



**TEXAS BOARD  
OF  
PARDONS AND PAROLES**

**Number: BPP-POL. 145.204**

**Date: July 15, 2021**

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**Supersedes: May 21, 2020**

## **BOARD POLICY**

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**SUBJECT: MEDICALLY RECOMMENDED INTENSIVE SUPERVISION**

**PURPOSE:** To establish a policy and provide procedures for voting members of the Texas Board of Pardons and Paroles to vote Medically Recommended Intensive Supervision cases.

**AUTHORITY:** Texas Government Code Sections 508.0441, 508.045, 508.146, and 508.221 Texas Administrative Code Title 37, Part 5, Chapter 145, Sections 145.15(d), 145.18(d), and 145.3(4)(F)

**POLICY:** It is the policy of the Texas Board of Pardons and Paroles (Board) to consider Medically Recommended Intensive Supervision (MRIS) cases in accordance with Title 37, Part 5, Chapter 145 (Board Rules), Texas Administrative Code. The Board Members and Parole Commissioners, acting in a parole panel, will review and make release decisions on cases referred to the Board by the Texas Correctional Office for Offenders with Medical or Mental Impairments (TCOOMMI).

**DISCUSSION:** MRIS represents a cooperative effort between the Board, TCOOMMI, Correctional Managed Health Care (CMHC) providers, and the Texas Department of Criminal Justice Parole Division to identify offenders as seriously impaired and decide whether to release and supervise them in a more appropriate environment, provided such release does not constitute a threat to public safety.

**DEFINITIONS:** Identified Offender – an offender identified by TCOOMMI and CMHC as being (a) a person who is elderly or terminally ill, a person with mental illness, an intellectual disability, or a physical disability, or a person who has a condition requiring long-term care, or (b) in a persistent vegetative state or being a person with an organic brain syndrome with significant to total mobility impairment.

MRIS Eligible – an offender other than an offender sentenced to death or serving life without parole, except that an offender with an instant offense described in Article 42A.054, Code of Criminal Procedure, or an offender with a reportable conviction or adjudication under Chapter 62, Code of Criminal Procedure, may only be considered if a medical condition of terminal illness or long-term care has been diagnosed by a physician.

MRIS panel – a parole panel of the Board designated by the Presiding Officer to determine the discretionary release of identified offenders.

Statutorily Eligible Offender – an offender who is MRIS eligible and an identified offender as defined by TCOOMMI.

**PROCEDURE:**

- I. The MRIS panel shall determine (1) whether to recommend or deny MRIS consideration for those statutorily eligible, and (2) to approve or deny their release to MRIS.
  - A. Upon review of the identified offenders' cases, the MRIS panel shall initially vote either to recommend MRIS consideration or to deny MRIS consideration. The MRIS panel shall base this decision on the identified offender's medical condition and medical evaluation, and shall determine whether the identified offender constitutes a threat to public safety.
  - B. If the MRIS panel determines that the identified offender does constitute a threat to public safety, no further vote is required.
  - C. If the MRIS panel determines that the identified offender does not constitute a threat to public safety, the panel shall make a subsequent determination whether to approve or deny release to MRIS. The MRIS panel shall base this decision on a thorough review of all factors relative to the interest of both the identified offender and society. The panel shall use one of the following options:
    1. Approve MRIS – The MRIS panel shall provide appropriate reasons for the decision to approve MRIS. The MRIS panel shall vote FI-1 and impose Special Condition "O.35". This condition specifies that the offender shall comply with the terms and conditions of the MRIS Program and abide by the TCOOMMI-approved release plan. At any time this condition is in effect, the offender shall remain under the care of a physician and in a medically suitable placement.
    2. Deny MRIS – The MRIS panel shall provide appropriate reasons for the decision to deny MRIS.

**II. Deportation**

An offender who is not a citizen of the United States, as defined by federal law, who is MRIS eligible, may be released to immigration authorities pending deportation on a date designated by a parole panel if the parole panel determines that upon release the offender would be deported to another country and that the offender does not constitute a threat to public safety in the other country or this country and is unlikely to reenter this country illegally.

**III. Decision to Approve MRIS**

- A. The MRIS panel, upon a majority vote, may approve release to MRIS for an identified offender.

- B. Unless otherwise directed, any decision to approve release to MRIS is effective on the date the identified offender is served notice of the decision of the MRIS panel.
  - C. TCOOMMI will report to the Board at least once each quarter on the offender's medical and placement status. On the basis of the report, the MRIS panel may modify conditions of release and impose any condition on the offender that the panel could impose on an offender under Section 508.145, including a condition that the offender reside in a halfway house or community residential facility.
- IV. Withdrawal of MRIS
- A. The decision to approve release to MRIS for an identified offender remains in effect until specifically withdrawn by a MRIS panel.
  - B. When the offender's medical condition improves such that the offender is no longer MRIS eligible, the MRS panel may withdraw the MRIS release approval decision.
- V. The MRIS panel shall endeavor to complete the voting of each terminally ill offender referral within ten business days of receipt from TCOOMMI and all other referrals within 20 business days.

**ADOPTED BY MAJORITY VOTE OF THE BOARD ON THE 15<sup>TH</sup> DAY OF JULY, 2021.**

**DAVID GUTIÉRREZ, PRESIDING OFFICER (CHAIR)**

*\*Signature on file.*