

SENATE JOURNAL

EIGHTY-NINTH LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

NINTH DAY

(Continued)

(Thursday, February 20, 2025)

AFTER RECESS

The Senate met at 10:13 a.m. and was called to order by the President.

PHYSICIAN OF THE DAY

Senator Flores was recognized and presented Dr. Lamia Kadir of Austin as the Physician of the Day.

The Senate welcomed Dr. Kadir and thanked her for her participation in the Physician of the Day program sponsored by the Texas Academy of Family Physicians.

SENATE JOINT RESOLUTION 5 ON SECOND READING

Senator Huffman moved to suspend Senate Rule 5.14(a) and the regular order of business to take up for consideration **SJR 5** at this time on its second reading (submitted by the Governor as an emergency matter):

SJR 5, Proposing a constitutional amendment authorizing the denial of bail under limited circumstances to a person accused of certain violent or sexual offenses or of continuous trafficking of persons.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Eckhardt.

Absent-excused: Miles.

The resolution was read second time and was passed to engrossment by the following vote: Yeas 28, Nays 2.

Yeas: Alvarado, Bettencourt, Birdwell, Blanco, Campbell, Creighton, Flores, Gutierrez, Hagenbuch, Hall, Hancock, A. Hinojosa, J. Hinojosa, Huffman, Hughes, Johnson, King, Kolkhorst, Menéndez, Middleton, Nichols, Parker, Paxton, Perry, Schwertner, Sparks, West, Zaffirini.

Nays: Cook, Eckhardt.

Absent-excused: Miles.

SENATE JOINT RESOLUTION 5 ON THIRD READING

Senator Huffman moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SJR 5** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Eckhardt.

Absent-excused: Miles.

The resolution was read third time and was passed by the following vote: Yeas 28, Nays 2.

Yeas: Alvarado, Bettencourt, Birdwell, Blanco, Campbell, Creighton, Flores, Gutierrez, Hagenbuch, Hall, Hancock, A. Hinojosa, J. Hinojosa, Huffman, Hughes, Johnson, King, Kolkhorst, Menéndez, Middleton, Nichols, Parker, Paxton, Perry, Schwertner, Sparks, West, Zaffirini.

Nays: Cook, Eckhardt.

Absent-excused: Miles.

STATEMENT REGARDING SENATE JOINT RESOLUTION 5

Senator Cook submitted the following statement regarding **SJR 5**:

The intent of SJR 5 is clear, and I hope to vote for a future, tailored and targeted version. I voted no today for three reasons: SJR 5 fails to expand the right to counsel, too broadly applies "violent offense," and directs bail officers to consider likelihood to appear rather than willful failure to appear. As an ER nurse and as a woman, I know how often survivors of domestic violence are charged with assault themselves. Under SJR 5, an innocent victim of abuse is more easily ensnared in the system and for a longer period of time. National research shows that high pretrial incarceration rates correspond directly to increased violence and mortality rates across entire communities. I am committed to evidence-based policies that enhance public safety while protecting constitutional rights.

COOK

STATEMENT REGARDING SENATE JOINT RESOLUTION 5

Senator Eckhardt submitted the following statement regarding **SJR 5**:

Bail is how our criminal justice system strikes the pretrial balance between public safety and the bedrock principle of presumption of innocence. The current tools available will not be improved by this bill in its current form. This bill received no amendments in committee or on the floor in the Senate, however the House was able to strike a better balance between chronic unjustified detention and acute unjustified release in the predecessor to this bill last session. I look forward to an opportunity to vote for a conference report after open deliberation achieves a better balance.

I am strongly committed to the democratic idea of an independent Judicial Branch applying the law to the facts, with due process for every person who comes before the bench, no matter how high or low the person's socio-economic status or nationality. Texas judges already have the discretion to deny bond to persons accused of certain

serious offenses. For the offenses not already included, a judge has the option of setting a cash bond that is so high that the defendant will not be able to pay it for release. On its face, this bill simply allows judges the discretion to deny bond for an expanded list of offenses rather than setting prohibitively high bail.

However, when we step back from the face of the bill to look at the state of pretrial detention in the US today, we see that the US has the highest rate of pretrial detention in the world. The Texas pretrial detention rate is even higher. In the last 25 years, the pretrial population in Texas jails has risen from just over 32 percent of the jail population to almost 75 percent of the jail population. Clearly, Texas judges and magistrates already have the tools to keep suspects in jail before trial.

This bill presents an opportunity to address both unjustified pretrial release of dangerous defendants and unjustified detention of nonviolent defendants. While much appropriate concern has been placed on murders perpetrated in Harris County by individuals out on bail, we must also concern ourselves with the numbers of people who regularly die while in pretrial detention awaiting justice. Every year, more than 100 people die in county jails across Texas, segregated from their community, family and friends. Of the 745 who have died between 2020 and 2024, over 70% died of natural causes or suicide. Almost all of the suicides were white people. More than 75% of those who died from natural causes were Black and brown people.

Texas consistently ranks as one of the states with the highest pretrial detention rates, even as our violent crime rates have gone down, indicating that we err on over-detaining as well as erring on pretrial release. There is tragedy and injustice in either error.

ECKHARDT

GUEST PRESENTED

Senator Middleton, joined by Senators Bettencourt, A. Hinojosa, Hagenbuch, Campbell, Paxton, Hall, and Kolkhorst, was recognized and introduced to the Senate former NCAA All-American swimmer Riley Gaines.

The Senate welcomed its guest.

(Senator Hughes in Chair)

SENATE RESOLUTION 105

Senator Birdwell offered the following resolution:

SR 105, Recognizing Tarleton State University on the occasion of its 125th anniversary.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Birdwell, joined by Senator Kolkhorst, was recognized and introduced to the Senate a Tarleton State University delegation including President, Dr. James L. Hurley; Corps of Cadets members Kore Scott and Amber Trammell-Coburn; Student Body President Gabe Day; and Legislative Intern for Senator Birdwell Lacy Malone.

The Senate welcomed its guests.

SENATE BILLS ON FIRST READING

The following bills were introduced, read first time, and referred to the committees indicated:

SB 17 by Kolkhorst, Bettencourt, Birdwell, Campbell, Creighton, Flores, Hagenbuch, Hall, A. Hinojosa, J. Hinojosa, Huffman, King, Middleton, Parker, Schwertner, Sparks

Relating to the purchase of or acquisition of title to real property by certain aliens or foreign entities.

To Committee on State Affairs.

SB 19 by Middleton, Bettencourt, Campbell, Creighton, Flores, Hagenbuch, Hall, A. Hinojosa, King, Parker, Paxton, Schwertner

Relating to the use by a political subdivision of public funds for lobbying and certain other activities.

To Committee on State Affairs.

SB 25 by Kolkhorst

Relating to health and nutrition standards to promote healthy living.

To Committee on Health and Human Services.

SB 28 by Hall, Alvarado, Bettencourt, Birdwell, Campbell, Cook, Creighton, Flores, Hagenbuch, Hancock, A. Hinojosa, Huffman, King, Kolkhorst, Middleton, Paxton, Perry, Sparks, West

Relating to a lottery game played or facilitated for play by telephone or through an Internet or mobile Internet application; creating criminal offenses.

To Committee on State Affairs.

GUESTS PRESENTED

Senator Middleton was recognized and introduced to the Senate a City of Baytown delegation including Mayor Charles Johnson; City Councilmembers James Franco, Jacob Powell, Mike Lester, Sarah Graham, Kenrick Griffith, and Laura Alvarado; joined by Baytown ISD Superintendent, Dr. Randal O'Brien.

The Senate welcomed its guests.

SENATE RESOLUTION 121

Senator Middleton offered the following resolution:

SR 121, In memory of Pedro "Pete" Cuellar Alfaro.

The resolution was read.

On motion of Senator Bettencourt and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Middleton, the resolution was adopted by a rising vote of the Senate.

In honor of the memory of Pedro "Pete" Cuellar Alfaro, the text of **SR 121** will be printed in the *Senate Journal* upon adjournment of this legislative day.

SENATE RESOLUTIONS

The following resolutions were offered:

SR 118 by Menéndez, Commemorating the 130th Anniversary of Our Lady of the Lake University in San Antonio.

SR 119 by West, Commending Maynard Yates on his many achievements and extending congratulations to him on being honored by the Dallas Alumni Chapter of Kappa Alpha Psi Fraternity.

SR 124 by Eckhardt, Welcoming Chief Martin of the Tonkawa Tribal Nation.

SR 125 by Eckhardt, Recognizing Joe Steve Vásquez, who was recently appointed to serve as Archbishop of the Archdiocese of Galveston-Houston.

The resolutions were read and were adopted by a viva voce vote.

SENATE RULE 11.13 SUSPENDED
(Consideration of Bills in Committees)
(Motion In Writing)

Senator Zaffirini submitted the following Motion In Writing:

Mr. President:

I move to suspend Senate Rule 11.13 so that committees may meet during the reading and referral of bills.

ZAFFIRINI

The Motion In Writing was read and prevailed without objection.

CO-AUTHOR OF SENATE BILL 140

On motion of Senator Hall, Senator Kolkhorst will be shown as Co-author of **SB 140**.

CO-AUTHORS OF SENATE BILL 213

On motion of Senator West, Senators Bettencourt, Cook, and Eckhardt will be shown as Co-authors of **SB 213**.

CO-AUTHOR OF SENATE BILL 229

On motion of Senator West, Senator Bettencourt will be shown as Co-author of **SB 229**.

CO-AUTHOR OF SENATE BILL 390

On motion of Senator Middleton, Senator Hagenbuch will be shown as Co-author of **SB 390**.

CO-AUTHOR OF SENATE BILL 396

On motion of Senator Kolkhorst, Senator Paxton will be shown as Co-author of **SB 396**.

CO-AUTHOR OF SENATE BILL 471

On motion of Senator Sparks, Senator Hagenbuch will be shown as Co-author of **SB 471**.

CO-AUTHOR OF SENATE BILL 480

On motion of Senator Perry, Senator Cook will be shown as Co-author of **SB 480**.

CO-AUTHORS OF SENATE BILL 498

On motion of Senator Sparks, Senators Hagenbuch and A. Hinojosa will be shown as Co-authors of **SB 498**.

CO-AUTHOR OF SENATE BILL 714

On motion of Senator Sparks, Senator Kolkhorst will be shown as Co-author of **SB 714**.

CO-AUTHOR OF SENATE BILL 715

On motion of Senator Sparks, Senator Kolkhorst will be shown as Co-author of **SB 715**.

CO-AUTHOR OF SENATE BILL 868

On motion of Senator Sparks, Senator Hagenbuch will be shown as Co-author of **SB 868**.

CO-AUTHOR OF SENATE BILL 927

On motion of Senator Hancock, Senator Hagenbuch will be shown as Co-author of **SB 927**.

CO-AUTHOR OF SENATE BILL 970

On motion of Senator Sparks, Senator Kolkhorst will be shown as Co-author of **SB 970**.

CO-AUTHOR OF SENATE BILL 1126

On motion of Senator Middleton, Senator Hagenbuch will be shown as Co-author of **SB 1126**.

CO-AUTHOR OF SENATE BILL 1300

On motion of Senator Flores, Senator Bettencourt will be shown as Co-author of **SB 1300**.

CO-AUTHORS OF SENATE JOINT RESOLUTION 5

On motion of Senator Huffman, Senators Birdwell, Campbell, Creighton, Gutierrez, Hagenbuch, Hall, Hancock, J. Hinojosa, Menéndez, Middleton, Nichols, Paxton, Perry, Schwertner, Sparks, and West will be shown as Co-authors of **SJR 5**.

CO-AUTHOR OF SENATE RESOLUTION 106

On motion of Senator Miles, Senator Johnson will be shown as Co-author of **SR 106**.

RECESS AND MOTION TO ADJOURN

On motion of Senator Zaffirini and by unanimous consent, the Senate at 11:41 a.m. agreed to recess until 9:00 a.m. Monday, February 24, 2025, for the introduction of bills and resolutions on first reading.

The Senate further agreed to adjourn, in memory of Eddie Bernice Johnson, Karl McElhanev, and Pedro "Pete" Cuellar Alfaro, upon completion of the introduction of bills and resolutions on first reading, until 11:00 a.m. Tuesday, February 25, 2025.

APPENDIX

RESOLUTION ENGROSSEDFebruary 20, 2025**SJR 5****RESOLUTIONS ENROLLED**February 20, 2025**SR 105, SR 118, SR 119, SR 121, SR 124, SR 125****SENT TO SECRETARY OF STATE**February 20, 2025**SCR 16**

