

BILL ANALYSIS

Senate Research Center
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S.J.R. 1
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Criminal Justice
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

BACKGROUND:

The current options for denying bail pending trial effectively require a full trial on the merits at the time bail is denied, or shortly thereafter. This impracticability leads to rare utilization, even in the most appropriate situations to ensure the public's safety.

Recently, President Donald Trump signed into law the "Laken Riley Act" which directs the U.S. Attorney General to take into custody any illegal alien who is charged, arrested, convicted, or admits to committing certain criminal acts. Denying bail to illegal aliens accused of a felony offense will further ensure that Texas is more effectively able to comply with federal law.

SUMMARY:

S.J.R. 1, if approved by the Texas voters, would amend Article I, Section 11 of our state Constitution to require the denial of bail for an illegal alien who is accused of a felony offense upon finding of probable cause.

- The judge or magistrate setting bail must determine that probable cause exists to believe that the person engaged in the conduct constituting the offense.

The joint resolution defines an "illegal alien" as a person who:

- entered the United States without inspection or at any time or place other than as designated by the United States attorney general; or
- was admitted as a nonimmigrant and, before the date of the commission of the offense, had failed to maintain the nonimmigrant status under which the alien was admitted or to which the status was changed under applicable federal immigration law, or to comply with the conditions of the alien's status.
- This definition aligns with the federal definition of an "undocumented criminal alien" under 8 U.S.C. § 1231.

This proposed constitutional amendment would be submitted to the voters at an election to be held on November 4, 2025.

COMMITTEE SUBSTITUTE:

A committee substitute will add that this act shall be known as "Jocelyn's Law."

S.J.R. 49 proposes a constitutional amendment requiring the denial of bail for an illegal alien charged with an offense punishable as a felony.

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 11e, as follows:

Sec. 11e. (a) Defines "illegal alien."

(b) Requires an illegal alien who is accused of committing an offense punishable as a felony to be denied bail pending trial if a judge or magistrate determines after a hearing that probable cause exists to believe that the person engaged in the conduct constituting the offense.

SECTION 2. Requires that the proposed constitutional amendment be submitted to the voters at an election to be held November 4, 2025. Sets forth the required language of the ballot.