



**TEXAS BOARD
OF
PARDONS AND PAROLES**

Number: BPP-DIR. 145.301

Date: January 3, 2018

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Supersedes: October 25, 2017

BOARD DIRECTIVE

SUBJECT: EXTRAORDINARY VOTE (SB 45 and HB 1914)

PURPOSE: To establish procedures for the Texas Board of Pardons and Paroles (Board) members to process cases which require an extraordinary vote.

AUTHORITY: Texas Government Code Sections 508.036, 508.0441, 508.045, 508.046 and 508.141(g) and (g-1)
Texas Administrative Code title 37, Part 5, Chapter 145, Section 145.15, 145.18
Board Policy BPP-POL. 145.200 and 145.207

DISCUSSION: In accordance with Texas Government Code Section 508.046, a two-thirds majority vote of the Texas Board of Pardons and Paroles (Board) is necessary for parole decisions involving capital felons, who are eligible for parole, persons convicted of an offense under Section 20A.03 [Continuous Trafficking of Persons], Section 21.02 [Continuous Sexual Abuse of Young Child or Children], Section 21.11(a)(1) [Indecency with a Child] or Section 22.021 [Aggravated Sexual Assault] of the Penal Code, or persons required under Texas Government Code Section 508.145(c) to serve 35 calendar years before becoming eligible for release on parole.

DEFINITIONS: Extraordinary Vote - requires at least two-thirds of the full board to vote to release an offender on parole.

Full Board - the entire membership of the Board.

Parole Panel - a three-member panel comprised of a Board Member and two Parole Commissioners.

Senate Bill 45 (SB 45) - an acronym for Extraordinary Vote case which authorizes the Board to vote a set off up to 5 years.

House Bill 1914 (HB 1914) - an acronym for an Extraordinary Vote case which authorizes the Board to vote a set off up to 10 years.

PROCEDURE:

- I. **Voting Order** - Board offices shall initiate the voting process for offenders requiring a full Board vote, based on the offenders' location in facilities under their jurisdiction. The voting order for each office, after initiating an extraordinary vote, is as follows:

Amarillo Board Office: Amarillo, Austin, Palestine, Huntsville, Angleton, San Antonio and Gatesville.

Angleton Board Office: Angleton, San Antonio, Amarillo, Austin, Palestine, Huntsville and Gatesville.

Austin Board Office: Austin, Palestine, Huntsville, Angleton, San Antonio, Amarillo and Gatesville.

Huntsville Board Office: Huntsville, Angleton, San Antonio, Amarillo, Austin, Palestine and Gatesville.

Palestine Board Office: Palestine, Huntsville, Angleton, San Antonio, Amarillo, and Austin.

San Antonio Board Office: San Antonio, Amarillo, Austin, Palestine, Huntsville, Angleton and Gatesville.

- II. **Special Conditions** - A Board Member may impose conditions of parole or mandatory supervision when voting an offender for release on parole or discretionary mandatory. A parole panel may impose or withdraw special conditions prior to or after the offender is released.
- III. **Cessation of Voting** - When three or more Board Members vote to deny parole, a two-thirds majority vote to grant parole becomes mathematically impossible to obtain. Therefore, voting by the remaining Board Members is not required, and the action directed by the first three votes denying parole shall be recorded as the Board's disposition.
- IV. **Completion of Voting** - Upon completion of case voting in a paper file, the Board Member will send the cases to the Texas Department of Criminal Justice-Parole Division, Review and Release Processing Section, for processing. For case voting in the Offender Information Management System, no further action is required after the vote is complete.

SIGNED THIS, THE 3rd DAY OF JANUARY, 2018.

DAVID GUTIÉRREZ, PRESIDING OFFICER (CHAIR)

**Signature on file.*