

## **BILL ANALYSIS**

Senate Research Center  
82R6756 MAW-D

S.B. 1014  
By: Davis  
Criminal Justice  
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As Filed

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

Troubling reports have surfaced regarding incidents taking place immediately after an inmate has been released from a Texas county jail. In some situations, inmates are released during the middle of the night, without proper clothing or any familiarity with the area where they have been released.

This creates a safety risk for those being released, especially for women and people suffering from mental illness. As the human trafficking problem continues to grow, particularly for minority women, nighttime releases are creating increased opportunities for traffickers to prey on this vulnerable population.

S.B. 1014 requires the Texas Commission on Jail Standards to adopt rules establishing the time of day during which certain prisoners may be discharged or released from jail. This would not apply to a prisoner being admitted to an inpatient mental health facility or a state-supported living center for court-mandated treatment, a unit of the federal government, or a facility operated by the Texas Department of Criminal Justice.

As proposed, S.B. 1014 amends current law relating to time of day during which prisoners may be discharged or released from county jails.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the Texas Commission on Jail Standards in SECTION 1 (Section 511.0098, Government Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Chapter 511, Government Code, by adding Section 511.0098, as follows:

Sec. 511.0098. DISCHARGE OR RELEASE TIME. (a) Requires the Texas Commission on Jail Standards (TCJS) 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.

(b) Prohibits the rules adopted under Subsection (a) from allowing a prisoner, other than a prisoner being admitted to an inpatient mental health facility or a state-supported living center for court-ordered mental health or mental retardation services or 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, to be discharged or released from a county jail after 7 p.m. and before 7 a.m., unless an exigent circumstance requires the prisoner's discharge or release after 7 p.m. and before 7 a.m.

(c) Requires that the rules adopted under Subsection (a) require that the operator of a county jail maintain a record of each prisoner discharged or released after 7 p.m. and before 7 a.m. Requires that the record include:

- (1) the exigent circumstance that warranted the prisoner's discharge or release after 7 p.m. and before 7 a.m.;
- (2) if applicable, the date and time the operator received a release order or similar document from a court or other authority; and
- (3) the date and time of the prisoner's discharge or release.

SECTION 2. Requires TCJS to adopt the rules required by Section 511.0098, Government Code, as added by this Act, not later than January 1, 2012.

SECTION 3. Effective date: September 1, 2011.