



**TEXAS BOARD
OF
PARDONS AND PAROLES**

Number: BPP-POL. 145.262

Date: January 18, 2024

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Supersedes: September 1, 2023

BOARD POLICY

SUBJECT: SPECIAL CONDITION “V” (VICTIM)

PURPOSE: To establish Special Condition “V” (Victim) as a special condition of parole or mandatory supervision and to establish a procedure for imposing contact restrictions as a condition of parole or mandatory supervision.

AUTHORITY: Texas Government Code Sections 508.153, 508.0441, 508.045, 508.117, 508.190, 508.191, and 508.223
Texas Code of Criminal Procedure Articles 56A.001 and 56A.052
Texas Penal Code Section 42.072

POLICY: Special Condition “V” represents a cooperative effort between the Texas Board of Pardons and Paroles (Board) and the Texas Department of Criminal Justice (TDCJ) Victim Services Division to minimize the threat to victims when an offender is released on parole or mandatory supervision.

At any time Special Condition “V” is in effect, the offender shall fully comply with state laws governing “avoiding victim of stalking offense” and/or “no contact with victim” as well as Board and TDCJ Parole Division (Division) policies.

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. Any condition may be imposed before or after release and shall remain in effect until specifically removed by a parole panel, unless otherwise authorized by Board policy.

DEFINITIONS: Bodily Injury – physical pain, illness, or any impairment of physical condition.

Close Relative of a Deceased Victim – a person who, regardless of whether the victim’s death was related to the offense committed, was the spouse of a deceased victim at the time of the victim’s death; a parent or adult brother, sister, or child of the deceased victim; or the nearest relative of the deceased victim by consanguinity, if the persons described above are deceased or are incapacitated due to physical or mental illness or infirmity.

Guardian of a Victim – a person who is the legal guardian of the victim, whether or not the legal relationship between the guardian and the victim exists because of the age of the victim or the physical or mental incompetency of the victim.

Victim – a person who is the victim of the offense of sexual assault, kidnapping, aggravated robbery, felony stalking, trafficking of persons, or injury to a child, elderly individual, or disabled individual; or who has suffered personal injury or death as a result of the criminal conduct of another. Sexual assault includes an offense under Section 21.02 [Continuous Sexual Abuse of Young Child or Children], 21.11(a)(1) [Indecency with a Child], 22.011 [Sexual Assault], 22.012 [Indecent Assault], 22.021 [Aggravated Sexual Assault], and 42.072 [Stalking], Penal Code.

PROCEDURE:

- I. Criteria for Imposition – Offenders who have been convicted of sexual assault; kidnapping; aggravated robbery; felony stalking; trafficking of persons; injury to a child, elderly individual or disabled individual; stalking; or who have caused personal injury or death as a result of their criminal conduct.
- II. Imposition Requirements
 - A. At any time that Special Condition “V” is in effect, an offender shall not:
 1. intentionally or knowingly communicate directly or indirectly with the victim;
 2. intentionally or knowingly communicate or cause communication in person, by telephone, correspondence, video or audio device, third person, media, or by any electronic means with the victim, a guardian of the victim, or a close relative of a deceased victim of the offender’s instant offense(s)
 3. intentionally or knowingly go near a residence, school, place of employment, or a business of the victim of the offender’s instant offense(s);

4. intentionally or knowingly go near a school, daycare facility, or similar facility where a dependent child of the victim of the offender's instant offense is in attendance; or

B. If the parole panel requires a prohibition contained in II.A.3. or 4. above, the parole panel shall specifically describe locations and minimum distances, if any, the offender must maintain from the locations.

III. Imposition of Special Condition

A. A parole panel, upon majority vote, shall impose Special Condition "V" as a special condition of parole or mandatory supervision.

B. Unless otherwise directed, Special Condition "V" becomes effective on the date of the parole panel decision.

IV. Modification of Special Condition

A. At any time after the offender is released on supervision, a victim of the offense may petition the parole panel for a modification of the conditions of the offender's parole or mandatory supervision allowing the offender contact with the victim subject to reasonable restrictions. The petition should be sent to the offender's supervising parole officer for submission to the parole panel.

B. Upon recommendation of the Division, Special Condition "V" may be amended or modified by a majority vote of the parole panel provided that such panel action follows a petition for modification described in IV.A. above.

ADOPTED BY MAJORITY VOTE OF THE BOARD ON THE 18TH DAY OF JANUARY, 2024.

DAVID GUTIÉRREZ, PRESIDING OFFICER (CHAIR)

**Signature on file.*