

RESOLUTION ANALYSIS

S.J.R. 87
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Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

In 2021, the Texas Legislature passed S.B. 6, the Damon Allen Act, which overhauled the state's bail system. Among the reforms was the creation of the public safety report system, which expanded the information regarding a defendant that is available to a judge making a bail decision and provided for the Office of Court Administration (OCA) to collect data on the number of defendants for whom bail was set. The resolution sponsor has informed the committee that now, four years later, the state has a clearer understanding of the types of bail being set and the offenses for which they are applied. For example, in 2024, OCA reported that statewide there were over 30,000 individuals who were charged with serious, violent offenses and had bond set. The resolution sponsor has also informed the committee that almost two-thirds of these individuals received a bail amount under \$50,000 and that, accordingly, the majority of these individuals who were charged with such offenses would have paid approximately \$5,000 for bail if they utilized a surety. S.J.R. 87 seeks to make further changes to the state bail system by proposing a constitutional amendment requiring the denial of bail to persons accused of certain offenses punishable as a felony who have previously been convicted of or who were released on bail for certain offenses punishable as a felony at the time of the new offense.

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

S.J.R. 87 proposes an amendment to the Texas Constitution to require the denial of bail to a person accused of committing one or more applicable offenses if the judge or magistrate determines after a hearing that the state's attorney demonstrates the following:

- probable cause exists to believe that the person engaged in conduct constituting the offense; and
- the person:
 - was previously convicted of an applicable offense; or
 - at the time of the new offense, was released on bail for an applicable offense.

For purposes of this requirement, the following offenses are applicable offenses:

- murder;
- capital murder;
- aggravated assault if the person:
 - caused serious bodily injury, as that term is defined by general law, to another;or

- used a firearm, club, knife, or explosive weapon, as those terms are defined by general law, during the commission of the assault;
- aggravated kidnapping;
- aggravated robbery;
- aggravated sexual assault;
- indecency with a child;
- trafficking of persons; and
- continuous trafficking of persons.

S.J.R. 87 entitles a person to be represented by counsel at a hearing described by the resolution's provisions.

ELECTION DATE

The constitutional amendment proposed by this joint resolution will be submitted to the voters at an election to be held November 4, 2025.