

RESOLUTION ANALYSIS

C.S.H.J.R. 62
By: Murr
Criminal Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

It has been suggested that an individual's right to bail could be clarified to better protect the general public and support the imperatives of justice, especially in circumstances in which a person is accused of a violent or sexual offense. C.S.H.J.R. 62 seeks to address this issue by authorizing the denial of bail to such an accused person if necessary to ensure the person's appearance in court and the safety of the community and the victim of the alleged offense.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this resolution does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

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

C.S.H.J.R. 62 proposes an amendment to the Texas Constitution to authorize the legislature to authorize by law the denial of bail pending trial for a person accused of a violent or sexual offense if a judge or magistrate determines by clear and convincing evidence that requiring bail and conditions of release is insufficient to reasonably ensure the person's appearance in court as required or the safety of the community or the victim of the alleged offense.

ELECTION DATE

The constitutional amendment proposed by this joint resolution will be submitted to the voters at an election to be held November 5, 2019.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.J.R 62 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the resolution.

The substitute does not include a provision establishing that a person may be denied bail pending trial under certain circumstances, but the substitute includes an authorization for the legislature to authorize by law the denial of bail pending trial for a person accused of a violent or sexual offense under those circumstances.