

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION**

**April 14, 2011**

**TO:** Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

**FROM:** John S O'Brien, Director, Legislative Budget Board

**IN RE: SB1014** by Davis (Relating to the discharge of a prisoner from a county jail. ), **Committee Report 1st House, Substituted**

<p><b>No significant fiscal implication to the State is anticipated.</b></p>
--

The bill would amend Article 43.13 of the Code of Criminal Procedure to require a defendant to be released from a county jail at any time beginning at 6:00 a. m. and ending at 7:00 p. m. on the day the defendant discharges his sentence, but would permit an exception if the defendant is suspected to be mentally ill; agrees to or requests a release; is released to another county with an arrest warrant; is being transferred to another state, a unit of the federal government, or the Department of Criminal Justice; or is being admitted under a court order to an inpatient mental health facility or state supported living center. The bill would permit a sheriff or county jail administrator to credit a defendant with up to 18 hours if the defendant's sentence expires at 12:01 a.m. or to release the defendant within the required timeframe on the day prior to the sentence expiration. The bill would amend Government Code, Section 511.009, to permit the Commission on Jail Standards to monitor compliance with the provisions of the bill related to the release of a prisoner from county jail. The Texas Commission on Jail Standards anticipates no significant fiscal impact to the State.

**Local Government Impact**

Local governments could be negatively impacted by the bill's passage. However, the provision of early release allows county jails flexibility in managing capacity as it relates to the provisions of the bill, which is anticipated to reduce the local impact.

**Source Agencies:**

**LBB Staff:** JOB, ESi, GG, AI