

HOUSE JOINT RESOLUTION 859

By Sexton

A RESOLUTION to propose an amendment to Article I of the Constitution of Tennessee, relative to bail.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE ONE HUNDRED THIRTEENTH GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE SENATE CONCURRING, that a majority of all the members of each house concurring, as shown by the yeas and nays entered on their journals, that it is proposed that Article I, Section 15 of the Constitution of Tennessee be amended by deleting the following:

That all prisoners shall be bailable by sufficient sureties, unless for capital offences, when the proof is evident, or the presumption great. And the privilege of the writ of Habeas Corpus shall not be suspended, unless when in case of rebellion or invasion, the General Assembly shall declare the public safety requires it.

and substituting instead the following:

(a) All prisoners shall be bailable by sufficient sureties unless for the following when the proof is evident or the presumption great:

- (1) A capital offense;
- (2) An act of terrorism;
- (3) Second degree murder;
- (4) Aggravated rape of a child;
- (5) Aggravated rape;
- (6) Grave torture; and
- (7) Any other offense for which, as of November 3, 2026, a defendant, if convicted, could not be released prior to the expiration of at least eighty-five percent of the entire sentence imposed.

(b) In any case in which bail for an offense listed in subsection (a) is granted or denied before conviction, the judge or magistrate shall place in the record the judge's or magistrate's reasons for granting or denying bail.

(c) The privilege of the writ of Habeas Corpus shall not be suspended, unless when in case of rebellion or invasion, the General Assembly shall declare the public safety requires it.

BE IT FURTHER RESOLVED, that the foregoing amendment be referred to the One Hundred Fourteenth General Assembly and that this resolution proposing such amendment be published in accordance with Article XI, Section 3 of the Constitution of Tennessee by posting such amendment on the official website of the Secretary of State and on the official website of the General Assembly.

BE IT FURTHER RESOLVED, that the Clerk of the House of Representatives is directed to deliver copies of this resolution to the Secretary of State, with this final resolving clause being deleted from such copies.