

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

By: Huffman

S.R. No. 550

SENATE RESOLUTION

BE IT RESOLVED by the Senate of the State of Texas, 87th Legislature, Regular Session, 2021, That Senate Rule 12.03 be suspended in part as provided by Senate Rule 12.08 to enable the conference committee appointed to resolve the differences on House Joint Resolution 4 (requiring a judge or magistrate to impose the least restrictive conditions of bail that may be necessary and authorizing the denial of bail under some circumstances to a person accused of a violent or sexual offense or of continuous trafficking of persons) to consider and take action on the following matter:

Senate Rules 12.03(1) and (4) are suspended to permit the committee to change, alter, or amend text which is not in disagreement and to add text on a matter which is not included in either the house or senate version of the joint resolution in proposed SECTION 2 of the joint resolution, by amending proposed Sections 11d(a) and (c), Article I, Texas Constitution, to read as follows:

(a) A person accused of committing a sexual offense punishable as a felony of the first degree, of committing a violent 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 after a hearing 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.

(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 testimonial evidence before a judge
or magistrate makes a bail decision with respect to a person to
whom this section applies.

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

President of the Senate

I hereby certify that the above Resolution was adopted by the Senate on May 30, 2021, by the following vote: Yeas 23, Nays 8.

Secretary of the Senate