

BILL ANALYSIS

Senate Research Center
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S.B. 1187
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

In 2016, Governor Greg Abbott announced his "Texas Plan" and identified Constitutional amendments he wanted passed to "rein in the federal government." The following year, the 85th legislature passed Senate joint resolution 2 (S.J.R. 2), which submitted an application for an Article V Convention.

An Article V Convention is a meeting at which amendments to the Constitution are brought forward and voted on. For a convention to be held, 2/3rds of the states must submit a request to Congress.

The passing of S.J.R. 2 was not a decision made in a vacuum. This bill united the State of Texas with a grassroots movement that had launched in 2013, in the state of Georgia. By 2017, ten states had already passed their own bills applying for a convention.

These amendments would "limit the power and jurisdiction of the federal government, impose fiscal restraints, and place term limits on federal officials."

In the event that an Article V Convention is called, there is a chance that delegates appointed by the procedure outlined in Section 393.001, Government Code, may cast "unauthorized votes." These votes are described by Section 393.101 as exceeding the "scope or subject matter" of the convention agreed on in the states' applications.

S.B. 1187 aims to discourage delegates to the convention from making unauthorized votes by making such an action a state jail felony. If a judge grants community supervision, then the defendant shall spend at least 10 days in county jail as a condition of that community supervision. If the community supervision is revoked, the term of confinement will not count towards the completion of the sentence imposed.

By making this a state jail felony, an offending delegate will be unable to serve as a state representative or state senator; therefore deterring would-be delegates from making an unauthorized vote.

As proposed, S.B. 1187 amends current law relating to an unauthorized vote by a delegate or alternate delegate to a federal Article V Convention and creates a criminal 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 Subchapter C, Chapter 393, Government Code, by adding Section 393.1035, as follows:

Sec. 393.1035. CRIMINAL PENALTY. (a) Provides that a delegate or alternative delegate to a federal Article V Convention commits an offense if the delegate or alternative delegate knowingly casts an unauthorized vote.

(b) Provides that an offense under this section is a state jail felony.

(c) Requires a judge granting community supervision to a defendant convicted of an offense under this section to require as a condition of community supervision that the defendant submit to not less than 10 days of confinement in county jail. Prohibits the term of confinement served under this subsection, if a sentence of confinement is imposed on the revocation of community supervision, from being credited toward completion of the sentence imposed.

SECTION 2. Effective date: September 1, 2025.