

1-1 By: Straus, Alonzo (Senate Sponsor - Wentworth) H.J.R. No. 6  
1-2 (In the Senate - Received from the House May 4, 2007;  
1-3 May 17, 2007, read first time and referred to Committee on Criminal  
1-4 Justice; May 18, 2007, reported favorably by the following vote:  
1-5 Yeas 6, Nays 0; May 18, 2007, sent to printer.)

1-6 HOUSE JOINT RESOLUTION

1-7 proposing a constitutional amendment authorizing the denial of bail  
1-8 to a person who violates certain court orders or conditions of  
1-9 release in a felony or family violence case.

1-10 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Article I, Texas Constitution, is amended by  
1-12 amending Section 11b and adding Section 11c to read as follows:

1-13 Sec. 11b. Any person who is accused in this state of a  
1-14 felony or an offense involving family violence, [in this state] who  
1-15 is released on bail pending trial, and whose bail is subsequently  
1-16 revoked or forfeited for a violation of a condition of release may  
1-17 be denied bail pending trial if [on a determination by] a [district]  
1-18 judge or magistrate in this state determines by a preponderance of  
1-19 the evidence[7] at a subsequent hearing [to set or reinstate bail,]  
1-20 that the person violated a condition of release related to the  
1-21 safety of a victim of the alleged offense or to the safety of the  
1-22 community.

1-23 Sec. 11c. The legislature by general law may provide that  
1-24 any person who violates an order for emergency protection issued by  
1-25 a judge or magistrate after an arrest for an offense involving  
1-26 family violence or who violates an active protective order rendered  
1-27 by a court in a family violence case, including a temporary ex parte  
1-28 order that has been served on the person, or who engages in conduct  
1-29 that constitutes an offense involving the violation of an order  
1-30 described by this section may be taken into custody and, pending  
1-31 trial or other court proceedings, denied release on bail if  
1-32 following a hearing a judge or magistrate in this state determines  
1-33 by a preponderance of the evidence that the person violated the  
1-34 order or engaged in the conduct constituting the offense.

1-35 SECTION 2. This proposed constitutional amendment shall be  
1-36 submitted to the voters at an election to be held November 6, 2007.  
1-37 The ballot shall be printed to provide for voting for or against the  
1-38 proposition: "The constitutional amendment authorizing the denial  
1-39 of bail to a person who violates certain court orders or conditions  
1-40 of release in a felony or family violence case."

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