By: Straus   H.J.R. No. 6

A JOINT RESOLUTION

1   proposing a constitutional amendment authorizing the denial of bail

2   to a person who violates certain court orders or conditions of

3   release in a felony or family violence case.

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

5   SECTION 1. Article I, Texas Constitution, is amended by

6   amending Section 11b and adding Section 11c to read as follows:

7   Sec. 11b. Any person who is accused in this state of a

8   felony or an offense involving family violence, [in this state] who

9   is released on bail pending trial, and whose bail is subsequently

10 revoked or forfeited for a violation of a condition of release may

11 be denied bail pending trial on a determination by a [district]

12 judge or magistrate in this state, at a subsequent hearing [to set

13 or reinstate bail], that probable cause exists to believe the

14 person violated a condition of release related to the safety of a

15 victim of the alleged offense or to the safety of the community.

16   Sec. 11c. The legislature by general law may provide that

17 any person who violates an order for emergency protection issued by

18 a judge or magistrate after an arrest for an offense involving

19 family violence or who violates an active protective order rendered

20 by a court in a family violence case, including a temporary ex parte

21 order that has been served on the person, or who engages in conduct

22 that constitutes an offense involving the violation of an order

23 described by this section may be taken into custody and, pending

24 trial or other court proceedings, denied release on bail on a

1 determination by a judge or magistrate in this state following a

2 hearing that probable cause exists to believe the person violated

3 the order or engaged in the conduct constituting the offense.

4   SECTION 2. This proposed constitutional amendment shall be

5 submitted to the voters at an election to be held November 6, 2007.

6 The ballot shall be printed to provide for voting for or against the

7 proposition: "The constitutional amendment authorizing the denial

8 of bail to a person who violates certain court orders or conditions

9 of release in a felony or family violence case."