

By: Kacal, Price, Lambert

H.J.R. No. 4

Substitute the following for H.J.R. No. 4:

By: Bell of Kaufman

C.S.H.J.R. No. 4

A JOINT RESOLUTION

1 proposing a constitutional amendment authorizing the denial of bail
2 under some circumstances to a person accused of a violent or sexual
3 offense or of continuous trafficking of persons, and requiring the
4 denial of bail to a person accused of capital murder or a sexual
5 offense involving a victim younger than 17 years of age under most
6 circumstances.

7 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

8 SECTION 1. Article I, Texas Constitution, is amended by
9 adding Sections 11d and 11e to read as follows:

10 Sec. 11d. (a) A person accused of committing a violent or
11 sexual offense, or of committing continuous trafficking of persons,
12 may be denied bail pending trial if a judge or magistrate determines
13 that requiring bail and conditions of release is insufficient to
14 reasonably ensure:

15 (1) the person's appearance in court as required; or

16 (2) the safety of the community, law enforcement, or
17 the victim of the alleged offense.

18 (b) A judge or magistrate who denies a person bail in
19 accordance with this section shall prepare a written order that
20 includes findings of fact and a statement explaining the judge or
21 magistrate's reason for the denial.

22 (c) This section may not be construed to:

23 (1) limit any right a person has under other law to
24 contest a denial of bail or to contest the amount of bail set by a

1 judge or magistrate; or

2 (2) require any hearing or procedure, not otherwise
3 required by this section or by general law, before a judge or
4 magistrate makes a bail decision with respect to a person to whom
5 this section applies.

6 (d) In this section, "violent offense" and "sexual offense"
7 have the meanings assigned by Section 11a of this article.

8 Sec. 11e. (a) A person accused of committing capital
9 murder, or of committing a sexual offense involving a victim
10 younger than 17 years of age, shall be denied bail pending trial
11 unless a judge or magistrate determines by clear and convincing
12 evidence that, based on the existence of extraordinary
13 circumstances, the judge or magistrate is able to set bail and
14 conditions of release sufficient to reasonably ensure:

15 (1) the person's appearance in court as required; and
16 (2) the safety of the community, law enforcement, and
17 the victim of the alleged offense.

18 (b) A judge or magistrate who denies a person bail in
19 accordance with this section shall prepare a written order that
20 includes findings of fact and a statement explaining the judge or
21 magistrate's reason for the denial.

22 (c) This section may not be construed to:

23 (1) limit any right a person has under other law to
24 contest a denial of bail or to contest the amount of bail set by a
25 judge or magistrate; or

26 (2) require any hearing or procedure, not otherwise
27 required by this section or by general law, before a judge or

1 magistrate makes a bail decision with respect to a person to whom
2 this section applies.

3 (d) In this section, "sexual offense" has the meaning
4 assigned by Section 11a of this article.

5 SECTION 2. This proposed constitutional amendment shall be
6 submitted to the voters at an election to be held November 2, 2021.
7 The ballot shall be printed to permit voting for or against the
8 proposition: "The constitutional amendment authorizing the denial
9 of bail under some circumstances to a person accused of a violent or
10 sexual offense or of continuous trafficking of persons, and
11 requiring the denial of bail to a person accused of capital murder
12 or a sexual offense involving a victim younger than 17 years of age
13 under most circumstances."