

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 1014
By: Davis
Criminal Justice
4/13/2011
Committee Report (Substituted)

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.

C.S.S.B. 1014 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 7 p.m. on the day of discharge, rather than provides 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, other than a defendant who is reasonably suspected to be a person with mental illness, at any time beginning at 6 a.m. and ending at 7 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 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 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.

(e) Authorizes a sheriff or other county jail administrator to release a defendant from county jail after 7 p.m. and before 6 a.m. if the defendant:

(1) agrees to or requests a release after 7 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 a inpatient mental health facility or a state supported living center for court-ordered mental health or mental retardation services.

SECTION 2. Amends Section 511.009, Government Code, by adding Subsection (a-1), as follows:

(a-1) Authorizes the Texas Commission on Jail Standards to monitor compliance with the provisions of Article 43.13, Code of Criminal Procedure, relating to the release of a prisoner from county jail.

SECTION 3. Effective date: September 1, 2011.