86R8541 MAW-D

By:  Whitmire S.B. No. 1700

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), and (e) 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 5 p.m. [~~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, 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.

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

(1)  credit a defendant 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 5 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 5 p.m. and before 6 a.m. if the defendant:

(1)  agrees to or requests a release after 5 p.m. and before 6 a.m.;

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

(3)  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

(4)  is being admitted to an inpatient mental health facility or a state supported living center for court-ordered mental health or intellectual disability services.

SECTION 2.  Section 511.009, Government Code, is amended by adding Subsection (e) to read as follows:

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

SECTION 3.  This Act takes effect September 1, 2019.