

1-1 By: Kacal, et al. (Senate Sponsor - Huffman) H.J.R. No. 4
 1-2 (In the Senate - Received from the House May 12, 2021;
 1-3 May 13, 2021, read first time and referred to Committee on
 1-4 Jurisprudence; May 21, 2021, reported favorably by the following
 1-5 vote: Yeas 4, Nays 1; May 21, 2021, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7 Huffman	X			
1-8 Hinojosa	X			
1-9 Creighton	X			
1-10 Hughes	X			
1-11 Johnson		X		
1-12				

1-13 HOUSE JOINT RESOLUTION

1-14 proposing a constitutional amendment authorizing the denial of bail
 1-15 under some circumstances to a person accused of a violent or sexual
 1-16 offense or of continuous trafficking of persons.

1-17 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-18 SECTION 1. Article I, Texas Constitution, is amended by
 1-19 adding Section 11d to read as follows:

1-20 Sec. 11d. (a) A person accused of committing a violent or
 1-21 sexual offense, or of committing continuous trafficking of persons,
 1-22 may be denied bail pending trial if a judge or magistrate determines
 1-23 by clear and convincing evidence that requiring bail and conditions
 1-24 of release is insufficient to reasonably ensure:

- 1-25 (1) the person's appearance in court as required; or
- 1-26 (2) the safety of the community, law enforcement, or
 1-27 the victim of the alleged offense.

1-28 (b) A judge or magistrate who denies a person bail in
 1-29 accordance with this section shall prepare a written order that
 1-30 includes findings of fact and a statement explaining the judge or
 1-31 magistrate's reason for the denial.

1-32 (c) This section may not be construed to:

- 1-33 (1) limit any right a person has under other law to
 1-34 contest a denial of bail or to contest the amount of bail set by a
 1-35 judge or magistrate; or
- 1-36 (2) require any hearing or procedure before a judge or
 1-37 magistrate makes a bail decision with respect to a person to whom
 1-38 this section applies.

1-39 (d) In this section, "violent offense" and "sexual offense"
 1-40 have the meanings assigned by Section 11a of this article.

1-41 SECTION 2. This proposed constitutional amendment shall be
 1-42 submitted to the voters at an election to be held November 2, 2021.
 1-43 The ballot shall be printed to permit voting for or against the
 1-44 proposition: "The constitutional amendment authorizing the denial
 1-45 of bail under some circumstances to a person accused of a violent or
 1-46 sexual offense or of continuous trafficking of persons."

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