By:  Kacal, et al. (Senate Sponsor - Huffman) H.J.R. No. 4

(In the Senate - Received from the House May 12, 2021; May 13, 2021, read first time and referred to Committee on Jurisprudence; May 21, 2021, reported favorably by the following vote: Yeas 4, Nays 1; May 21, 2021, sent to printer.)

COMMITTEE VOTE

                    Yea Nay Absent  PNV

Huffman           X

Hinojosa             X

Creighton            X

Hughes               X

Johnson                  X

HOUSE JOINT RESOLUTION

proposing a constitutional amendment authorizing the denial of bail under some circumstances to a person accused of a violent or sexual offense or of continuous trafficking of persons.

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

SECTION 1.  Article I, Texas Constitution, is amended by adding Section 11d to read as follows:

Sec. 11d.  (a) A person accused of committing a violent or sexual offense, or of committing continuous trafficking of persons, may be denied bail pending trial if a judge or magistrate determines by clear and convincing evidence that requiring bail and conditions of release is insufficient to reasonably ensure:

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

(2)  the safety of the community, law enforcement, or the victim of the alleged offense.

(b)  A judge or magistrate who denies a person bail in accordance with this section shall prepare a written order that includes findings of fact and a statement explaining the judge or magistrate's reason for the denial.

(c)  This section may not be construed to:

(1)  limit any right a person has under other law to contest a denial of bail or to contest the amount of bail set by a judge or magistrate; or

(2)  require any hearing or procedure before a judge or magistrate makes a bail decision with respect to a person to whom this section applies.

(d)  In this section, "violent offense" and "sexual offense" have the meanings assigned by Section 11a of this article.

SECTION 2.  This proposed constitutional amendment shall be submitted to the voters at an election to be held November 2, 2021. The ballot shall be printed to permit voting for or against the proposition: "The constitutional amendment authorizing the denial of bail under some circumstances to a person accused of a violent or sexual offense or of continuous trafficking of persons."

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