

1-1 By: Davis S.B. No. 1014  
1-2 (In the Senate - Filed March 1, 2011; March 16, 2011, read  
1-3 first time and referred to Committee on Criminal Justice;  
1-4 April 18, 2011, reported adversely, with favorable Committee  
1-5 Substitute by the following vote: Yeas 7, Nays 0; April 18, 2011,  
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1014 By: Whitmire

1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to the discharge of a prisoner from a county jail.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Article 43.13, Code of Criminal Procedure, is  
1-13 amended by amending Subsection (b) and adding Subsections (c), (d),  
1-14 and (e) to read as follows:

1-15 (b) A defendant convicted of a misdemeanor and sentenced to  
1-16 a term of confinement [~~of more than 30 days~~] discharges the  
1-17 defendant's sentence at any time beginning at [~~between the hours~~  
1-18 ~~of~~] 6 a.m. and ending at 7 p.m. on the day of discharge.

1-19 (c) Except as provided by Subsections (d) and (e), the  
1-20 sheriff or other county jail administrator shall release a  
1-21 defendant, other than a defendant who is reasonably suspected to be  
1-22 a person with mental illness, at any time beginning at 6 a.m. and  
1-23 ending at 7 p.m. on the day the defendant discharges the defendant's  
1-24 sentence.

1-25 (d) The sheriff or other county jail administrator may:

1-26 (1) credit a defendant who will discharge the  
1-27 defendant's sentence and be released from the county jail at 12:01  
1-28 a.m. with not more than 18 hours of time served; and

1-29 (2) release the defendant at any time beginning at 6  
1-30 a.m. and ending at 7 p.m. on the day preceding the day on which the  
1-31 defendant discharges the defendant's sentence.

1-32 (e) A sheriff or other county jail administrator may release  
1-33 a defendant from county jail after 7 p.m. and before 6 a.m. if the  
1-34 defendant:

1-35 (1) agrees to or requests a release after 7 p.m. and  
1-36 before 6 a.m.;

1-37 (2) is subject to an arrest warrant issued by another  
1-38 county and is being released for purposes of executing that arrest  
1-39 warrant;

1-40 (3) is being transferred to the custody of another  
1-41 state, a unit of the federal government, or a facility operated by  
1-42 or under contract with the Texas Department of Criminal Justice; or

1-43 (4) is being admitted to an inpatient mental health  
1-44 facility or a state supported living center for court-ordered  
1-45 mental health or mental retardation services.

1-46 SECTION 2. Section 511.009, Government Code, is amended by  
1-47 adding Subsection (a-1) to read as follows:

1-48 (a-1) The commission may monitor compliance with the  
1-49 provisions of Article 43.13, Code of Criminal Procedure, relating  
1-50 to the release of a prisoner from county jail.

1-51 SECTION 3. This Act takes effect September 1, 2011.

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