

1-1 By: Huffman, Bettencourt, Kolkhorst S.J.R. No. 5
1-2 (In the Senate - Filed February 7, 2025; February 7, 2025,
1-3 read first time and referred to Committee on Criminal Justice;
1-4 February 13, 2025, reported favorably by the following vote:
1-5 Yeas 6, Nays 0; February 13, 2025, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	Flores	X		
1-9	Parker	X		
1-10	Hagenbuch	X		
1-11	Hinojosa of Hidalgo	X		
1-12	Huffman	X		
1-13	King	X		
1-14	Miles		X	

1-15 SENATE JOINT RESOLUTION

1-16 proposing a constitutional amendment authorizing the denial of bail
1-17 under limited circumstances to a person accused of certain violent
1-18 or sexual offenses or of continuous trafficking of persons.

1-19 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-20 SECTION 1. Article I, Texas Constitution, is amended by
1-21 adding Section 11d to read as follows:

1-22 Sec. 11d. (a) A person accused of committing a sexual
1-23 offense punishable as a felony of the first degree, of committing a
1-24 violent offense, or of committing continuous trafficking of persons
1-25 may be denied bail pending trial if a judge or magistrate determines
1-26 by clear and convincing evidence after a hearing that requiring
1-27 bail and conditions of release is insufficient to reasonably
1-28 ensure:

1-29 (1) the person's appearance in court as required; or
1-30 (2) the safety of the community, law enforcement, or
1-31 the victim of the alleged offense.

1-32 (b) A judge or magistrate who denies a person bail in
1-33 accordance with this section shall prepare a written order that
1-34 includes findings of fact and a statement explaining the judge's or
1-35 magistrate's reason for the denial.

1-36 (c) This section may not be construed to:

1-37 (1) limit any right a person has under other law to
1-38 contest a denial of bail or to contest the amount of bail set by a
1-39 judge or magistrate; or

1-40 (2) require any testimonial evidence before a judge or
1-41 magistrate makes a bail decision with respect to a person to whom
1-42 this section applies.

1-43 (d) For purposes of determining whether clear and
1-44 convincing evidence exists to deny a person bail as described by
1-45 this section, a judge or magistrate shall consider the factors
1-46 required to be considered by a judge or magistrate in setting bail
1-47 under general law, including statutory law governing criminal
1-48 procedure.

1-49 (e) In this section, "violent offense" and "sexual offense"
1-50 have the meanings assigned by Section 11a of this article.

1-51 SECTION 2. This proposed constitutional amendment shall be
1-52 submitted to the voters at an election to be held November 4, 2025.
1-53 The ballot shall be printed to permit voting for or against the
1-54 proposition: "The constitutional amendment authorizing the denial
1-55 of bail under limited circumstances to a person accused of certain
1-56 violent or sexual offenses or of continuous trafficking of
1-57 persons."

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