

By: Marquez

H.B. No. 3305

Substitute the following for H.B. No. 3305:

By: White

C.S.H.B. No. 3305

A BILL TO BE ENTITLED

AN ACT

relating to the discharge of a prisoner from a county jail.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

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

(b) 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 beginning at [~~between the hours of~~] 6 a.m. and ending at 7 p.m. on the day of discharge.

(c) Except as provided by Subsections (d) and (e), the sheriff or other county jail administrator shall 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.

(d) The sheriff or other county jail administrator may:

(1) 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

(2) 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) A sheriff or other county jail administrator may release a defendant from county jail after 7 p.m. and before 6 a.m. if the defendant:

1 (1) agrees to or requests a release after 7 p.m. and
2 before 6 a.m.;

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

6 (3) is being transferred to the custody of another
7 state, a unit of the federal government, or a facility operated by
8 or under contract with the Texas Department of Criminal Justice; or

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

12 (f) Subsection (e)(1) does not apply if a health care
13 professional has determined that the defendant lacks the mental
14 capacity to agree to or request a release.

15 SECTION 2. Section 511.009, Government Code, is amended by
16 adding Subsection (a-1) to read as follows:

17 (a-1) The commission may monitor compliance with the
18 provisions of Article 43.13, Code of Criminal Procedure, relating
19 to the release of a prisoner from county jail.

20 SECTION 3. This Act takes effect September 1, 2011.