



**TEXAS BOARD
OF
PARDONS AND PAROLES**

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Dated March 30, 2011

BOARD DIRECTIVE

**SUBJECT: DIRECTIVE FOR RULE 145.12(4)(E), (J) AND (K) AND
RULE 145.15(A)(2)(B), (C) AND (D) -
FI-4 R SEX OFFENDER EDUCATION PROGRAM; AND
FI-9 R AND FI-18 R SEX OFFENDER TREATMENT PROGRAM**

**PURPOSE: To establish procedures for a “further investigation” vote to transfer sex
offenders to the sex offender education or treatment programs.**

**AUTHORITY: Texas Government Code Sections 493.053, 508.0441, 508.045, 508.152
Texas Administrative Code Title 37, Part 5, Chapter 145, Sections
145.12(4)(E), (J) and (K) and 145.15(a)(2)(B), (C) and (D)**

**DISCUSSION: The Texas Department of Criminal Justice (TDCJ) is authorized by statute to
administer rehabilitation and reintegration programs and services as designated
by the Texas Board of Criminal Justice. The following eligibility criteria, as
established by the TDCJ, will be utilized by the Full Board or a parole panel for
the selection of offenders, who have been convicted of or received a juvenile
adjudication for a sex offense, to participate in the sex offender education or
treatment programs.**

**DEFINITIONS: Full Board - the entire membership of the Texas Board of Pardons and Paroles
(Board).**

Parole Panel - one Board Member and two Parole Commissioners designated
by the Presiding Officer (Chair) to vote cases pursuant to Section 508.045 of
the Texas Government Code.

PROCEDURE:

- I. To be eligible for sex offender education or sex offender treatment programs described in this directive, the Offender may not have the following:
 - A. An active Immigration and Customs Enforcement (ICE) or felony detainee;
 - B. Be currently enrolled in vocational or college courses (not computer screened);
 - C. Be currently enrolled in an intensive rehabilitation program;

***The Static 99 score identified for each criteria shall not be construed as a limitation or restriction upon the exercise of any discretion of the Board or by a parole panel.**

- D. Have consecutive sentences pending parole review; or
 - E. A major disciplinary action resulting in loss of time or class in the past six (6) months (not computer screened).
- II. Eligibility Criteria - FI-4R Sex Offender Education Program - The Offender must be a male with the following:
- A. Current or past sex offender convictions;
 - B. General Population Level 1, 2 or 3 or above (G1, G2 or G3);
 - C. Have a minimum of 10 months prior to the projected release date or maximum discharge date; and
 - D. Low risk (Static 99 score of 0 - 1).*
- III. Eligibility Criteria - FI-9R Sex Offender Treatment Program - The Offender must be a male with the following:
- A. Current or past sex offender convictions;
 - B. General Population Level 1, 2 or 3 (G1, G2 or G3);
 - C. Have a minimum of 15 months prior to the projected release date or maximum discharge date; and
 - D. Moderate risk (Static 99 score of 2 - 5).*
- IV. Eligibility Criteria - FI-18R Sex Offender Treatment Program - The Offender must have the following:
- A. Current or past sex offender convictions;
 - B. Outside Trusty, General Population Level 1, 2 or 3 (G1, G2 or G3);
 - C. Have a minimum of 24 months prior to the projected release date or maximum discharge date; and
 - D. Low risk (Static 99 score of 6 or greater).*
- V. When the TDCJ becomes aware of one of the following circumstances, the TDCJ will immediately forward a transmittal to the Full Board in the case of Extraordinary Vote Required cases or the Original Parole Panel to reconsider their FI vote pursuant to Texas Administrative Code, Section 145.16.
- A. Ineligible to Participate - An offender may be ineligible to participate in the program recommended by the Board due to:

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1. Classification resulting from disciplinary actions; or
 2. A change in the projected release or discharge date which results in a projected release or discharge date less than twelve (12) months after enrollment.
- B. Program Refusal - An offender may initially agree to participate and later refuses to participate in a program or initially refuses to participate in the program.
- C. Program Termination - An offender may be eligible and placed in the program but due to unforeseen circumstances, is removed from the program. An offender may be removed due to:
1. A major disciplinary action;
 2. A release on a bench warrant; or
 3. An active felony detainer for a new offense from county or federal law enforcement.
- D. Program Completion Prior to Future Release Date - An offender may complete the program prior to the specified future release date.

SIGNED THIS, THE 24th DAY OF NOVEMBER, 2014.

RISSIE OWENS, PRESIDING OFFICER (CHAIR)

** Signature on file.*

***The Static 99 score identified for each criteria shall not be construed as a limitation or restriction upon the exercise of any discretion of the Board or by a parole panel.**