BOARD POLICY

SUBJECT: **SPECIAL CONDITION "V" (VICTIM)**

PURPOSE: To establish Special Condition "V" (Victim) as a 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 Code of Criminal Procedure Section 56.01
Texas Government Code Sections 508.0441, 508.045, 508.117, 508.190, 508.191, and 508.223
Texas Penal Code Section 42.072

DISCUSSION: The Texas Board of Pardons and Paroles (Board) determines 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.

POLICY: Special Condition "V" represents a cooperative effort between the 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.

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

Close Relative of a Deceased Victim – A person who was the spouse of a deceased victim at the time of the victim's death or who is a parent or adult brother, sister, or child of the deceased victim.

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, 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], or 22.021 [Aggravated Sexual Assault], Penal Code.

PROCEDURE:

I. Criteria for Imposition – Offenders who have been convicted of sexual assault; kidnapping; aggravated robbery; 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 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);

2. intentionally or knowingly go near a residence, place of employment, or a business of the victim of the offender's instant offense(s);

3. 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;

4. intentionally or knowingly communicate or cause communication;

B. If the parole panel requires a prohibition contained in II.A.2. or 3. 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. Unless otherwise directed, Special Condition "V" becomes effective on the date of the parole panel decision.

B. Special Condition "V" shall remain in effect for the duration of the supervision period unless modified by the parole panel.

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 21ST DAY OF MAY, 2020.

DAVID GUTIÉRREZ, PRESIDING OFFICER (CHAIR)
**Signature on file.*