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By:  Huffman, et al. S.J.R. No. 1

(Smithee, DeAyala, Little, Cook, Louderback, et al.)

Substitute the following for S.J.R. No. 1:

By:  Smithee C.S.S.J.R. No. 1

A JOINT RESOLUTION

proposing a constitutional amendment requiring the denial of bail under certain circumstances for illegal aliens charged with certain offenses punishable as a felony.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1.  This joint resolution shall be known as Jocelyn's Law.

SECTION 2.  Article I, Texas Constitution, is amended by adding Section 11e to read as follows:

Sec. 11e.  (a) In this section, "illegal alien" means an alien who:

(1)  before the date of the commission of the offense:

(A)  entered the United States without inspection or at any time or any place other than as designated by the United States attorney general; or

(B)  was admitted as a nonimmigrant and failed to maintain the nonimmigrant status under which the alien was admitted or to which it was changed under applicable federal immigration law or to comply with the conditions of the alien's status; and

(2)  did not attain and maintain lawful presence in the United States before the date of the commission of the offense.

(b)  For purposes of this section, a person is lawfully present in the United States only if the person is a United States citizen or has been granted status as a lawful permanent resident, asylee, or refugee or status as a parolee under a military parole in place program.

(c)  This section applies only to an illegal alien who is accused of committing one or more of the following offenses:

(1)  criminal solicitation, if the offense is punishable as a felony of the first degree;

(2)  murder;

(3)  capital murder;

(4)  aggravated kidnapping;

(5)  trafficking of persons;

(6)  continuous trafficking of persons;

(7)  indecency with a child;

(8)  sexual assault;

(9)  aggravated sexual assault;

(10)  injury to a child, if the offense is punishable as a felony;

(11)  aggravated robbery;

(12)  burglary, if:

(A)  the offense is punishable as a felony of the first degree; and

(B)  the illegal alien committed the offense with the intent to commit one or more of the following offenses punishable as a felony:

(i)  continuous sexual abuse of a young child or disabled individual;

(ii)  indecency with a child;

(iii)  sexual assault;

(iv)  aggravated sexual assault; or

(v)  prohibited sexual conduct;

(13)  aggravated promotion of prostitution;

(14)  compelling prostitution;

(15)  sexual performance by a child;

(16)  possession or promotion of child pornography;

(17)  an offense punishable as a felony if:

(A)  a deadly weapon, as that term is defined by general law, was used or exhibited during the:

(i)  commission of the offense; or

(ii)  immediate flight from the commission of the offense; and

(B)  the illegal alien:

(i)  used or exhibited the deadly weapon; or

(ii)  was a party to the offense and knew that a deadly weapon would be used or exhibited;

(18)  an offense under the Election Code that is punishable as a felony of the third degree or any higher category of offense;

(19)  an offense that involves the manufacture or delivery of or possession with the intent to deliver a controlled substance under the Health and Safety Code and that is punishable as a felony; or

(20)  an offense punishable as a felony that involves the manufacture, delivery, or possession of a controlled substance and that was committed in a drug-free zone as provided by general law, if the illegal alien has previously been convicted of an offense punishable as a felony that involves the manufacture, delivery, or possession of a controlled substance and that was committed in a drug-free zone as provided by general law.

(d)  An illegal alien to whom this section applies shall 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.

(e)  This section may not be construed to prevent a lawful transfer of custody of an illegal alien who is denied bail under this section.

SECTION 3.  This proposed constitutional amendment shall be submitted to the voters at an election to be held November 4, 2025. The ballot shall be printed to permit voting for or against the proposition: "The constitutional amendment requiring the denial of bail under certain circumstances for illegal aliens charged with certain offenses punishable as a felony."