

SUBJECT: Requiring releases from jail to be between 6 a.m. and 7 p.m.

COMMITTEE: Corrections — committee substitute recommended

VOTE: 5 ayes — Hightower, Allen, Farrar, Gray, Hupp
0 nays
4 absent — Alexander, Edwards, Marchant, Serna

WITNESSES: For — Oouida H. Dorr; Everett Fredholm; Everett Hull
Against — None
On — Wayne Scott, Texas Department of Criminal Justice; Jimmy Fawcett, Texas Police Chiefs Association

DIGEST: CSHB 126 would require that persons convicted of misdemeanors and sentenced to a jail term of more than 30 days discharge their sentences at any time between the hours of 6 a.m. and 7 p.m. on the day of discharge.
CSHB 126 would take effect on September 1, 1997.

SUPPORTERS SAY: CSHB 126 would balance the desires of offenders with the needs of communities to reduce crime and to ensure that releasees, their families and volunteers are kept from from being placed in undesirable situations. Releasing persons from jails during daylight hours would be safer for the releasees, their families, and the volunteers who often meet them upon release. While the Code of Criminal Procedure states that after persons have remained in jail the length of time required by a sentence they shall be discharged, it does not specify what time of day they should be released. This means that persons are released from jails at varying times throughout the day and night.
When persons are released from jail at night, they are often faced with dangerous or undesirable situations around downtown jails. For example, releasees have been stuck waiting at bus stops all night after being let out after the buses have stopped running. Releasees may be confronted with

drugs, alcohol and street crime, some of the very things that contributed to their being incarcerated in the first place. In addition, shelters, hotels and other places to counsel or help releasees are often closed. These undesirable situations are also faced by the prisoners' families and by volunteers who meet releasees when they get out of jail and help them find a place to stay or give them a ride.

CSHB 126 would remedy this situation by requiring that persons be released during the day, from 6 a.m. to 7 p.m. This large window of available release time would give jail personnel ample flexibility and would ensure that releasees could be let out first thing in the morning, if possible, when a sentenced was finished. CSHB 126 would not result in anyone being kept in custody longer than their sentence.

The bill would apply only to the more serious offenders, those confined more than 30 days, who may have substance abuse and other problems placing them more at risk if released during the night. Also, this limitation would help ensure that jail personnel would not be overburdened by having to meet the release window for all prisoners.

The Texas Department of Criminal Justice does not need to be included in the bill because the department already has a policy of releasing inmates between 8 a.m. and 5 p.m. unless transportation is arranged for the inmate at another time.

**OPPONENTS
SAY:**

CSHB 126 should not set inflexible, mandated release times for persons to be released from jail. This could be overly restrictive on sheriffs and jail personnel who may be faced with a problem or emergency event that could prevent them from meeting the requirement. It would be better for the Legislature to suggest a specific release time without mandating one.

When persons have served their sentences and administrative processing for their release is complete, they should be given the option of being released immediately, whether or not it falls within the hours set by CSHB 126. It could be unfair to hold persons longer than necessary.

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OTHER
OPPONENTS
SAY:

CSHB 126 should be more clear about the meaning of “discharge the defendant's sentence.” Sometimes this phrase is used to mean fulfilling a sentence in addition to being released from custody.

NOTES:

The original version of the bill would have required the Texas Department of Criminal Justice to release inmates from its custody and municipal and county jails to release inmates from their custody only between the hours of 8 a.m. and 5 p.m. on weekdays other than weekdays that were state or national holidays.