

## **BILL ANALYSIS**

Senate Research Center  
86R27727 MAW-D

C.S.S.B. 1700  
By: Whitmire  
Criminal Justice  
4/17/2019  
Committee Report (Substituted)

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

There have been reports regarding incidents that take place directly after an inmate has been released from a county jail. In some situations, inmates are released during the middle of the night, without proper clothing or any familiarity with the surrounding area. Such situations create a safety risk for those being released. In light of the continuing human trafficking problem, some interested parties believe that nighttime releases create increased opportunities for traffickers to prey on this population.

S.B. 1700 addresses these issues by establishing provisions relating to the discharge of a prisoner from a county jail. S.B. 1700 amends the Code of Criminal Procedure, in a provision establishing that a defendant convicted of a misdemeanor and sentenced to a term of confinement discharges the defendant's sentence at any time beginning at 6 a.m. and ending at 5 p.m. on the day of discharge. The bill requires the sheriff or other county jail administrator, except as provided by the bill's provisions, to release a defendant at any time beginning at 6 a.m. and ending at 5 p.m. on the day the defendant discharges the defendant's sentence.

S.B. 1700 authorizes the sheriff or other county jail administrator to credit a defendant who will discharge the defendant's sentence and be released from the county jail with not more than 18 hours of time served and to release the defendant at any time beginning at 6 a.m. and ending at 5 p.m. on the day preceding the day on which the defendant discharges the defendant's sentence. The bill authorizes a sheriff or other county jail administrator to release a defendant from county jail after 5 p.m. and before 6 a.m. under the following conditions: the defendant agrees to or requests a release after 5 p.m. and before 6 a.m., except if a health care professional has determined that the defendant lacks the mental capacity to agree to or request a release; the defendant is being released at that time pursuant to an order from a court; the defendant is subject to an arrest warrant issued by another county and is being released for purposes of executing that arrest warrant; the defendant 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 the defendant is being admitted to an inpatient mental health facility or a state supported living center for court-ordered mental health services.

S.B. 1700 amends the Government Code to authorize the Commission on Jail Standards to monitor compliance with certain Code of Criminal Procedure provisions relating to the release of a prisoner from a county jail. (Original Author's/Sponsor's Statement of Intent)

C.S.S.B. 1700 amends current law relating to the discharge of a prisoner from a county jail.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Article 43.13, Code of Criminal Procedure, by amending Subsection (b) and adding Subsections (c), (d), and (e), as follows:

(b) Provides that a defendant convicted of a misdemeanor and sentenced to a term of confinement discharges the defendant's sentence at any time beginning at 6 a.m. and ending at 5 p.m. on the day of discharge, rather than providing that a defendant convicted of a misdemeanor and sentenced to a term of confinement of more than 30 days discharges the defendant's sentence at any time between the hours of 6 a.m. and 7 p.m. on the day of discharge.

(c) Requires the sheriff or other county jail administrator, except as provided by Subsections (d) and (e), to release a defendant at any time beginning at 6 a.m. and ending at 5 p.m. on the day the defendant discharges the defendant's sentence.

(d) Authorizes the sheriff or other county jail administrator to credit a defendant with not more than 18 hours of time served and release the defendant at any time beginning at 6 a.m. and ending at 5 p.m. on the day preceding the day on which the defendant discharges the defendant's sentence.

(e) 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:

(1) agrees to or requests a release after 5 p.m. and before 6 a.m.;

(2) is subject to an arrest warrant issued by another county and is being released for purposes of executing that arrest warrant;

(3) 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

(4) is being admitted to an inpatient mental health facility or a state supported living center for court-ordered mental health or intellectual disability services.

SECTION 2. Amends Section 511.009, Government Code, by adding Subsection (e) to authorize the Texas Commission on Jail Standards to monitor compliance with the provisions of Article 43.13 (Discharge of Defendant), Code of Criminal Procedure, relating to the release of a prisoner from county jail.

SECTION 3. Effective date: September 1, 2019.