


STATE OF TEXAS
FILED FOR RECORD
At 9:26 O'Clock A M

IN THE DISTRICT COURT
OF BROWN AND MILLS
COUNTY, TEXAS
35TH JUDICIAL DISTRICT

MAR 23 2021


SONYA SCOTT, County & District Clerk
Mills County, Texas

REVISED FELONY BOND SCHEDULE

District Judge of the 35th Judicial District Court for Brown and Mills County, Texas hereby revises the established guidelines for the setting of bonds for felony offenses committed in Brown or Mills County, Texas. These guidelines allow a range of discretion. The magistrate setting the bond should look at the special circumstances concerning each offense and give attention to the future safety of the alleged victim and the community in the setting of bond while ensuring the appearance of the defendant.

The following range is to be used as a minimum. In addition to the standard amount for the felony level, special circumstances may give rise to the enhancement of the bond amount. Those special circumstances are categorized and reflect the desire of the District Judge that individual attention is given to each cause and the intent of Art.17.15, *Texas Code of Criminal Procedure* be carried out.

BOND RANGES:

FIRST DEGREE:	\$25,000.00 TO \$100,000.00
SECOND DEGREE:	\$15,000.00 TO \$ 50,000.00
THIRD DEGREE:	\$10,000.00 TO \$ 15,000.00
STATE JAIL FELONY:	\$ 5,000.00 TO \$ 10,000.00

The following special circumstances should be viewed as an additional amount to be added:

CAPITAL MURDER:	RWOB (Remand without bond)
USE OF A DEADLY WEAPON	\$50,000.00
A CHILD OR ELDERLY VICTIM:	\$50,000.00
HABITUAL OFFENDER:	\$20,000.00 TO \$75,000.00
REPEAT OFFENDER:	\$15,000.00 TO \$40,000.00
OFFENDER ON ACTIVE FELONY BOND:	RWOB *
MOTIONS TO REVOKE PROBATION:	RWOB **
MOTIONS TO ENTER ADJUDICATION OF GUILT:	**
DOMESTIC VIOLENCE:	\$50,000.00

* The case should be referred to the District Attorney's office for a determination on their right to request a Remand without Bond. If no such request is made, the bond should be set at triple the regular bond amount.

** Only the District Judge may set the amount of bail on Motions to Enter Adjudication of Guilt and Motions to Revoke Probation. Motions, by the defendant, should be filed in the District Court.

Special conditions of bond: The Code of Criminal Procedure empowers the magistrate to set special conditions. The necessity of imposing these conditions should be reviewed in all appropriate cases. As examples:

BOND FORFEITURE: Article 23.05 C.C.P. should be utilized to require a cash or surety bond in triple the amount of the forfeited amount.

FAMILY VIOLENCE: Article 17.292 C.C.P. allows the issuance of protective orders. The bond should be issued in the appropriate case.

CHILD VICTIM UNDER THE AGE OF 12: Article 17.41 C.C.P. allows the issuance of special conditions which should be considered and applied.

IGNITION INTERLOCK: For felony DWIs, ignition interlock installation should be required as a condition. Art. 17.441 C.C.P. The cost is to be assessed to the defendant. The Community Supervision and Corrections Department should be contacted to arrange for the interlock.

STALKING: A magistrate may require a defendant not to go near the residence, place of employment or business of the victim and other restrictions as per Art. 17.46 C.C.P.

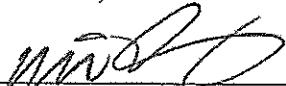
DRUG TESTING: Drug tests on a weekly basis at the expense of the defendant should be imposed in all drug cases that merit it. Arrangements should be made through the Community Supervision and Corrections Department. Art. 17.44 C.C.P.

CONDITIONS REQUIRING AIDS AND HIV INSTRUCTION: If a defendant is charged with an offense of prostitution under Section 43.02 of the *Texas Penal Code* then a magistrate may require counseling and education regarding AIDS and HIV. Art. 17.45 C.C.P.

HOME CURFEW AND ELECTRONIC MONITORING AS A CONDITION: Art. 17.43 and 17.44 C.C.P. For the protection of stalking victims and family violence victims, the electronic monitor may be available through the Community Supervision and Corrections Department and may be made a condition of either surety or PR bond. The cost is to be assessed to the defendant.

MAGISTRATES ORDER FOR EMERGENCY PROTECTION: Art. 17.292 C.C.P. provides for an emergency protection order to be issued by a magistrate after the arrest for an offense involving family violence or stalking under Section 42.072 of the *Texas Penal Code*.

Signed and entered this the 14 day of March, 2021.



MIKE SMITH, Judge Presiding
35th Judicial District Court
State of Texas