

BILL ANALYSIS

C.S.H.J.R. 56
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Criminal Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Current law requires a criminal defendant to be released on a reduced bond or a personal bond if the state is not ready for trial within 90 days of arrest in a felony case. However, defendants who violate a condition of their bond are guaranteed to be offered an additional bond because current law does not allow the state to hold the defendant without bond until the time of the trial. CSHJR 56 proposes an amendment to the Texas Constitution to authorize denial of bail to a criminal defendant who violates a condition of the defendant's release pending trial.

RULEMAKING AUTHORITY

It is the committee's opinion that this resolution does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

CSHJR 56 proposes an amendment to the Texas Constitution to authorize denial of bail to a criminal defendant who violates a condition of the defendant's release pending trial. The election on the specific proposition would take place on November 8, 2005.

EFFECTIVE DATE

CSHJR 56 requires the proposed constitutional amendment to be submitted to the voters at an election to be held on November 8, 2005, and requires the ballot to be printed to permit voting for or against the specific proposition.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The substitute adds language that clarifies that the intent of the legislation is to revoke bail only when there are concerns as to the safety of the victim or the community. This substitute mirrors the floor amendment that Senate adopted to companion legislation SJR 17.