**Handout 2: Denial of Bail**

Bail may be denied by a district judge under Art. I, Sec. 11a of the Constitution if the defendant:

* + Is accused of a capital offense;
  + Has two prior felony convictions;
  + Is accused of a new felony while on bond for a previous felony;
  + Has a previous felony conviction and is now charged with a felony involving a deadly weapon; **or**
  + Is accused of a violent or sexual offense while under the supervision of a criminal justice agency or political subdivision for a prior felony.

Art. 1, Section 11a defines “violent offense” as: murder, aggravated assault, if the accused used or exhibited a deadly weapon during the assault, aggravated kidnapping, or aggravated robbery. It defines “sexual offense” as aggravated sexual assault, sexual assault, or indecency with a child.

Bail may also be denied by a judge or magistrate if a defendant is accused of an offense involving family violence, and after being released on bail, their bail is revoked or forfeited for a violation of a bond condition, and the judge or magistrate finds after a hearing that the bond condition related to the safety of a victim of the alleged offense or the safety of the community. Texas Constitution Art. I, Sec. 11b; Art. 17.152, CCP.

And if a defendant is charged with a felony offense committed against a child younger than 14 years of age under Chapter 21 (Sexual Offenses), Section 25.02 (Prohibited Sexual Conduct), Section 43.25 (Sexual Performance by a Child), Section 20A.02 (Trafficking of Persons) (in certain cases) or Section 43.05(a)(2) (Compelling Prostitution), Penal Code, they may be held without bail if a judge or magistrate determines after a hearing that the defendant violated a bond condition related to the safety of a victim of the alleged offense or the safety of the community. Texas Constitution Art. I, Sec. 11b; Art. 17.153, CCP.