

## **BILL ANALYSIS**

H.B. 3270  
By: Miller  
County Affairs  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

It has been noted that late-night releases of inmates from a county jail may pose safety risks for those being released, including kidnapping into the human trafficking trade. H.B. 3270 seeks to address this issue by establishing provisions relating to the time of day that a prisoner may be discharged 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**

H.B. 3270 amends the Code of Criminal Procedure in a provision establishing that a sheriff or other county jail administrator, except as provided by the bill's provisions, must release a defendant at any time beginning at 6 a.m. and ending at 5 p.m. on the day of the discharge of the defendant's sentence. H.B. 3270 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 to 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. under the following conditions: the defendant agrees to or requests a release after 7 p.m. and before 6 a.m., except if a health care professional has determined that the defendant lacks the mental capacity to agree to or request a release; the defendant is being released at that time pursuant to an order from a court; the defendant is subject to an arrest warrant issued by another county and is being released for purposes of executing that arrest warrant; the defendant 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 the defendant is being admitted to an inpatient mental health facility or a state supported living center for court-ordered mental health or mental retardation services. H.B. 3270 amends the Government Code to authorize the Commission on Jail Standards to monitor compliance with certain Code of Criminal Procedure provisions relating to the release of a prisoner from county jail.

**EFFECTIVE DATE**

September 1, 2019.