

**TEXAS DEPARTMENT OF CRIMINAL JUSTICE
PAROLE DIVISION**



**POLICY AND OPERATING
PROCEDURE**

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DATE: 7/21/97

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SUPERSEDES: 1/8/96

SUBJECT: PRESUMPTIVE TIME LIMITS

AUTHORITY: TEX. GOV'T CODE ANN. § 508.188; TEX. CODE CRIM. PROC. ANN. art. 42.12 § 16;
TEX. CODE CRIM. PROC. ANN. art. 42.036

POLICY: To outline the amount of community service that can be ordered for an offender to perform.

PROCEDURE:

- I. The amount of community service required of an offender shall not be excessive. There shall not be disparity in the amount of service required.
- II. Parole Division shall recommend to the Parole Board the amount of community service time appropriate to each case based on the requirements of state statute.
- III. The amount of community service work ordered shall not:
 - IV. The Regional Director or designee shall review the community service agreement carefully with the participating organization/agency, so that offenders are not assigned to projects that are clearly inappropriate. The guiding principle is that the health and safety of offenders and the public not be jeopardized.
 - A. Exceed 1,000 hours and may not be less than 320 hours for an offense classified as a first degree felony;
 - B. Exceed 800 hours and may not be less than 240 hours for an offense classified as a second degree felony; A. Exceed 1,000 hours and may not be less than 320 hours for an offense classified as a first degree felony;
 - C. Exceed 600 hours and may not be less than 240 hours for an offense classified as a third degree felony;
 - D. Exceed 400 hours and may not be less than 120 hours for an offense classified as a fourth degree felony.

- IV. When there is an affirmative finding under Section 508.188 of the Texas Government Code, an offender shall be required to perform not less than 300 hours of community service at a project that primarily serves the person or group that was the target of the offender in the instant offense.

- V. An offender who is employed may not be required to perform more than 16 hours per week of community service, unless the Board of Pardons and Paroles determines that requiring the offender to work additional hours does not work a hardship on the offender or the offender's dependents.

- VI. The Board may not order an offender who is unemployed to perform more than 32 hours per week of community service, but may direct an offender to use the remaining hours of the week to seek employment.

- VII. The supervising parole officer shall in most cases have the latitude to recommend to the participating organization the number of hours per week, less than the maximum amount, that an offender shall participate in community service. This information will be included on the Community Service Referral Form. Parole officers shall exercise care in establishing the number of hours per week that an offender is involved in community service. The weekly schedule of community service should not work a hardship on the offender.

Carl Jeffries
Interim Director, Parole Division