

By: Burkett, Carter, et al.

H.J.R. No. 39

Substitute the following for H.J.R. No. 39:

By: Herrero

C.S.H.J.R. No. 39

A JOINT RESOLUTION

1 proposing a constitutional amendment authorizing the denial of bail
2 to certain persons charged with a violent or sexual offense after
3 having been previously convicted of a violent or sexual offense.

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

5 SECTION 1. Section 11a, Article I, Texas Constitution, is
6 amended by amending Subsection (b) and adding Subsection (c) to
7 read as follows:

8 (b) Notwithstanding Subsection (a) of this section, a
9 person taken into custody for committing a violent offense or
10 sexual offense may be denied release on bail pending trial if a
11 judge or magistrate, following a hearing, determines that the
12 person has been previously convicted of a violent offense or sexual
13 offense.

14 (c) In this section:

15 (1) "Violent offense" means:

16 (A) murder;

17 (B) aggravated assault, if the accused used or
18 exhibited a deadly weapon during the commission of the assault;

19 (C) aggravated kidnapping; or

20 (D) aggravated robbery.

21 (2) "Sexual offense" means:

22 (A) aggravated sexual assault;

23 (B) sexual assault; or

24 (C) indecency with a child.

1 SECTION 2. This proposed constitutional amendment shall be
2 submitted to the voters at an election to be held November 5, 2013.
3 The ballot shall be printed to provide for voting for or against the
4 proposition: "The constitutional amendment authorizing the denial
5 of bail to certain persons charged with a violent or sexual offense
6 after having been previously convicted of a violent or sexual
7 offense."