



**TEXAS BOARD
OF
PARDONS AND PAROLES**

Number: BPP-POL. 145.200

Date: April 18, 2019

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Supersedes: October 18, 2018

BOARD POLICY

SUBJECT: EXTRAORDINARY VOTE (SB 45)

PURPOSE: To establish a policy and provide procedures for Board Members of the Texas Board of Pardons and Paroles to vote Extraordinary Vote (SB 45) cases eligible for up to a five year set-off.

AUTHORITY: Texas Government Code Sections 508.0441, 508.045, 508.046, 508.141(g) and (g-1), and 508.221
Texas Administrative Code Title 37, Part 5, Chapter 145, Section 145.15

POLICY: It is the policy of the Texas Board of Pardons and Paroles (Board) to consider cases for Extraordinary Vote in accordance with Texas Administrative Code Title 37, Part 5, Chapter 145 (Board Rules). The full Board will review, make release decisions, and impose special conditions. Upon review, use of the full range of voting options is not conducive to determining whether two-thirds of the Board considers the offender ready for release.

DISCUSSION: In accordance with Texas Government Code Section 508.046, a two-thirds majority vote of the 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.

This policy applies to the following persons who are eligible for up to a five year set-off: persons convicted of or serving a sentence for a capital felony, other than a life sentence, an offense under Section 20A.03 [Continuous Trafficking of Persons], Section 21.02 [Continuous Sexual Abuse of Young Child or Children], or Section 21.11(a)(1) [Indecency with a Child] 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:

Two-thirds majority vote: 5 of the current 7 Board votes.

FI-1: release when eligible. All conditions attached therewith apply.

FI-4R (month/year): the placement of sex offenders into four months of education prior to release.

FI-9R (month/year): the placement of sex offenders into nine months of education prior to release.

FI-18R (month/year): the placement of offenders into eighteen months of treatment prior to release.

N/R: denied favorable parole action and set for review in 36 or 60 months.

S/A: “serve-all,” a decision to deny parole with no regular subsequent reviews, in the event the minimum or maximum expiration date is less than 60 months away.

PROCEDURE:

- I. The voting options for the Board to consider cases for parole that are subject to Section 508.046, Government Code (SB 45), shall be FI-1, FI-4R, FI-9R, FI-18R, N/R or, in the event the minimum or maximum expiration date is less than 60 months away, S/A.
- II. Members of the Board may impose special conditions of parole and mandatory supervision. Unless otherwise provided, any special condition may be imposed by a parole panel before or after release and shall remain in effect until specifically removed by a parole panel.

ADOPTED BY MAJORITY VOTE OF THE BOARD ON THE 18TH DAY OF APRIL, 2019.

DAVID GUTIÉRREZ, PRESIDING OFFICER (CHAIR)

**Signature on file.*