

## **BILL ANALYSIS**

H.J.R. 86  
By: Murphy  
State Affairs  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Under the Texas Constitution, prisoners, other than those taken into custody for a capital felony and multiple felony offenders, may be released from confinement on bail. The Texas Constitution does not address bail for offenders taken into custody who are not citizens of the United States.

H.J.R. 86 seeks to address the need to have the proper federal and state agencies process a person who is not a citizen prisoner and for such prisoner to be handled appropriately and efficiently by requiring the denial of bail for a person charged with a felony offense who is not a citizen and is unlawfully present in the United States.

### **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**

H.J.R. 86 proposes an amendment to the Texas Constitution to require a person taken into custody for committing a felony to be denied release on bail pending trial if a judge or magistrate, following a hearing, determines that the person is not a citizen or national of the United States and is not lawfully present in the United States. The resolution sets out the required ballot language.

### **ELECTION DATE**

The constitutional amendment proposed by this joint resolution will be submitted to the voters at an election to be held November 8, 2011.