

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

1 defendant:

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

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

7 (3) is being transferred to the custody of another
8 state, a unit of the federal government, or a facility operated by
9 or under contract with the Texas Department of Criminal Justice; or

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

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

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

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