

## **BILL ANALYSIS**

Senate Research Center  
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S.J.R. 51  
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### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Over the last few years, there has been an alarming trend across the country – repeat offenders being let out on little to no bail. While this is concerning at all levels of crime, it is particularly alarming when those being let loose are victimizing children in heinous ways.

The concern regarding bail denial is always one of due process. The concept of "innocent until proven guilty" is one of the most remarkable and vital aspects of the American criminal justice system. It is therefore justifiable that courts are wary of every denying bail. It should only happen in the most egregious of circumstances when the defendant has proven themselves to be a danger to the community.

This is one of those egregious circumstances. S.B. 1010 and S.J.R. 51 address a very narrow and very specific subsection of defendants: those who were charged with trafficking or a sexual crime on a child, released on bail, and then proceeded to commit yet another heinous trafficking or sexual crime on a child while released on bail. Such despicable behavior is proof that the conditions of bail release are not sufficient to protect society from this individual, and bail should therefore be denied.

S.J.R. 51:

In Texas, we protect our most vulnerable. Therefore, when an individual has shown themselves to be a danger to society by repeatedly victimizing children in heinous ways, we cannot allow these offenders to continue to have access to the children of our state.

S.B. 1010 and S.J.R. 51 will amend the Texas Constitution to deny bail to those who, while out on bail for a charge of trafficking or sexual assault on a minor, are rearrested for a new charge of a similar offense.

Such a denial shall only happen after a judge determines that the defendant committed the secondary offense by a preponderance of the evidence in a preliminary hearing.

S.J.R. 51 proposes a constitutional amendment authorizing the legislature to enact laws providing for the denial of bail to a person accused of committing a trafficking or sexual offense against a child while released on bail for committing a similar offense.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Article I, Texas Constitution, by adding Section 11d, as follows:

Sec. 11d. (a) Authorizes the legislature by general law to provide for the denial of bail to any person who is accused of committing a trafficking or sexual offense against a child, who is released on bail pending trial and while on bail commits another trafficking or

sexual offense against a child, if a judge or magistrate, following a hearing, determines by a preponderance of evidence that the person committed the offense while on bail.

(b) Defines "sexual offense."

SECTION 2. Requires that the proposed constitutional amendment be submitted to the voters at an election to be held November 7, 2023. Sets forth the required language of the ballot.