

BILL ANALYSIS

Senate Research Center

S.J.R. 34
By: Carona
Criminal Justice
3-19-97
As Filed

DIGEST

Currently, a basic principle of constitutional law is that no state may infringe upon the protections granted to criminal defendants in the U.S. Constitution. States may, however, grant greater rights to criminal defendants. In a series of cases, including Richardson v. State, Autran v. State, and Bauder v. State, the Texas Court of Criminal Appeals has interpreted the Texas Constitution as granting greater rights to criminal defendants than the U.S. Constitution, regarding certain Fourth and Fifth Amendment rights. This legislation attempts to toughen Texas' stance on crime by amending the Texas Constitution to prevent judges from interpreting the Texas Constitution to grant greater rights to criminal defendants than those provided by the U.S. Constitution.

PURPOSE

As proposed, S.J.R. 34 proposes a constitutional amendment establishing the rights of a defendant in a criminal case.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Article I, Texas Constitution, by adding Section 31, as follows:

Sec. 31. Prohibits the constitutional rights granted to criminal defendants by Sections 9, 10, 13, 14, and 19 of this article from being construed as granting those defendants rights greater than those provided criminal defendants by the United States Constitution, as the United States Constitution is construed by the United States Supreme Court.

SECTION 2. Requires this proposed constitutional amendment to be submitted to the voters at an election to be held November 4, 1997. Sets forth the required language of the ballot.