



**TEXAS BOARD
OF
PARDONS AND PAROLES**

Number: BPP-DIR. 145.310

Date: September 1, 2017

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Supersedes: June 23, 2017

BOARD DIRECTIVE

SUBJECT: PERSONAL APPEARANCE ON VICTIM'S BEHALF

PURPOSE: To establish procedural guidelines to allow a victim, the legal guardian of the victim, or close relative of the deceased victim to appear in person before a parole panel relative to parole consideration.

AUTHORITY: Code of Criminal Procedure Article 56.82(a)
Texas Government Code Sections 493.0251, 508.117, 508.153 and 508.313
Texas Government Code Chapter 2004
Texas Administrative Code Title 37, Part 5, Chapter 141, Subchapter D and E
Board Policy BPP-POL. 141.300 Handgun Policy

DISCUSSION: Section 508.153 of the Texas Government Code provides that before a parole panel considers parole or mandatory supervision release for an offender who is serving a sentence for an offense in which a person was a victim, the parole panel shall allow one person to appear in person before a board member or parole commissioner to present a statement of the person's views about the offense, the offender, and the effect of the offense on the victim.

Personal appearance on behalf of a victim is considered an interview and shall not be open to the public, and pursuant to the Texas law, all victim information is confidential and privileged.

Nothing in this directive is intended to limit the voters' discretion to allow additional victims to make a personal appearance or to make contact by phone when a phone call is requested in lieu of a personal appearance. However, if the victim request a personal appearance, the voting member shall allow such an appearance.

DEFINITIONS: Close Relative of a Deceased Victim - a person who was the spouse of a deceased victim at the time of the victim's death, a parent of the deceased victim, an adult brother, sister or child of the deceased victim; or nearest relative by consanguinity if previous listed relatives are deceased or incapacitated due to physical or intellectual disability or infirmity.

Guardian of a Victim - a person who is the legal guardian of a victim whether or not the legal relationship between the guardian and victim exists because of the age of the victim or the physical or mental incompetency of the victim.

Lead Voter - the member of a parole panel designated to cast the first vote in the parole review process.

License to Carry – a license issued by the Texas Department of Public Safety which authorizes an individual to carry a handgun.

Parole Panel - members of the Board designated by the Chairman to consider a person for release to parole.

Requestor (Person Appearing) - the victim, guardian of the victim, or close relative of the deceased victim.

Victim - a person who is the victim of sexual assault, kidnapping, aggravated robbery, felony stalking, or who has suffered bodily injury or death as a result of the criminal conduct of another. Sexual assault includes an offense under Section 21.02, 22.11 (a), 22.011, or 22.021, Penal Code. [Continuous Sexual Abuse of a Child or Children, Indecency with a Child – Contact, Sexual Assault, Aggravated Sexual Assault]

Victim's Personal Appearance Visitor Registration Form – victim, guardian of the victim, or close relative of the deceased victim shall sign in for an in-person meeting with the Lead Voter.

PROCEDURE:

I. Notification

- A. Victim Notification - The Texas Department of Criminal Justice (TDCJ) Victim Services Division shall make reasonable efforts to notify a victim, guardian of a victim or close relative of the deceased victim of their right to make a personal appearance pursuant to Texas Government Code Sections 508.117 and 508.153. This notification shall occur before a parole panel considers an offender for parole who is serving a sentence for an offense in which a person was a victim in accordance with existing policy and procedures.
- B. Victim Notification of Subsequent Felony – The TDCJ Victim Services shall make reasonable efforts to notify a victim, guardian of a victim or close relative of the deceased victim when an offender is charged in an indictment for an offense listed in Article 42A.054(a), Code of Criminal Procedure, or for which a judgment contains an affirmative finding under Article 42A.054(c) or (d), Code of Criminal Procedure, for which an offender was previously imprisoned and subsequently released.
- C. Board Notification – The TDCJ Victim Services shall provide the Texas Board of Pardons and Paroles (Board) with a list of names of victims maintained in their database to include the appropriate contact information.

II. Procedure for Personal Appearance

- A. The Lead Voter of the parole panel assigned to consider a case for parole is responsible for coordinating the victim contact to determine whether the victim desires a personal appearance with the Board Member or Parole Commissioner. The Lead Voter shall coordinate requests for personal appearances on behalf of the panel.
- B. The Lead Voter of the parole panel shall serve as the primary contact person, but any parole panel member may meet with the victim upon mutual agreement.
- C. The victim shall be advised that state law provides that one victim, or if more than one person is entitled to appear, the person chosen by all persons entitled to appear, may appear in person to present their views. However, the number of presenters may be increased at the discretion of the panel.
- D. Time, place, and duration of the interview shall be established at the discretion of the panel. Every effort will be made to schedule an appearance within a reasonable time frame following receipt of a request for personal appearance.

III. Record

A. Visitor Registration Form

- 1. All victims, family member, attorney and advocate present for the interview shall sign the Victim's Personal Appearance Visitor Registration Form. The Board Assistant shall provide the Lead Voter with one Victim's Personal Appearance Visitor Registration Form for each interview.
 - 2. Any other persons, to include victim's attorney or advocate, present for the interview shall sign the attached Visitors Registration Form.
 - 3. If the registrant is carrying a weapon, the Board Assistant shall give the registrant a copy of Board Policy BPP-POL.141.300 Handgun Policy. The registrant will present the LTC upon request.
 - 4. If a Public Information Act request is received for a copy of a register that contains the name of the victim as defined by this directive, the General Counsel's Office shall be consulted.
 - a. The General Counsel or designee shall determine whether the victim is registered with the Attorney General's Office Address Confidentiality Program.
 - b. The General Counsel or designee shall determine whether the victim received a notice pursuant to Victim Notification of Subsequent Felony statute.
- B. A record of the interview and a brief summary of the comments shall be placed in the offender's file.

- C. All information obtained and maintained, including a victim protest letter or other correspondence or a victim impact statement, is subject to the provisions of Section 508.313, Texas Government Code.

SIGNED THIS, THE 20th DAY OF JULY, 2017.

DAVID GUTIÉRREZ, PRESIDING OFFICER (CHAIR)

**Signature on file.*

BOARD OF PARDONS AND PAROLES
VICTIM'S PERSONAL APPEARANCE - VISITOR REGISTRATION
 Texas Government Code, Chapter 2004

OFFICE (Circle): Amarillo Angleton Austin Gatesville Huntsville Palestine San Antonio

MONTH: _____

DATE MM/DD/YY	NAME AND ADDRESS OF REGISTRANT	NAME AND ADDRESS OF PERSON, FIRM, CORPORATION, OR ASSOCIATION REPRESENTED BY THE REGISTRANT (IF OFFENDER: NAME, TDCJ# AND UNIT)	RECEIPT OF MONEY, THING OF VALUE, OR FINANCIAL BENEFIT FOR SERVICES IN APPEARING BEFORE THE AGENCY (Please check either "Yes" or "No")		PLEASE CHECK BOX IF YOU ARE CARRYING A HANDGUN
			YES	NO	
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> <hr/> LTC Number
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> <hr/> LTC Number
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> <hr/> LTC Number
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