor bond forfeitures within ten years.
13. A defendant may not have a pending charge for a felony offense or more than three pending charges for misdemeanor offenses, excluding Class C misdemeanors.
14. A defendant must exhibit a demeanor which implies a willingness to cooperate with the conditions of Pre-Trial Release.
15. A defendant is ineligible if he/she is charged with DWI or DUI and has a previous DWI or DUI conviction within the last two years from the date of the alleged offense or a lifetime total of three or more DWI or DUI convictions.
16. A defendant is ineligible if he/she is charged with possession of a controlled substance, if the substance in weight is 200 or more grams, including adulterants and dilutant.

In order to protect the community, the Dallas County Pre-Trial Release Unit will retrieve a criminal history through the use of NCIC and TCIC on every defendant being considered for Pre-Trial Release.

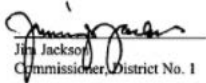
Any case in which the bond amount is in excess of \$10,000.00 must be reviewed by the Manager or Supervisor. Any case in which the bond amount is in excess of \$50,000.00 must be submitted to the District Attorney's office or an official from the filing agency for review and input.

THIS FURTHER ORDER OF THE JUDGE AND FILED IN THE PUBLIC CLERK'S OFFICE OF DALLAS COUNTY TEXAS BEING EFFECTIVE upon the execution of this order.

DONE IN OPEN COURT this the 19th day of October, 1999.



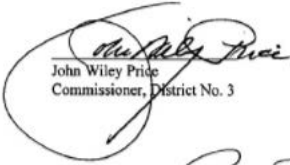
Lee F. Jackson
Dallas County Judge



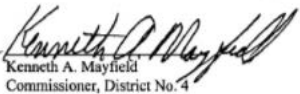
Jim Jackson
Commissioner, District No. 1



Mike Cantrell
Commissioner, District No. 2



John Wiley Price
Commissioner, District No. 3



Kenneth A. Mayfield
Commissioner, District No. 4

Recommended by: 
Philip B. Scheps, Budget Officer