

SUBJECT: Clarifying release times for county jail inmates

COMMITTEE: County Affairs — favorable, without amendment

VOTE: 8 ayes — Coleman, Bohac, Anderson, Biedermann, Cole, Dominguez, Huberty, Rosenthal

0 nays

1 absent — Stickland

SENATE VOTE: On final passage, May 3 — 31-0, on Local and Uncontested Calendar

WITNESSES: *On House companion bill, HB 3270:*
For — None

Against — None

On — Brandon Wood, Texas Commission on Jail Standards

BACKGROUND: Code of Criminal Procedure art. 43.13 establishes 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.

DIGEST: SB 1700 would expand the application of requirements related to the time of discharge of a defendant convicted of a misdemeanor to apply to all such defendants regardless of the term of confinement.

The bill would change the time of discharge to any time beginning at 6 a.m. and ending at 5 p.m. on the day of discharge, rather than any time between the hours of 6 a.m. and 7 p.m., and would require a sheriff or other county administrator to release the defendant between these times on the day the defendant's sentence was discharged.

A sheriff or other county administrator could credit a defendant with not

more than 18 hours of time served and release a defendant at any time beginning at 6 a.m. and ending at 5 p.m. on the day preceding the day on which the sentence was discharged.

A sheriff or other county official could release a defendant from county jail after 5 p.m. and before 6 a.m. if the defendant:

- agreed to or requested a release during this time period;
- was subject to an arrest warrant issued by another county and was being released for purposes of executing that arrest warrant;
- was 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
- was being admitted to an inpatient mental health facility or a state supported living center for court-ordered mental health or intellectual disability services.

The Texas Commission on Jail Standards would be authorized to monitor compliance with the provisions of this bill.

The bill would take effect on September 1, 2019.