

SENATE JOINT RESOLUTION

proposing a constitutional amendment requiring the denial of bail under certain circumstances to persons accused of certain offenses punishable as a felony.

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

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

Sec. 11d. (a) This section applies only to a person accused of committing one or more of the following offenses:

(1) murder;

(2) capital murder;

(3) aggravated assault if the person:

(A) caused serious bodily injury, as that term is defined by general law, to another; or

(B) used a firearm, club, knife, or explosive weapon, as those terms are defined by general law, during the commission of the assault;

(4) aggravated kidnapping;

(5) aggravated robbery;

(6) aggravated sexual assault;

(7) indecency with a child;

(8) trafficking of persons; or

(9) continuous trafficking of persons.

(b) A person to whom this section applies shall be denied

1 bail pending trial if the attorney representing the state
2 demonstrates:

3 (1) by a preponderance of the evidence after a hearing
4 that the granting of bail is insufficient to reasonably prevent the
5 person's wilful nonappearance in court; or

6 (2) by clear and convincing evidence after a hearing
7 that the granting of bail is insufficient to reasonably ensure the
8 safety of the community, law enforcement, and the victim of the
9 alleged offense.

10 (c) A judge or magistrate who grants a person bail in
11 accordance with this section shall:

12 (1) set bail and impose conditions of release
13 necessary only to reasonably:

14 (A) prevent the person's wilful nonappearance in
15 court; and

16 (B) ensure the safety of the community, law
17 enforcement, and the victim of the alleged offense; and

18 (2) prepare a written order that includes findings of
19 fact and a statement explaining the judge's or magistrate's
20 justification for the grant and the determinations required by this
21 section.

22 (d) 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
25 judge or magistrate; or

26 (2) require any testimonial evidence before a judge or
27 magistrate makes a bail decision with respect to a person to whom

1 this section applies.

2 (e) For purposes of determining whether a preponderance of
3 the evidence or clear and convincing evidence, as applicable,
4 exists as described by this section, a judge or magistrate shall
5 consider:

6 (1) the likelihood of the person's wilful
7 nonappearance in court;

8 (2) the nature and circumstances of the alleged
9 offense;

10 (3) the safety of the community, law enforcement, and
11 the victim of the alleged offense; and

12 (4) the criminal history of the person.

13 (f) At a hearing described by this section, a person is
14 entitled to be represented by counsel.

15 SECTION 2. This proposed constitutional amendment shall be
16 submitted to the voters at an election to be held November 4, 2025.
17 The ballot shall be printed to permit voting for or against the
18 proposition: "The constitutional amendment requiring the denial of
19 bail under certain circumstances to persons accused of certain
20 offenses punishable as a felony."

President of the Senate

Speaker of the House

I hereby certify that S.J.R. No. 5 was adopted by the Senate on February 20, 2025, by the following vote: Yeas 28, Nays 2; and that the Senate concurred in House amendment on May 29, 2025, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.J.R. No. 5 was adopted by the House, with amendment, on May 19, 2025, by the following vote: Yeas 133, Nays 8, three present not voting.

Chief Clerk of the House

Received:

Date

Secretary of State