

public telephone.” The county jail would also be required to track the number of individuals released between 5 p.m. or sundown, whichever is later, and 8 a.m. and provide that information to the public upon request.

The Governor vetoed Senate Bill 42, writing in the veto message that the intent could be achieved without creating a state reimbursable mandate. In addition, the Governor noted that while releases should not occur during overnight hours, at a minimum, jails should provide “a safe place to wait and arrange transportation” when they do occur.¹⁰

Recent Legislative Changes in Texas

In 2019, Texas passed legislation requiring inmates upon completion of a sentence to be released between 6 am and 5 pm.¹¹ To accomplish this, inmates can be credited with up to 18 hours of time served and released between 6 and 5 pm one day prior to the day their sentence is complete. Those released for other reasons may be released between 5 pm and before 6 am (e.g., post bond, agrees to or requests a release after 5 pm and before 6 am, to execute an arrest warrant to another county, transfer of custody, admit to inpatient services).

Time Periods Selected for Data Collection

Three time periods were selected for data collection:

1. 6:00 a.m. to before 5:00 p.m.
2. 5:00 p.m. to before 11:00 p.m.
3. 11:00 p.m. to before 6:00 a.m.

Limiting the data collection to three time periods accomplished the following:

- focused on the primary concerns expressed regarding late-night releases – safety and the availability of resources.
- streamlined data collection and tracking for reporting agencies.

For the preferred time period to release individuals (6:00 a.m. to 5:00 p.m.), 6:00 a.m. was selected as the start for the time period because:

- transportation services are usually available at this time such that early morning transportation can be used to arrive at services by the start of business hours,
- it is usually daylight during most periods of the year, and
- maximizes the length of the preferred time period for the release of individuals from county jails.

¹⁰ SB 42 Veto Message. Retrieved from <https://www.gov.ca.gov/wp-content/uploads/2019/10/SB-42-Veto-Message.pdf>.

¹¹ State of Texas, Code of Criminal Procedure, Section 1, Article 43.13.

