

Suspending limitations on conference committee  
jurisdiction, H.J.R. No. 4 (Kacal/Huffman)

By: Kacal

H.R. No. 2009

R E S O L U T I O N

1 BE IT RESOLVED by the House of Representatives of the State of  
2 Texas, 87th Legislature, Regular Session, 2021, That House Rule 13,  
3 Section 9(a), be suspended in part as provided by House Rule 13,  
4 Section 9(f), to enable the conference committee appointed to  
5 resolve the differences on House Joint Resolution 4 (requiring a  
6 judge or magistrate to impose the least restrictive conditions of  
7 bail that may be necessary and authorizing the denial of bail under  
8 some circumstances to a person accused of a violent or sexual  
9 offense or of continuous trafficking of persons) to consider and  
10 take action on the following matter:

11 House Rule 13, Sections 9(a)(1) and (4), are suspended to  
12 permit the committee to change, alter, or amend text which is not in  
13 disagreement and to add text on a matter which is not included in  
14 either the house or senate version of the joint resolution in  
15 proposed SECTION 2 of the joint resolution, by amending proposed  
16 Sections 11d(a) and (c), Article I, Texas Constitution, to read as  
17 follows:

18 (a) A person accused of committing a sexual offense  
19 punishable as a felony of the first degree, of committing a violent  
20 offense, or of committing continuous trafficking of persons may be  
21 denied bail pending trial if a judge or magistrate determines by  
22 clear and convincing evidence after a hearing that requiring bail  
23 and conditions of release is insufficient to reasonably ensure:

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

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

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

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

7           (2) require any testimonial evidence before a judge or  
8 magistrate makes a bail decision with respect to a person to whom  
9 this section applies.

10           Explanation: This change is necessary to clarify which  
11 persons may be denied bail pending trial and the procedural  
12 requirements imposed on a judge or magistrate before making certain  
13 bail decisions.