

By: Kacal

H.J.R. No. 4

A JOINT RESOLUTION

1 proposing a constitutional amendment authorizing the denial of bail  
2 to an accused person if necessary to ensure the person's appearance  
3 in court and the safety of the community, law enforcement, and the  
4 victim of the alleged offense, and requiring the denial of bail to a  
5 person accused of capital murder or a sexual offense involving  
6 children under most circumstances.

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

8 SECTION 1. Article I, Texas Constitution, is amended by  
9 adding Sections 11d and 11e to read as follows:

10 Sec. 11d. (a) A person accused of a violent or sexual  
11 offense, or other offenses as authorized by the legislature by law,  
12 may be denied bail pending trial if a judge or magistrate determines  
13 that requiring bail and conditions of release is insufficient to  
14 reasonably ensure:

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

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

18 (b) This section may not be construed to require additional  
19 hearings or procedures, other than those authorized or required by  
20 the legislature before a judge or magistrate makes a bail decision,  
21 before a person may be denied bail in accordance with this section.

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

24 Sec. 11e. (a) A person accused of capital murder or a

1 sexual offense involving a victim younger than 17 years of age, must  
2 be denied bail pending trial unless a judge or magistrate  
3 determines by clear and convincing evidence that extraordinary  
4 circumstances allow the judge or magistrate to set bail and  
5 conditions of release sufficient to reasonably ensure:

6           (1) the person's appearance in court as required; and  
7           (2) the safety of the community, law enforcement, and  
8 the victim of the alleged offense.

9           **(b)** In this section, "sexual offense" has the meaning  
10 assigned by Section 11a of this article.

11           SECTION 2. This proposed constitutional amendment shall be  
12 submitted to the voters at an election to be held November 2, 2021.  
13 The ballot shall be printed to permit voting for or against the  
14 proposition: "The constitutional amendment authorizing the denial  
15 of bail to an accused person if necessary to ensure the person's  
16 appearance in court and the safety of the community, law  
17 enforcement, and the victim of the alleged offense, and requiring  
18 the denial of bail to a person accused of capital murder or a sexual  
19 offense involving children under most circumstances."