



**TEXAS BOARD
OF
PARDONS AND PAROLES**

Number: BPP-DIR. 146.300

Date: March 16, 2021

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Supersedes: June 6, 2019

BOARD DIRECTIVE

SUBJECT: MOTION TO REOPEN HEARING – REVOCATION HEARING

PURPOSE: To provide procedures for employees of the Texas Board of Pardons and Paroles to respond to a Motion to Reopen Hearing request.

AUTHORITY: Texas Constitution Article 4, Section 11
Texas Government Code 508.035(d)
Texas Administrative Code Title 37, Part 5, Chapter 146, Sections 146.11 and 146.12
Board Directive BPP-DIR.141.304

DISCUSSION: The Texas Board of Pardons and Paroles (Board) may receive and consider Motions to Reopen (MTR) revocation hearings from offenders or their attorneys. An offender or their attorney must submit an MTR no later than 60 days after the revocation date.

The General Counsel's Office may process a case as a MTR when credible information is received that would merit a legal review of the revocation hearing.

DEFINITIONS: Alternate Panel – a panel designated by the Presiding Officer that considers MTRs if members of the MTR panel originally revoked the offender's parole or mandatory supervision release.

Motion to Reopen (MTR) panel – a panel designated by the Presiding Officer that considers MTRs.

Original Panel – the last panel that voted to revoke an offender's parole or mandatory supervision release.

PROCEDURE:

- I. The General Counsel's Office (GCO) receives and processes all MTR requests in accordance with established rules, policies, directives, and operational procedures.
 - A. The Assistant General Counsel (AGC) shall review and make recommendations on all MTR requests for the General Counsel's approval.

- B. Following approval by the General Counsel, the GCO staff shall transmit the AGC's and the General Counsel's recommendation to the appropriate parole panel as defined above (based on the original revocation decision).
- II. The parole panel shall review and consider the MTR request, then vote in accordance with Texas Administrative Code Title 37, Part 5, Chapter 146, Sections 146.11 and 146.12.
- III. The GCO staff shall notify the offender and/or attorney of the parole panel's decision and, if appropriate, refer the case file to the Board Administrator for "Grant Reopening" or "Reverse Disposition" processing.

SIGNED THIS, THE 16TH DAY OF MARCH, 2021.

DAVID GUTIÉRREZ, PRESIDING OFFICER (CHAIR)

**Signature on file*