



**TEXAS BOARD  
OF  
PARDONS AND PAROLES**

**Number: BPP-POL. 145.259**

**Date: October 19, 2023**

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**Supersedes: November 10, 2022**

## **BOARD POLICY**

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**SUBJECT: SPECIAL CONDITION "S" (SUBSTANCE ABUSE)**

**PURPOSE:** To establish Special Condition "S" (Substance Abuse) for the statutorily mandated and discretionary special condition of parole or mandatory supervision and to establish a procedure for imposing Special Condition "S" as a condition of parole or mandatory supervision.

**AUTHORITY:** Texas Government Code Sections 508.0441, 508.045, 508.184, 508.185, 508.221, and 508.224  
Texas Code of Criminal Procedure Article 42A.408

**POLICY:** Special Condition "S" represents a cooperative effort between the Texas Board of Pardons and Paroles (Board) and the Texas Department of Criminal Justice (TDCJ) Parole Division (Division) to minimize the threat to the community when an offender is released on parole or mandatory supervision.

At any time Special Condition "S" is in effect, the offender shall fully comply with state laws governing controlled substance testing, substance abuse treatment, and conditions of release as well as Board and Division policies.

If the Division refers an offender to a parole panel after an offender violates a component of Special Condition "S", tests positive for use of controlled substances or alcohol, admits use, or requests help with alcohol or drug abuse, the Board will determine the appropriate action, such as the imposition of Special Condition "S" if the condition has not been previously imposed, imposition of the Intermediate Sanction Facility condition for the offender to participate in TDCJ substance abuse cognitive programming or any other appropriate sanction that may increase the offender's likelihood of successful reintegration.

**DISCUSSION:** The Board determines the conditions of parole and mandatory supervision. Except in special circumstances, Board Members and Parole Commissioners act in panels comprised of three persons, and panel decisions are made by majority vote. The Presiding Officer designates the composition of the parole panels. Special conditions are conditions imposed in addition to the standard conditions of parole or mandatory supervision. Unless otherwise provided, any condition may be imposed before or after release and shall remain in effect until specifically removed by a parole panel.

Substance abuse treatment, substance abuse counseling, and drug and alcohol abuse continuum of care treatment programs are developed by the Department of State Health Services. Controlled substance abuse testing is administered pursuant to Division policy.

Ignition Interlock Device – Imposition Restriction: (1) When the previous conviction was for an offense committed before the beginning of the 10-year period preceding the date of the instant offense for which the offender was sentenced; and (2) When the offender has not been convicted of an intoxication offense listed in Chapter 49 of the Texas Penal Code which was committed within a 10-year period preceding the date of the instant offense for which the offender was sentenced.

Ignition Interlock Device – Employment Exemption: If an offender is required to operate a motor vehicle in the course and scope of the offender's employment and if the vehicle is owned by the employer, the offender may operate that vehicle without installation of an approved ignition interlock device if the employer has been notified of that driving privilege restriction and if proof of that notification is with the vehicle. The employment exemption does not apply if the business entity that owns the vehicle is owned or controlled by the offender.

**DEFINITIONS:** Ignition Interlock Device – a device that uses a deep-lung breath analysis mechanism to make impractical the operation of a motor vehicle if ethyl alcohol is detected in the breath of the operator.

**COMPONENTS:**

**A. Mandatory Components** – “S” – At any time this condition is in effect unless modified or withdrawn by a parole panel, an offender shall:

• ***For All Offenders***

1. not unlawfully use drugs, narcotics, or controlled substances,
2. not use intoxicating inhalants,
3. not consume alcoholic beverages,
4. submit to alcohol use testing,
5. submit to urinalysis monitoring,
6. not enter an establishment where the primary function is the sale and dispensing of alcoholic beverages for on-premise consumption,
7. obey all driving restrictions imposed by the Board,

- *For offenders identified in Section I.A. or I.B. below*
  8. attend a substance abuse treatment program, and
- *For offenders identified in Section I.B. below*
  9. attend substance abuse counseling.

**B. Discretionary Component – “S”** – In addition, any time this condition is in effect, and to the extent directed in writing by the offender’s supervising parole officer, an offender shall attend District Reentry Center programming for substance abuse counseling as required by Division policy.

**C. Driving Restrictions Components** – In addition to the above mandatory and discretionary components, only the Board shall impose the following specific driving restriction components, for offenses listed in Chapter 49, Texas Penal Code:

1. not operate motor vehicle without Board approval; or
2. not operate motor vehicle without Ignition Interlock Device.

**PROCEDURE:**

**I. Statutory Criteria for Imposition**

- A. Substance Abuse Treatment – A parole panel shall impose Special Condition “S” when the offender who, immediately before release, participated in a TDCJ drug or alcohol program requiring the offender to participate in a drug or alcohol abuse continuum of care treatment program.
- B. Substance Abuse Counseling – A parole panel may impose Special Condition “S” requiring the offender to attend counseling sessions for substance abusers or participate in substance abuse treatment services if:
  1. the offender was sentenced for an offense involving a controlled substance; or
  2. it is determined that the offender’s substance abuse was related to the commission of the offense.

**II. Imposition of Special Condition**

- A. A parole panel, upon a majority vote, may impose Special Condition “S” as a special condition of parole or mandatory supervision.
- B. Unless otherwise directed, any condition of parole or mandatory supervision imposed is effective on the date of the parole panel decision.

**III. Withdrawal of Special Condition**

- A. Once imposed, Special Condition “S” shall continue to govern the offender for the duration of the supervision period.
- B. The Board intends to afford the offender’s supervising parole officer the flexibility to perform the day-to-day supervision in furtherance of the restrictions identified in this policy.
- C. A parole panel, by majority vote, may withdraw or modify Special Condition “S” as a special condition of parole or mandatory supervision.

**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.*