

Timeline

- April 2017: District Judge Lee Rosenthal ruled the County's bail system was unconstitutional.
- January 2019: Harris County Criminal Court at Law Judges reached an agreement with Rosenthal to allow the new rules, which let about 85 percent of misdemeanor defendants be released without bail.
- July 2019: If the proposed consent decree is approved, Harris County would be one of the largest in the country to severely limit the use of cash bail.

New System of Misdemeanor Criminal Justice

This agreement replaces what was an unconstitutional two-tiered system of misdemeanor criminal justice where access to due process was based on how much money a defendant has. It establishes a new system of misdemeanor criminal justice in Harris County that is reasonable, fair, and constitutional.

No misdemeanor defendant will be locked up simply because they don't have the money to pay bail. Unlike the previous system, which increased crime in our communities and locked up low-risk defendants before trial, the new system will enable defendants to keep their jobs and keep families together. Furthermore, this frees up law enforcement resources to address violent crimes.

Proposed Harris County Misdemeanor Criminal Justice Consent Decree

The agreement locks down reforms that have already been implemented by the Harris County Court at Law judges. Today and going forward:

- A misdemeanor arrest no longer automatically results in a defendant being held in jail
- Most misdemeanor arrestees are released on personal recognizance bonds – they do not have to pay bail to be allowed to return to their daily lives as they await trial
- People arrested for violating court orders in family violence cases, certain assault cases, misdemeanor DWI, any new offense while on pre-trial release, and in other similar circumstances will face a judge to determine whether they should be held subject to bail
- Those who must face a bail hearing are provided free, effective legal counsel through the Harris County Public Defender's Office

The agreement improves Harris County's misdemeanor court procedures. The County will:

- Set standard rules for misdemeanor defendants who miss their court date and establishes an "open hours court" where those defendants can have it rescheduled
- Provide all defendants written notice of the date, time, and location of their next scheduled court appearance – presented in a manner that is clear and easy to understand
- Develop a website where misdemeanor defendants can easily access updated information about their scheduled court appearances

The agreement establishes a system that fosters ongoing improvements to Harris County's misdemeanor system of justice. The County will:

- Study and improve the methods of providing notice and reminders of court dates
- Study the issues that cause defendants to fail to appear for their misdemeanor court dates
- Collect and maintain data that will allow the public and others to hold the County accountable and ensure continuous improvement

