

By: Stucky, Cook, Thimesch

H.J.R. No. 99

A JOINT RESOLUTION

1 proposing a constitutional amendment requiring the denial of bail
2 to certain persons arrested for an offense resulting in the death of
3 or serious bodily injury to a person younger than 18 years of age.

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

5 SECTION 1. Article I, Texas Constitution, is amended by
6 adding Section 11d to read as follows:

7 Sec. 11d. (a) A person taken into custody for an offense
8 resulting in the death of or serious bodily injury to a person
9 younger than 18 years of age shall be denied release on bail pending
10 trial for a period not to exceed 30 days if a judge or magistrate,
11 following a hearing, determines:

12 (1) by a preponderance of the evidence that the person
13 engaged in the conduct constituting the offense; and

14 (2) by clear and convincing evidence that requiring
15 bail and conditions of release is insufficient to reasonably
16 ensure:

17 (A) the person's appearance in court as required;
18 or

19 (B) the safety of the community, law enforcement,
20 or the victim of the alleged offense.

21 (b) A person may not be denied bail under this section more
22 than once with respect to the same offense.

23 SECTION 2. This proposed constitutional amendment shall be
24 submitted to the voters at an election to be held November 7, 2023.

1 The ballot shall be printed to provide for voting for or against the
2 proposition: "The constitutional amendment requiring the denial of
3 bail to certain persons arrested for an offense resulting in the
4 death of or serious bodily injury to a person younger than 18 years
5 of age."