



**TEXAS BOARD  
OF  
PARDONS AND PAROLES**

**Number: BPP-POL. 145.209**

**Date: October 19, 2023**

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**Supersedes: November 10, 2022**

## **BOARD POLICY**

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**SUBJECT: EARLY RELEASE ON PAROLE**

**PURPOSE:** To establish a policy and provide procedures for voting members of the Texas Board of Pardons and Paroles to make a determination to approve or deny an offender's early release on parole in order to complete an educational and vocational training pilot program.

**AUTHORITY:** Texas Government Code Sections 493.034, 508.0441, 508.045, 508.145, 508.1455, 508.221, and Chapter 508, Subchapter I  
Texas Administrative Code Title 37, Part 5, Chapter 145, Section 145.19 and Chapter 146

**POLICY:** It is the policy of the Texas Board of Pardons and Paroles (Board) to consider Early Release on Parole (ERP) cases in accordance with the law. 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 Department of Criminal Justice (TDCJ).

**DISCUSSION:** ERP represents a cooperative effort between the Board and TDCJ to identify offenders who are eligible to be released approximately 180 days before the date the offender would be eligible for release on parole under Section 508.145(f) of the Government Code. ERP offenders shall be required, as a condition of release, to participate in an educational and vocational training pilot program operated under the direction of TDCJ, which shall begin immediately following the offender's release on parole.

**DEFINITIONS:** Identified Offender – TDCJ shall annually identify not fewer than 100 ERP eligible offenders who are suitable candidates for participation in an educational and vocational training pilot program.

Early Release on Parole – The discretionary release of an offender from incarceration, but not from the legal custody of the state, approximately 180 days prior to the offender's parole eligibility date, under such conditions and provisions for supervision as a parole panel may determine.

ERP Eligible – an offender who is serving a sentence for an offense under Chapter 481 of the Texas Health and Safety Code, that is punishable as a felony of the third degree; who has not previously been convicted of a felony under Title 5, Texas Penal Code, or under Chapter 43 or 71 of that code; and whose eligibility for parole is computed under Section 508.145(f), Government Code.

Statutorily Eligible Offender – an offender who is ERP eligible as identified by TDCJ.

**PROCEDURE:**

I. ERP Notice

A. A statutorily eligible offender will receive a notice of the ERP review.

1. The offender shall be provided written notice of the ERP 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 officer.

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 ERP approximately 180 days prior to the offender's parole eligibility date.

II. ERP Decision – Upon considering a case for ERP, a parole panel may:

A. Vote ERP; or

B. Vote Deny ERP.

III. Decision to Approve ERP

A. When the parole panel, upon a majority vote, approves ERP for an identified offender, the parole panel shall impose a condition of release that requires the offender to participate in an educational and vocational training pilot program operated under the direction of TDCJ.

B. The program shall begin immediately following the offender's release on parole.

IV. Decision to Deny ERP

When the parole panel, upon a majority vote, denies ERP for statutorily eligible offender, the offender shall be considered for release on parole the date he would otherwise have been considered for release on parole.

IV. Unsuccessful Completion of the Program

When the Board is notified that the offender has violated a condition of their release by failing to comply with the requirements of the program and the TDCJ Parole Division has issued a pre-revocation warrant or summons, the Board shall proceed with the pre-revocation process as authorized by statute and Board rules.

VI. Successful Completion of the Program

When the Board is notified that the offender has successfully completed the program, the parole panel shall, by majority vote, withdraw the condition of parole.

**ADOPTED BY MAJORITY VOTE OF THE BOARD ON THE 19<sup>TH</sup> DAY OF OCTOBER, 2023.**

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

*\*Signature on file.*