By: Huffman, et al.   S.J.R. No. 3
     (Kacal, Smith, Cook, et al.)

1   SENATE JOINT RESOLUTION

2   proposing a constitutional amendment requiring a judge or

3   magistrate to impose the least restrictive conditions of bail that

4   may be necessary and authorizing the denial of bail under some

5   circumstances to a person accused of a violent or sexual offense or

6   of continuous trafficking of persons.

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

8   SECTION 1.   Section 11, Article I, Texas Constitution, is

9   amended to read as follows:

10   Sec. 11. (a) All prisoners shall be bailable by sufficient

11 sureties, unless for capital offenses, when the proof is evident;

12 but this provision shall not be so construed as to prevent bail

13 after indictment found upon examination of the evidence, in such

14 manner as may be prescribed by law.

15   (b) In setting bail, a judge or magistrate shall impose the

16 least restrictive conditions, if any, and the monetary bond or

17 personal bond necessary to reasonably ensure the accused person's

18 appearance in court as required and the safety of the community, law

19 enforcement, and the victim of the alleged offense.

20   SECTION 2.   Article I, Texas Constitution, is amended by

21 adding Section 11d to read as follows:

22   Sec. 11d. (a)   A person accused of committing a sexual

23 offense punishable as a felony of the first degree, of committing a

24 violent offense, or of committing continuous trafficking of persons

1 may be denied bail pending trial if a judge or magistrate determines

2 by clear and convincing evidence after a hearing that requiring

3 bail and conditions of release is insufficient to reasonably

4 ensure:

5   (1) the person's appearance in court as required; or

6   (2) the safety of the community, law enforcement, or

7 the victim of the alleged offense.

8   (b) A judge or magistrate who denies a person bail in

9 accordance with this section shall prepare a written order that

10 includes findings of fact and a statement explaining the judge's or

11 magistrate's reason for the denial.

12   (c) This section may not be construed to:

13   (1) limit any right a person has under other law to

14 contest a denial of bail or to contest the amount of bail set by a

15 judge or magistrate; or

16   (2) require any testimonial evidence before a judge or

17 magistrate makes a bail decision with respect to a person to whom

18 this section applies.

19   (d) For purposes of determining whether clear and

20 convincing evidence exists to deny a person bail as described by

21 this section, a judge or magistrate shall consider the factors

22 required to be considered by a judge or magistrate in setting bail

23 under general law, including statutory law governing criminal

24 procedure.

25   (e) In this section, "violent offense" and "sexual offense"

26 have the meanings assigned by Section 11a of this article.

27   SECTION 3. This proposed constitutional amendment shall be

1 submitted to the voters at an election to be held May 7, 2022. The

2 ballot shall be printed to permit voting for or against the

3 proposition: "The constitutional amendment requiring a judge or

4 magistrate to impose the least restrictive conditions of bail that

5 may be necessary and authorizing the denial of bail under some

6 circumstances to a person accused of a violent or sexual offense or

7 of continuous trafficking of persons."