

THE ATTORNEY GENERAL

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Opinions

Opinion No. AC-0002

The Honorable Julie Renken

Washington County District Attorney

100 East Main, Box 303

Brenham, Texas 77833

Re: Authority of a magistrate to deny bail following a designation under Code of Criminal Procedure article 17.027(a)(1) (RQ-0484-KP)

SUMMARY

Code of Criminal Procedure article 17.027(a)(1) concerns the release on bail of a defendant charged with a felony committed while on bail for a prior felony in the same county. A court designated in writing

pursuant to article 17.027(a)(1) to set bail under these circumstances is not authorized to deny bail unless the designated court is a district court, as only a district judge may deny bail to a person accused of a felony committed while on bail for a prior felony pursuant to Texas Constitution article I, section 11a.

For further information, please access the website at www.texasattorneygeneral.gov or call the Opinion Committee at (512) 463-2110.

TRD-202302833

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