

BILL ANALYSIS

C.S.H.B. 3305
By: Marquez
County Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

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, especially women and people suffering from mental illness. In light of the continuing human trafficking problem, some interested parties believe that nighttime releases create increased opportunities for traffickers to prey on this vulnerable population, particularly minority women. C.S.H.B. 3305 seeks to address these issues by establishing provisions relating to the discharge of a prisoner from a county jail.

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

C.S.H.B. 3305 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 7 p.m. on the day of discharge, to remove language limiting such term of confinement to a term of confinement of more than 30 days. 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 7 p.m. on the day the defendant discharges the defendant's sentence.

C.S.H.B. 3305 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 at 12:01 a.m. 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 7 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 7 p.m. and before 6 a.m. under the following conditions: the defendant agrees to or requests a release after 7 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 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 or mental retardation services.

C.S.H.B. 3305 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 county jail.

EFFECTIVE DATE

September 1, 2011.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 3305 omits a provision included in the original requiring the Commission on Jail Standards, not later than January 1, 2012, to adopt rules establishing the time of day during which prisoners, other than prisoners being released on bond, may be discharged or released from county jails. The substitute omits provisions included in the original prohibiting such rules from allowing certain prisoners to be discharged or released from a county jail during certain periods of the day, requiring such rules to require that the operator of a county jail maintain a record of such discharges, and establishing certain requirements for such a record.

C.S.H.B. 3305 contains a provision not included in the original, in a statutory 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 7 p.m. on the day of discharge, removing language limiting such a term of confinement to a term of confinement of more than 30 days. The substitute contains a provision not included in the original requiring the sheriff or other county jail administrator to release a defendant at any time beginning at 6 a.m. and ending at 7 p.m. on the day the defendant discharges the defendant's sentence.

C.S.H.B. 3305 contains a provision not included in the original authorizing 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 at 12:01 a.m. 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 7 p.m. on the day preceding the day on which the defendant discharges the defendant's sentence. The substitute contains a provision not included in the original authorizing a sheriff or other county jail administrator to release a defendant from county jail after 7 p.m. and before 6 a.m. under one of several specified conditions.

C.S.H.B. 3305 contains a provision not included in the original authorizing the commission to monitor compliance with certain Code of Criminal Procedure provisions relating to the release of a prisoner from county jail.