

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[~~7~~] 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."

David Newkumst

President of the Senate

Tom Caddick

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.

Robert Haney
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.

Datsup Saw
Secretary of the Senate

RECEIVED: 5/29/07

Date

Roger Winnie

Secretary of State

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
3 p.m. O'CLOCK
MAY 29 2007