

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

By: Huffman

S.R. No. 550

R E S O L U T I O N

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

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

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

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

24 (2) the safety of the community, law enforcement, or

1 the victim of the alleged offense.

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

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

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

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