

By: Murr

H.J.R. No. 98

A JOINT RESOLUTION

1 proposing a constitutional amendment authorizing the denial of
2 pretrial release of a person accused of a noncapital offense if
3 necessary to ensure the person's appearance in court and the safety
4 of the community and the victim of the alleged offense.

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

6 SECTION 1. Section 11, Article I, Texas Constitution, is
7 amended to read as follows:

8 Sec. 11. (a) Except as provided by Subsection (b) of this
9 section and Sections 11a, 11b, and 11c of this article, any person
10 accused of an offense [~~All prisoners~~] shall be eligible for
11 pretrial release, whether on a bail bond or a personal bond
12 [~~bailable by sufficient sureties~~], unless the person is accused of
13 a [~~for~~] capital offense for which [~~offenses, when~~] the proof is
14 evident; but this provision shall not be [~~so~~] construed [~~as~~] to
15 prevent pretrial release [~~bail~~] after indictment found upon
16 examination of the evidence, in such manner as may be prescribed by
17 law.

18 (b) A person may be denied pretrial release if a judge or
19 magistrate determines by clear and convincing evidence that
20 requiring bail and conditions of release are insufficient to
21 reasonably ensure:

- 22 (1) the person's appearance in court as required; or
23 (2) the safety of the community or the victim of the
24 alleged offense.

1 SECTION 2. This proposed constitutional amendment shall be
2 submitted to the voters at an election to be held November 7, 2017.
3 The ballot shall be printed to permit voting for or against the
4 proposition: "The constitutional amendment authorizing the denial
5 of pretrial release of a person accused of a noncapital offense if
6 necessary to ensure the person's appearance in court and the safety
7 of the community and the victim of the alleged offense."