

By: Whitmire, Garcia

S.B. No. 582

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 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

(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

1 a defendant from county jail after 5 p.m. and before 6 a.m. if the
2 defendant:

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

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

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

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

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

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

19 SECTION 3. This Act takes effect September 1, 2017.