

RESOLUTION ANALYSIS

H.J.R. 99
By: Stucky
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

In the aftermath of the tragic killing of 7-year-old Athena Strand of Wise County, there were questions surrounding the state's bail practices for an individual who confesses to a crime. Though state law provides for delayed release of individuals who are arrested for committing family violence, there is no provision for certain offenses involving children. The same protections afforded to victims of family violence should be extended to child victims. H.J.R. 99 seeks to address this issue by proposing an amendment requiring the denial of bail to certain persons arrested for an offense resulting in the death of or serious bodily injury to a person younger than 18 years of age.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this resolution does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this resolution does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.J.R. 99 proposes an amendment to the Texas Constitution to require the denial of release on bail for a period not to exceed 30 days for a person taken into custody for an offense resulting in the death of or serious bodily injury to a person younger than 18 years if the judge or magistrate, following a hearing, determines the following:

- by a preponderance of the evidence that the person engaged in the conduct constituting the offense; and
- by clear and convincing evidence that requiring bail and conditions of release is insufficient to reasonably ensure:
 - the person's appearance in court as required; or
 - the safety of the community, law enforcement, or the victim of the alleged offense.

The resolution prohibits a person from being denied bail more than once under this provision with respect to the same offense.

ELECTION DATE

The constitutional amendment proposed by this joint resolution will be submitted to the voters at an election to be held November 7, 2023.