



**TEXAS BOARD
OF
PARDONS AND PAROLES**

Number: BPP-DIR. 145.301
Date: November 15, 2021
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Supersedes: October 19, 2021

BOARD DIRECTIVE

SUBJECT: EXTRAORDINARY VOTE (SB 45 and HB 1914)

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

AUTHORITY: Texas Government Code Sections 508.035(d) and 508.046
Texas Administrative Code Title 37, Part 5, Chapter 145 Sections 145.15 and 145.18
Board Policies 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 one Board Member and two Parole Commissioners.

Senate Bill 45 (SB 45) – an acronym for an Extraordinary Vote case which authorizes the Board to vote a set-off of 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 of up to 10 years.

DIRECTIVE: Effective November 15, 2021, the following voting order replaces all previously designated voting orders.

PROCEDURE:

I. **Voting Order** - Board Members 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 the Board Member in each Board office, after initiating an extraordinary vote, is as follows:

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

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

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

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

San Antonio Board Office: San Antonio, Amarillo, Austin, Palestine, Huntsville, 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 15TH DAY OF NOVEMBER, 2021.

DAVID GUTIÉRREZ, PRESIDING OFFICER (CHAIR)

**Signature on file.*