



**TEXAS BOARD
OF
PARDONS AND PAROLES**

Number: BPP-POL. 145.202

Date: April 19, 2018

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Supersedes: April 19, 2017

BOARD POLICY

SUBJECT: DISCRETIONARY MANDATORY SUPERVISION

PURPOSE: To establish a policy statement of the Texas Board of Pardons and Paroles and provide procedures for voting members to make a determination to grant or deny an offender's release to mandatory supervision.

AUTHORITY: Texas Government Code Sections 508.0441, 508.045, 508.141(g), and 508.149(b)-(d)
Texas Administrative Code (TAC), Title 37, Part 5, Chapter 145, Section 145.14

POLICY: It is the policy of the Texas Board of Pardons and Paroles (Board) to consider Discretionary Mandatory Supervision (HB 1433) cases in accordance with Texas Government Code §508.149(b). This policy applies only to an offender eligible for release to mandatory supervision if the sentence is for an offense committed on or after September 1, 1996.

Legislative Intent – Prohibit offenders from being automatically released on mandatory supervision who are serving a sentence or have previously been convicted of one of the offenses ineligible for mandatory supervision or for a felony where a deadly weapon finding was entered by the court. The legislature identified the following offenses: first-degree murder; capital murder; first- or second-degree aggravated kidnapping; second-degree sexual assault; second- or first-degree aggravated assault; first-degree aggravated sexual assault; first-degree injury to a child, elderly individual or disabled individual; first-degree arson; second-degree robbery; first-degree aggravated robbery; first-degree burglary; or felonies for which the punishment was increased because it occurred in a drug-free zone.

DISCUSSION: A parole panel shall consider the offender for release to mandatory supervision if release of the offender may occur because the offender will reach a mandatory supervision date as determined by Texas Department of Criminal Justice (TDCJ). A parole panel shall make a determination to either grant or deny an offender's release to mandatory supervision.

Discretionary Mandatory Supervision review represents a cooperative effort between the Texas Board of Pardons and Paroles and the Texas Department of Criminal Justice Correctional Institutions Division to identify HB 1433 cases and notify the offender of the parole panel's pending review.

PROCEDURE:

- I. A parole panel shall determine (1) whether the offender's accrued good conduct time is or is not an accurate reflection of the offender's potential for rehabilitation, and (2) the offender's release would not or would endanger the public.
 - A. When the TDCJ-Correctional Institutions Division (CID) determines that release of the offender will occur because the offender will reach the mandatory supervision date, the offender will receive notice of the Discretionary Mandatory Supervision review.
 1. The offender shall be provided written notice of the discretionary mandatory review. The notice shall be hand delivered and a signed copy will be retained in the parole file for the parole panel to review.
 2. The notice shall advise the offender that he has and shall have 30 days from the receipt of the notice to submit, in writing, information to the board by delivering the information to the unit Institutional Parole Office.
 - B. After the expiration of the 30 day time period, the case shall be referred to a parole panel who will consider the case for release to mandatory supervision no earlier than 60 days of the offender's projected release date.
- II. Upon considering a case for release to mandatory supervision, a parole panel may:
 - A. Defer their decision to request further information;
 - B. Vote DMS Month/Year, deny release to mandatory supervision and set the next mandatory supervision review date one year from the panel decision date; or
 - C. Vote RMS, release to mandatory supervision.
- III. A parole panel that votes DMS must determine that (1) the offender's accrued good conduct time is not an accurate reflection of the offender's potential for rehabilitation, and (2) the offender's release would endanger the public. The parole panel shall specify these reasons and the appropriate denial reasons, as required by Board Directive BPP-DIR. 145.303, in written form on the minute sheet.
- IV. All subsequent Discretionary Mandatory Supervision reviews shall be reviewed in accordance with the following procedure:
 - A. A subsequent DMS vote shall be processed according to instructions found in Section II.B. above;
 - B. A subsequent RMS vote may be processed for immediate release to mandatory supervision.

ADOPTED BY MAJORITY VOTE OF THE BOARD ON THE 19TH DAY OF APRIL, 2018.

DAVID GUTIÉRREZ, PRESIDING OFFICER (CHAIR)

** Signature on file.*