FLOOR AMENDMENT NO._____   BY: _Smithee_

1   Amend S.J.R. No. 1 on third reading as follows:

2   (1) Strike added Sections 11e(a), (b), and (c), Article I,

3   Texas Constitution, and substitute the following:

4   (a) This section applies only to a person:

5   (1) who is accused of committing one or more of the

6   following offenses:

7   (A) criminal solicitation, if the offense is

8   punishable as a felony of the first degree;

9   (B) murder;

10   (C) capital murder;

11   (D) aggravated kidnapping;

12   (E) trafficking of persons;

13   (F) continuous trafficking of persons;

14   (G) indecency with a child;

15   (H) sexual assault;

16   (I) aggravated sexual assault;

17   (J) injury to a child, if the offense is

18   punishable as a felony;

19   (K) aggravated robbery;

20   (L) burglary of a habitation, if the offense is

21   punishable as a felony of the first or second degree;

22   (M) aggravated promotion of prostitution;

23   (N) compelling prostitution;

24   (O) sexual performance by a child;

25   (P) possession or promotion of child pornography;

1   (Q) an offense punishable as a felony if:

2   (i) a deadly weapon, as that term is defined

3   by general law, was used or exhibited during the:

4   (a) commission of the offense; or

5   (b) immediate   flight   from   the

6   commission of the offense; and

7   (ii) the person:

8   (a) used or exhibited the deadly weapon;

9   or

10   (b) was a party to the offense and knew

11   that a deadly weapon would be used or exhibited;

12   (R) an offense under the Election Code that is

13   punishable as a felony of the third degree or any higher category

14   of offense;

15   (S) an offense that involves the manufacture or

16   delivery of or possession with the intent to deliver a controlled

17   substance under the Health and Safety Code and that is punishable

18   as a felony; or

19   (T) an offense punishable as a felony that

20   involves the manufacture, delivery, or possession of a controlled

21   substance and that was committed in a drug-free zone as provided

22   by general law, if the person has previously been convicted of an

23   offense punishable as a felony that involves the manufacture,

24   delivery, or possession of a controlled substance and that was

25   committed in a drug-free zone as provided by general law; and

26   (2) who:

27   (A) before the date of the commission of the

1   offense:

2   (i) entered the United States without

3   inspection or at any time or any place other than as designated by

4   the United States attorney general; or

5   (ii) was admitted as a nonimmigrant and

6   failed to maintain the nonimmigrant status under which the person

7   was admitted or to which it was changed under applicable federal

8   immigration law or to comply with the conditions of the person's

9   status; and

10   (B) did not attain and maintain lawful presence in

11   the United States before the date of the commission of the offense.

12   (b) For purposes of this section, a person is lawfully

13   present in the United States only if the person:

14   (1) is a United States citizen; or

15   (2) has been granted, under the applicable federal

16   statute:

17   (A) status as a lawful permanent resident, asylee,

18   or refugee;

19   (B) status as a parolee under a military parole in

20   place program;

21   (C) T nonimmigrant status or U nonimmigrant

22   status; or

23   (D) deferred action.

24   (2) In added Section 11e(d), Article I, Texas Constitution,

25   strike "An illegal alien" and substitute "A person".

26   (3) In added Section 11e(e), Article I, Texas Constitution,

27   strike "an illegal alien" and substitute "a person".

1   (4) Reletter the subsections of added Section 11e, Article I,

2   Texas Constitution, accordingly.

3   (5) In the SECTION of the resolution providing the proposed

4   ballot language, strike the language following the colon and

5   substitute the following:

6   "The constitutional amendment requiring the denial of bail

7   following judicial determinations that probable cause exists to

8   believe that persons who are not lawfully present in this country

9   have engaged in conduct constituting certain offenses punishable

10   as a felony."

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