



TEXAS BOARD
OF
PARDONS AND PAROLES

Number: BPP-POL. 145.207

Date: January 19, 2017

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Supersedes: BPP-POL. 145.207
Dated April 21, 2016

BOARD POLICY

SUBJECT: EXTRAORDINARY VOTE (HB 1914)

PURPOSE: To establish a policy for the Board Members of the Texas Board of Pardons and Paroles to vote Extraordinary Vote (HB 1914) cases eligible for up to a ten year set off.

AUTHORITY: Texas Government Code Sections 508.0441, 508.045, 508.046, 508.141(g) and (g-1) and 508.221
Texas Administrative Code, Title 37, Part V, Chapter 145, Section 145.18

POLICY: It is the policy of the Texas Board of Pardons and Paroles (Board) to consider cases for Extraordinary Vote in accordance with Texas Administrative Code, Title 37, Part V, Chapter 145 (Board Rules). The full Board will review, make release decisions and impose special conditions.

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.

This policy applies to the following persons who are eligible for up to a ten year setoff: capital felons with a life sentence, who are eligible for parole, or persons convicted of an offense under Section 22.021 [Aggravated Sexual Assault] of the Penal Code.

Use of the full range of voting options is not conducive to determining whether two-thirds of the Board considers the offender ready for release. Board Members may impose conditions of parole or release to mandatory supervision.

DEFINITIONS: Two-thirds majority vote: 5 of the current 7 board votes.

FI-1: release when eligible. All conditions attached therewith apply.

FI-4R: (month/year): the placement of sex offenders into four months of education prior to release.

FI-9R: (month/year): the placement of sex offenders into nine months of education prior to release.

FI-18R: (month/year): the placement of offenders into eighteen months of treatment prior to release.

N/R: denied favorable parole action and set for review in 36, 60, 84 or 120 months.

S/A: “serve-all,” a decision to deny parole with no regular subsequent reviews, in the event the minimum expiration date is less than 120 months.

PROCEDURES:

- I. The voting options for the Board to consider cases for parole that are subject to Section 508.046, Government Code (SB 45), shall be FI-1, FI-4R, FI-9R, FI-18R, N/R or, in the event the minimum expiration date is less than one hundred twenty (120) months, S/A.
- II. Members of the Texas Board of Pardons and Paroles may impose special conditions of parole and mandatory supervision. Unless otherwise provided, any special condition may be imposed by a parole panel before or after release and shall remain in effect until specifically removed by a parole panel.

ADOPTED BY MAJORITY VOTE OF THE BOARD ON THE 19TH DAY OF JANUARY, 2017.

DAVID GUTIÉRREZ, PRESIDING OFFICER (CHAIR)

* *Signature on file.*