2005-000,344

	§ IN THE DISTRICT COURTS AND
	§ COUNTY COURT AT LAW
	§
IN RE DETENTION	§ OF LUBBOCK COUNTY, TEXAS
PENDING FILING OF CHARGES	§
	§
	§ 137TH, 140TH, 364TH JUDICIAL
	§ DISTRICTS, COUNTY COURT AT
	§ LAW NO. 1 AND NO. 2

AMENDED JOINT ORDER REGARDING
DETENTION OF INDIVIDUALS PENDING FILING OF CHARGES

In order to maintain the rights of citizens to their liberty, as well as to better manage the jail population of Lubbock County, the following policy is placed into effect immediately.

An individual detained in jail pending the filing of formal charges will be released on pretrial release bond or by reducing the amount of bail required, if the State does not file charges on the offense(s) for which the individual is being detained within:

(1)   45 days from the date of detention if the individual is accused of a felony listed in Code of Criminal Procedure Article 42.12, Section 3g.

(2)   30 days from the date of detention if the individual is accused of a any felony other than those excluded by section (1) above;

(2)   15 days from the date of detention if the individual is accused of a misdemeanor.

When an individual is detained over the prescribed period of time without charges being filed, the Court will notify the State of those who are scheduled to be released. If the State objects to the release of the detained individual, they shall

notify the Court in writing of the specific individual for whom they oppose release as well as the reasons that they oppose the release. Upon receiving the written objection, the Court shall determine whether to hold a detention hearing to allow the State and the Defendant an opportunity to provide justification for continuing the detention or releasing the individual. If the Court determines that a detention hearing is not necessary, the Court shall make a determination to continue the detention or release the individual pursuant to this order.

The clerk of the court is hereby directed to record this order in the minutes of such courts.

Signed this the __29__ day of September, 2006.

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Jim B. Darnell
Local Administrative Judge