

By: Kacal, Price, Lambert, Murr

H.J.R. No. 4

A JOINT RESOLUTION

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

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

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

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

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

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

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

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

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

23 (2) require any hearing or procedure before a judge or  
24 magistrate makes a bail decision with respect to a person to whom

1 this section applies.

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

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