

By: Marquez

H.B. No. 3305

A BILL TO BE ENTITLED

AN ACT

relating to time of day during which prisoners may be discharged or released from county jails.

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

SECTION 1. Chapter 511, Government Code, is amended by adding Section 511.0098 to read as follows:

Sec. 511.0098. DISCHARGE OR RELEASE TIME. (a) The commission shall 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) The rules adopted under Subsection (a) may not allow 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) The rules adopted under Subsection (a) must 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. The record must include:

1           (1) the exigent circumstance that warranted the  
2 prisoner's discharge or release after 7 p.m. and before 7 a.m.;

3           (2) if applicable, the date and time the operator  
4 received a release order or similar document from a court or other  
5 authority; and

6           (3) the date and time of the prisoner's discharge or  
7 release.

8           SECTION 2. The Commission on Jail Standards shall adopt the  
9 rules required by Section 511.0098, Government Code, as added by  
10 this Act, not later than January 1, 2012.

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