

BILL ANALYSIS

H.J.R. 98
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Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Under the Texas Constitution, a district judge has discretionary authority to deny the release on bail pending trial of a certain person accused of a violent or sexual offense committed while under the supervision of a criminal justice agency of the state or state political subdivision for a prior felony. A violent offense under this provision includes murder, aggravated assault, if the accused used or exhibited a deadly weapon during the commission of the assault, aggravated kidnapping, and aggravated robbery. Sexual offense means aggravated sexual assault, sexual assault, or indecency with a child.

Interested parties contend that the denial of release on bail for a person taken into custody for committing a violent offense or sexual offense who has previously been convicted of a violent or sexual offense would prevent the number of occurrences of these unlawful and unfortunate crimes because these repeat offenders are most likely to reoffend while free on bail and are least likely to appear in court when ordered by the court. H.J.R. 98 seeks to address this public safety concern.

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. 98 proposes an amendment to the Texas Constitution to require the denial of release on bail pending trial of a person taken into custody for committing a certain violent offense or sexual offense if a judge or magistrate, following a hearing, determines that the person has been previously convicted of a certain violent offense or sexual offense. 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.