

By: Davis  
(Marquez)

S.B. No. 1014

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 being released at that time pursuant to an order  
4 from a court;

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

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

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

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

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

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

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