



**TEXAS BOARD
OF
PARDONS AND PAROLES**

Number: BPP-POL. 145.202

Date: April 25, 2024

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Supersedes: April 27, 2023

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 use when making 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 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 Section 508.149(b), Government Code. 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; first or second-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 they occurred in a drug-free zone.

DISCUSSION: The Board determines which offenders are to be released on mandatory supervision. Except in special circumstances, Board Members and Parole Commissioners act in panels comprised of three (3) persons, and panel decisions are made by majority vote. A parole panel shall consider an offender for release to mandatory supervision if the offender's release may occur because the offender will reach a mandatory supervision date as determined by the 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 Board and the TDCJ Correctional Institutions Division (CID) to identify HB 1433 cases and notify the offender of the parole panel's pending review.

PROCEDURE:

- I. A parole panel shall determine whether (1) 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 or would not endanger the public.
 - A. When the TDCJ CID determines the offender's release 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 they 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 which will consider the case for release to mandatory supervision no earlier than 60 days from 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 discretionary 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.
- IV. All subsequent discretionary mandatory supervision reviews, except those cases reviewed pursuant to Board policy 145.206 Special Review – Release Denied, 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; and
- B. A subsequent RMS vote may be processed for immediate release to mandatory supervision.

ADOPTED BY MAJORITY VOTE OF THE BOARD ON THE 25TH DAY OF APRIL, 2024.

DAVID GUTIÉRREZ, PRESIDING OFFICER (CHAIR)

**Signature on file.*