**Handout 1: Bail Schedules and Standing Orders**

* A judge may not adopt a bail schedule or a standing order that is inconsistent with these requirements or authorizes a magistrate to make a bail decision without considering each factor listed in Art. 17.15(a).
* A defendant charged with a Class B or higher offense who is unable to give bail in the amount required by a bail schedule or standing order must be provided with an opportunity to file an affidavit stating that they do not have the means to pay $\_\_\_ and requesting that an appropriate bail be set.
* A defendant who files an affidavit must complete a financial information form.
* Same form for appointment of counsel or a form created by OCA.
* The magistrate must inform the defendant of their right to file an affidavit and ensure the defendant receives reasonable assistance in completing it and the financial information form.
* The magistrate must inform the defendant of their right to file an affidavit and ensure the defendant receives reasonable assistance in completing it and the financial information form.
* A defendant may file an affidavit at any time during the bail proceeding.
* The defendant is entitled to a prompt review by the magistrate on the bail amount.
* The review may be conducted by the magistrate making the bail decision or may occur as a separate pretrial proceeding.
* The magistrate must consider the facts presented and the factors in Art. 17.15(a) and must set the bail.
* If the magistrate does not set the defendant’s bail below the amount required by a bail schedule or standing order the magistrate must issue written findings of fact supporting the bail decision.
* If a magistrate or criminal trial judge does not conduct a review within 48 hours after the defendant’s arrest, they must report that to OCA.
* If a delay occurs that will cause the review to be held more than 48 hours after the defendant’s arrest, notice of the delay must be given to the defendant’s counsel or to the defendant if he does not have counsel.