A JOINT RESOLUTION

1   proposing a constitutional amendment authorizing the denial of bail

2   to a person who violates certain court orders or conditions of

3   release in a felony or family violence case.

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

5   SECTION 1. Article I, Texas Constitution, is amended by

6   amending Section 11b and adding Section 11c to read as follows:

7   Sec. 11b. Any person who is accused in this state of a

8   felony or an offense involving family violence, [in this state] who

9   is released on bail pending trial, and whose bail is subsequently

10 revoked or forfeited for a violation of a condition of release may

11 be denied bail pending trial if [on a determination by] a [district]

12 judge or magistrate in this state determines by a preponderance of

13 the evidence[,] at a subsequent hearing [to set or reinstate bail,]

14 that the person violated a condition of release related to the

15 safety of a victim of the alleged offense or to the safety of the

16 community.

17   Sec. 11c. The legislature by general law may provide that

18 any person who violates an order for emergency protection issued by

19 a judge or magistrate after an arrest for an offense involving

20 family violence or who violates an active protective order rendered

21 by a court in a family violence case, including a temporary ex parte

22 order that has been served on the person, or who engages in conduct

23 that constitutes an offense involving the violation of an order

24 described by this section may be taken into custody and, pending

1   trial or other court proceedings, denied release on bail if

2   following a hearing a judge or magistrate in this state determines

3   by a preponderance of the evidence that the person violated the

4   order or engaged in the conduct constituting the offense.

5   SECTION 2. This proposed constitutional amendment shall be

6   submitted to the voters at an election to be held November 6, 2007.

7   The ballot shall be printed to provide for voting for or against the

8   proposition: "The constitutional amendment authorizing the denial

9   of bail to a person who violates certain court orders or conditions

10   of release in a felony or family violence case."

_____   _____
     President of the Senate   Speaker of the House

     I certify that H.J.R. No. 6 was passed by the House on May 3, 2007, by the following vote: Yeas 143, Nays 0, 1 present, not voting.

_____
     Chief Clerk of the House

     I certify that H.J.R. No. 6 was passed by the Senate on May 23, 2007, by the following vote: Yeas 31, Nays 0.

_____
     Secretary of the Senate

RECEIVED: _____
                    Date

_____
     Secretary of State