BILL ANALYSIS

Senate Research Center
79R321 PEP-D

S.J.R. 17
By: Staples
Criminal Justice
3/24/2005
As Filed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Current law requires a defendant to be released on a reduced bond or a personal bond if the state is not ready for trial within 90 days of an arrest in a felony case. Defendants who violate parole by committing additional offenses are guaranteed to be offered bond and the state does not have the ability to hold the defendant without bond until the time of the trial.

S.J.R. 17 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

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Article I, Texas Constitution, by adding Section 11b, as follows:

> Sec. 11b. VIOLATION OF CONDITION OF RELEASE PENDING TRIAL; DENIAL OF BAIL. Authorizes any person accused of a felony in this state who is released on bail pending trial and whose bail is subsequently revoked or forfeited for a violation of a condition of release to be denied bail pending trial on a determination by a district judge in this state, at a subsequent hearing to set or reinstate bail, that the person violated a condition of release.

SECTION 2. Requires the proposed constitutional amendment to be submitted to the voters at an election to be held on November 8, 2005. Requires the ballot to be printed to permit voting for or against the specific proposition.