

By: Huffman, et al.

S.J.R. No. 5

1 SENATE JOINT RESOLUTION

2 proposing a constitutional amendment authorizing the denial of bail
3 under limited circumstances to a person accused of certain violent
4 or sexual offenses or of continuous trafficking of persons.

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

6 SECTION 1. Article I, Texas Constitution, is amended by
7 adding Section 11d to read as follows:

8 Sec. 11d. (a) A person accused of committing a sexual
9 offense punishable as a felony of the first degree, of committing a
10 violent offense, or of committing continuous trafficking of persons
11 may be denied bail pending trial if a judge or magistrate determines
12 by clear and convincing evidence after a hearing that requiring
13 bail and conditions of release is insufficient to reasonably
14 ensure:

15 (1) the person's appearance in court as required; or

16 (2) the safety of the community, law enforcement, or
17 the victim of the alleged offense.

18 (b) A judge or magistrate who denies a person bail in
19 accordance with this section shall prepare a written order that
20 includes findings of fact and a statement explaining the judge's or
21 magistrate's reason for the denial.

22 (c) This section may not be construed to:

23 (1) limit any right a person has under other law to
24 contest a denial of bail or to contest the amount of bail set by a

1 judge or magistrate; or

2 (2) require any testimonial evidence before a judge or
3 magistrate makes a bail decision with respect to a person to whom
4 this section applies.

5 (d) For purposes of determining whether clear and
6 convincing evidence exists to deny a person bail as described by
7 this section, a judge or magistrate shall consider the factors
8 required to be considered by a judge or magistrate in setting bail
9 under general law, including statutory law governing criminal
10 procedure.

11 (e) In this section, "violent offense" and "sexual offense"
12 have the meanings assigned by Section 11a of this article.

13 SECTION 2. This proposed constitutional amendment shall be
14 submitted to the voters at an election to be held November 4, 2025.
15 The ballot shall be printed to permit voting for or against the
16 proposition: "The constitutional amendment authorizing the denial
17 of bail under limited circumstances to a person accused of certain
18 violent or sexual offenses or of continuous trafficking of
19 persons."