

BILL ANALYSIS

S.B. 582
By: Whitmire
Public Health
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties have raised concerns regarding safety risks faced by those being released from county jail late at night, especially women and people suffering from mental illness. S.B. 582 seeks to address these concerns by revising the law relating to the discharge of a prisoner from a county jail.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

S.B. 582 amends the Code of Criminal Procedure to remove language limiting the provision that sets the time at which a defendant convicted of a misdemeanor and sentenced to a term of confinement discharges the defendant's sentence to such a defendant sentenced to a term of confinement of more than 30 days. The bill changes the time of discharge for an applicable defendant from any time between the hours of 6 a.m. and 7 p.m. on the day of discharge to any time between beginning at 6 a.m. and ending at 5 p.m. on the day of discharge.

S.B. 582 requires the sheriff or other county jail administrator to release a defendant, other than a defendant who is reasonably suspected to be a person with mental illness, at any time beginning at 6 a.m. and ending at 5 p.m. on the day the defendant discharges the defendant's sentence, except as otherwise provided by the bill. The bill authorizes the sheriff or other county jail administrator to 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 release the defendant at any time beginning at 6 a.m. and ending at 5 p.m. on the day preceding the day on which the defendant discharges the defendant's sentence. The bill authorizes a sheriff or other county jail administrator to release a defendant from county jail after 5 p.m. and before 6 a.m. if the defendant agrees to or requests a release after 5 p.m. and before 6 a.m.; is subject to an arrest warrant issued by another county and is being released for purposes of executing that arrest warrant; is 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; or is being admitted to an inpatient mental health facility or a state supported living center for court-ordered mental health or intellectual disability services.

S.B. 582 amends the Government Code to authorize the Commission on Jail Standards to monitor compliance with Code of Criminal Procedure provisions relating to the release of a

prisoner from county jail.

EFFECTIVE DATE

September 1, 2017.