



**TEXAS BOARD
OF
PARDONS AND PAROLES**

Number: BPP-POL. 146.255
Date: October 19, 2023
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Supersedes: September 1, 2023

BOARD POLICY

SUBJECT: REVOCATION HEARINGS – PENDING CRIMINAL CHARGES

PURPOSE: To establish a policy statement of the Texas Board of Pardons and Paroles regarding revocation hearings for offenders with pending charges.

AUTHORITY: Texas Government Code Sections 508.251, 508.252, 508.281, and 508.282
Texas Administrative Code Title 37, Part 5, Chapter 146, Section 146.7
Ex parte Palma, 2019 WL 6720755, (Tex. Crim. App. Dec. 19, 2020)
Ex parte Jimenez, 2020 WL 5933212 (Tex. Crim. App. Oct. 7, 2020)

DISCUSSION: The Texas Department of Criminal Justice Parole Division (Division) is authorized by statute to issue warrants for offenders on parole or mandatory supervision under certain circumstances. When an offender is arrested on the warrant, a Division parole officer provides the offender notice of the alleged violations of parole or mandatory supervision and notifies the offender of their right to request or waive their right to a preliminary or revocation hearing. If an offender requests a hearing, it is the parole officer's duty and responsibility to notify the Texas Board of Pardons and Paroles (Board). When the Board receives the parole officer's request to schedule a hearing, the Board shall schedule and conduct the hearing.

POLICY: It is the policy of the Board, after a proceed to revocation hearing decision, to schedule and conduct a revocation hearing when an offender requests a hearing. A revocation hearing for an offender in custody in a Texas county jail will be scheduled and conducted after the disposition of the pending criminal charge. However, when the hearing officer determines that an indictment or information has not been filed for the pending criminal charge, the hearing officer shall advise the parole officer to monitor the criminal charge for an indictment or information.

If an indictment, information, or complaint is filed before the 91st day, the revocation hearing will be scheduled after the disposition of the criminal charges. If an indictment, information, or complaint has not been filed by the 91st day, the Division will evaluate the case for warrant closure.

If there is a warrant closure without a final disposition of the allegations by the Board (continue supervision), upon issuance of a new pre-revocation warrant after an indictment, information, or complaint has been filed, the Board will schedule a preliminary hearing, if requested, and proceed with the revocation hearing after the disposition of the criminal charges.

ADOPTED BY A MAJORITY OF THE BOARD ON THE 19TH DAY OF OCTOBER, 2023.

DAVID GUTIÉRREZ, PRESIDING OFFICER (CHAIR)

**Signature on file.*