

BILL ANALYSIS

S.B. 1700
By: Whitmire
County Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Concerns have been raised regarding potential safety risks for those being released from a county jail late at night, especially victims of human trafficking who become particularly vulnerable during such nighttime releases. S.B. 1700 seeks to address these concerns by revising the law relating to the discharge of a defendant from a county jail.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

S.B. 1700 amends the Code of Criminal Procedure to shorten the period on the day of discharge during which a defendant convicted of a misdemeanor and sentenced to a term of confinement discharges the defendant's sentence from any time between the hours of 6 a.m. and 7 p.m. to any time beginning at 6 a.m. and ending at 5 p.m. The bill makes that discharge period beginning at 6 a.m. and ending at 5 p.m. applicable to any such defendant, regardless of the term of confinement. The bill requires the sheriff or other county jail administrator to release a defendant at any time during that period on the day the defendant discharges the sentence and authorizes the sheriff or administrator to release the defendant at any time during that period on the day preceding that discharge day. The bill authorizes the sheriff or administrator to credit a defendant with not more than 18 hours of time served.

S.B. 1700 authorizes a sheriff or other county jail administrator to release a defendant from county jail after 5 p.m. and before 6 a.m. if the defendant:

- agrees to or requests a release after 5 p.m. and before 6 a.m.;
- is subject to an arrest warrant issued by another county and is being released for purposes of executing that arrest warrant;
- is being transferred to the custody of another state, a unit of the federal government, or a facility operated by or under contract with the Texas Department of Criminal Justice; or
- is being admitted to an inpatient mental health facility or a state supported living center for court-ordered mental health or intellectual disability services.

S.B. 1700 amends the Government Code to authorize the Commission on Jail Standards to monitor compliance with Code of Criminal Procedure provisions relating to the release of a prisoner from county jail.

EFFECTIVE DATE

September 1, 2019.