TEXAS BOARD OF PARDONS AND PAROLES RULES

REVISED

NOVEMBER 12, 2026

Texas Administrative Code
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Chapter 141 General Provisions

SUBCHAPTER A BOARD OF PARDONS AND PAROLES

§141.1 Presiding Officer

(a) The Presiding Officer is appointed by the Governor and serves at his pleasure in accordance with Texas Gov't Code §§ 508.035, 508.036, 508.040, 508.045, and 508.0441.

(b) The Presiding Officer's authority is also subject to the Texas Register publication requirements and the Texas Administrative Procedure Act, Texas Gov't Code Chapter 2001.

Source Note: *The provisions of this §141.1 adopted to be effective July 1, 1994, 19 TexReg 4750; amended to be effective June 30, 1998, 23 TexReg 6721; amended to be effective September 26, 2002, 27 TexReg 8963; amended to be effective February 5, 2004, 29 TexReg 1206; amended to be effective November 30, 2011, 36 TexReg 8040; amended to be effective August 10, 2014, 39 TexReg 5962; amended to be effective August 13, 2017, 42 TexReg 3879; amended to be effective November 12, 2026, 51 TexReg 7731.*

§141.3 Board Administration

(a) The transaction of business before the Board requires a quorum of the Board and decisions require a majority of the quorum. Four members of the Board constitute a quorum.

(b) The Board shall:

(1) adopt rules which govern the decision-making processes of the Board and parole panels;

(2) prepare information of public interest describing the functions of the Board, including a detailed written report that complies with the financial reporting requirements pursuant to the General Appropriations Act, providing a full account of all funds received and disbursed by the Board during the preceding fiscal year, and make the information available to the public and appropriate state agencies;

(3) comply with federal and state laws related to program and facility accessibility;

(4) comply with the training, hearing officer, mission statement, parole guideline, and reconsideration requirements of Tex. Gov't Code §§ 508.036, 508.041, 508.042, 508.049, 508.141(g), and 508.144; and

(5) prepare and biennially update a procedural manual to be used by designees of the Board. The Board shall include in the manual:

(A) descriptions of decisions in previous hearings determined by the Board to have value as precedents for decisions in subsequent hearings;

(B) laws and court decisions relevant to decision making in hearings; and

(C) case studies useful in decision making in hearings;

(6) prepare and update as necessary a handbook to be made available to participants in hearings under Tex. Gov't Code 508.281, such as defense attorneys, persons released on parole or mandatory supervision, and witnesses. The handbook must describe in plain

language the procedures used in a hearing under 508.281;

(7) develop and implement a policy that clearly defines circumstances under which a Board Member or Parole Commissioner should disqualify himself or herself from voting on:

(A) a parole decision; or

(B) a decision to revoke parole or mandatory supervision;

(8) adopt rules relating to:

(A) the submission and presentation of information and arguments to the Board, a parole panel, and the Department for and in behalf of an inmate, including by electronic means; and

(B) the time, place, and manner of contact between a person representing an inmate and:

(i) a member of the Board or a Parole Commissioner;

(ii) an employee of the Board; or

(iii) an employee of the Department.

Source Note: *The provisions of this §141.3 adopted to be effective July 1, 1994, 19 TexReg 4750; amended to be effective June 30, 1998, 23 TexReg 6721; amended to be effective June 11, 2002, 27 TexReg 4990; amended to be effective February 5, 2004, 29 TexReg 1206; amended to be effective November 30, 2011, 36 TexReg 8041; amended to be effective August 10, 2014, 39 TexReg 5962; amended to be effective August 13, 2017, 42 TexReg 3879; amended to be effective September 8, 2022, 47 TexReg 5340; amended to be effective November 12, 2026, 51 TexReg 7731.*

§141.4 Meetings

(a) The members of the Board shall meet at least once in each quarter of the calendar year at a site determined by the Chair, or

(b) The Board meets at the call of the Chair.

Source Note: *The provisions of this §141.4 adopted to be effective July 1, 1994, 19 TexReg 4750; amended to be effective June 30, 1998, 23 TexReg 6721; amended to be effective November 14, 2004, 29 TexReg 10269; amended to be effective August 10, 2014, 39 TexReg 5962; amended to be effective August 13, 2017, 42 TexReg 3879.*

§141.5 Parliamentary Authority

(a) The current edition of Robert's Rules of Order shall govern the conduct of all meetings of the Board except as may be otherwise specified in statutory law or herein.

(b) All documents evidencing the actions taken by the Board during a meeting shall be authenticated by the Presiding Officer's signature pursuant to Robert's Rules of Order.

Source Note: *The provisions of this §141.5 adopted to be effective July 1, 1994, 19 TexReg 4751; amended to be effective June 11, 2002, 27 TexReg 4990; amended to be effective September 16, 2010, 35 TexReg 8382; amended to be effective August 13, 2017, 42 TexReg 3879; amended to be effective September 8, 2022, 47 TexReg 5340.*

§141.7 Composition of Parole Panels

The Chair shall designate the composition of each panel.

Source Note: *The provisions of this §141.7 adopted to be effective June 30, 1998, 23 TexReg 6721; amended to be effective June 11, 2002, 27 TexReg 4990; amended to be effective August 13, 2017, 42 TexReg 3879.*

SUBCHAPTER B RULEMAKING

§141.51 Use and Effect of Rules

These rules are prescribed for the performance of the constitutional and statutory powers and functions vested in the Board. In no event shall they or any of them be construed as a limitation or restriction upon the exercise of any discretion by the Board or by a parole panel.

Source Note: *The provisions of this §141.51 adopted to be effective July 1, 1994, 19 TexReg 4751; amended to be effective August 13, 2017, 42 TexReg 3879.*

§141.57 Petition for Adoption of Rule

(a) Any interested person may petition the Board requesting the adoption of a rule pursuant to Tex. Gov't Codes 2001.021, 2006.002, and 2008.

(b) A petition shall be mailed or submitted by electronic means to the General Counsel of the Texas Board of Pardons and Paroles as published on the Board's website.

(c) The petition must be submitted in writing, must be identified as Petition for Adoption of Rule, and must comply with the following requirements:

(1) each petition must state the name and address of the petitioner;

(2) each petition shall include:

(A) a completed intake checklist.

(B) a brief explanation of the proposed rule; and

(C) the text of the proposed rule prepared in a manner to indicate the words to be added or deleted in the current text, if any.

(d) The petitioner must submit:

(1) A statement of statutory authority or authority under which the rule is to be promulgated;

(2) If an adverse economic impact of the proposed rule on small or microbusinesses is identified, the petition shall also contain:

(A) An economic impact statement which details the probable effect of the rule on employment in each geographic area affected by the rule for each year of the first five years that the rule will be in effect, and describes alternative methods of achieving the purpose of the proposed rule; and

(B) A regulatory flexibility analysis as defined in Section 2006.002(d), Government Code. In addition to the petition, the person may submit a proposal for the adoption of the proposed rule through negotiated rulemaking. The proposal shall identify the potential participants for the negotiated rulemaking committee, possible third party facilitators, and a timeline for the process.

(e) Consideration and Disposition of the Petition

(1) Except as provided in subsection (f) of this rule, the Chair shall consider and reject or approve petitions submitted.

(2) Within 60 days after receipt of a petition by the General Counsel, or within 60 days after receipt by the General Counsel of a resubmitted petition in accordance with subsection (d) of this rule, the Chair, in consultation with the General Counsel, shall consider the petition and shall either deny it in writing, stating its reasons for denial, or shall initiate rulemaking proceedings in accordance with Section 2001.021, Government Code.

(3) A petition may be denied for failure to comply with the petition requirements of this rule.

(4) If the Chair, in consultation with the General Counsel, denies the petition, the General Counsel shall give the petitioner written notice of the denial and the reasons for the denial.

(f) The General Counsel may refuse to consider any subsequent petition for the adoption of the same or similar rule submitted within one year after the date of the initial petition.

(g) The General Counsel shall provide the petitioner a written acknowledgement of receipt of a petition that states the date the petition was received and the date by which the Chair must act under subsection (e)(2).

Source Note: *The provisions of this §141.57 adopted to be effective July 1, 1994, 19 TexReg 4752; amended to be effective October 20, 1998, 23 TexReg 10655; amended to be effective February 5, 2004, 29 TexReg 1207; amended to be effective August 10, 2014, 39 TexReg 5962; amended to be effective August 13, 2017, 42 TexReg 3879; amended to be effective September 8, 2022, 47 TexReg 5341; amended to be effective November 12, 2026, 51 TexReg 7732.*

Subchapter C SUBMISSION AND PRESENTATION OF INFORMATION AND REPRESENTATION OF OFFENDERS

§141.60 Submission and Presentation of Information

(a) Unless otherwise authorized, information and arguments in support of an offender shall be in writing.

(b) All information and arguments in support of an offender's release shall be submitted at any time to the Review and Release Processing Section-TDCJ, Austin, Texas.

Source Note: *The provisions of this §141.60 adopted to be effective October 20, 1998, 23 TexReg 10656; amended to be effective September 26, 2002, 27 TexReg 8964; amended to be effective September 17, 2003, 28 TexReg 7997; amended to be effective January 9, 2005, 29 TexReg 12236; amended to be effective February 18, 2009, 34 TexReg 1094; amended to be effective August 13, 2017, 42 TexReg 3879; amended to be effective November 12, 2026, 51 TexReg 7733.*

§141.61 Representation of an Offender

(a) Persons representing an offender pursuant to Chapter 508, Subchapter C, Government Code, may appear before a member of the Board or parole panel designated to consider the offender's case.

(b) Requests for appearances by persons representing offenders shall be only submitted when the offender's case is under review, during the review period, and at the discretion of the members of the parole panel designated to review the case.

(c) The time, place, and manner of contact between a person representing an offender and a member of the Board or an employee of the Board shall be established by the members of the parole panel designated to review the case.

Source Note: *The provisions of this §141.61 adopted to be effective October 20, 1998, 23 TexReg 10656; amended to be effective September 26, 2002, 27 TexReg 8964; amended to be effective September 17, 2003, 28 TexReg 7997; amended to be effective January 9, 2005, 29 TexReg 12236; amended to be effective June 8, 2008, 33 TexReg 4333; amended to be effective September 16, 2010, 35 TexReg 8383; amended to be effective August 13, 2017, 42 TexReg 3879; amended to be effective September 8, 2022, 47 TexReg 5341; amended to be effective November 12, 2026, 51 TexReg 7733.*

§141.71 Minutes of the Board

All minutes of the Board and parole panels, final decisions relating to parole, mandatory supervision, pardons, and clemency shall be matters of public record.

Source Note: *The provisions of this §141.71 adopted to be effective July 1, 1994, 19 TexReg 4752; amended to be effective June 11, 2002, 27 TexReg 4991; amended to be effective November 30, 2011, 36 TexReg 8041; amended to be effective August 13, 2017, 42 TexReg 3879.*

§141.72 Record of Decisions

(a) All Board and parole panel decisions are maintained by the Division as the official custodian of all electronic and paper records obtained and maintained for offenders eligible for parole or mandatory supervision.

(b) The Board shall keep records of their acts concerning clemency matters.

Source Note: *The provisions of this §141.72 adopted to be effective July 1, 1994, 19 TexReg 4752; amended to be effective November 30, 2011, 36 TexReg 8041; amended to be effective August 13, 2017, 42 TexReg 3879; amended to be effective September 8, 2022, 47 TexReg 5341.*

Subchapter D REGISTRATION OF VISITORS AND FEE AFFIDAVITS

§141.81 Registration of Visitors

Any person who appears before the Board or a parole panel, or before any Board Member, Parole Commissioner, or any Board employee whether in an interview or at a hearing, except those appearing as witnesses at a preliminary and/or revocation hearing or a sex offender condition hearing, for the purpose of submitting or presenting information or arguments for and in behalf of any person within the jurisdiction of the Board, shall register in the record of the Board as required by Section 2004.002, Government Code. A Board Member, Parole Commissioner, or representative of the Board shall protect the confidentiality of the victim as required by Section 508.313, Government Code.

Source Note: *The provisions of this §141.81 adopted to be effective July 1, 1994, 19 TexReg 4752; amended to be effective February 5, 2004, 29 TexReg 1207; amended to be effective September 16, 2010, 35 TexReg 8383; amended to be effective November 30, 2011, 36 TexReg 8042; amended to be effective August 10, 2014, 39 TexReg 5962; amended to be effective August 13, 2017, 42 TexReg 3880; amended to be effective September 8, 2022, 47 TexReg 5341.*

§141.82 Fee Affidavits

(a) Any person who represents an inmate for compensation before the Board or any of its members, before a parole panel, or any Board employee for the purpose of submitting or presenting information or arguments for and in behalf of any person within the jurisdiction of the Board, shall submit before such appearance a completed fee affidavit form to TDCJ.

(b) The completed fee affidavit form shall state whether any fee has been, or is to be paid for his participation or services in the case and all other information required by Section 508.084, Government Code.

(c) The submission of a completed fee affidavit is not considered a request for an interview. A copy of the completed fee affidavit shall be submitted to the Board or any of its members, a parole panel, or any Board employee at the time of such an appearance.

Source Note: *The provisions of this §141.82 adopted to be effective May 1, 1995, 20 TexReg 2860; amended to be effective June 11, 2002, 27 TexReg 4991; amended to be effective August 10, 2014, 39 TexReg 5962; amended to be effective August 13, 2017, 42 TexReg 3880; amended to be effective September 8, 2022, 47 TexReg 5341.*

Subchapter E INTERVIEWS

§141.91 Purpose

(a) Any Board Member, Parole Commissioner or representative of the Board may interview any person who wishes to present or submit information for and in behalf of any person within the jurisdiction of the Board upon proper registration and presentation of any necessary fee affidavit.

(b) Such interview shall not be deemed to be a hearing and shall not be public.

(c) A person shall request an interview, when the offender is in the review period as defined in §141.60(d) and §141.61(d) of this Chapter, by contacting the Board office of the parole panel designated to review the case.

Source Note: *The provisions of this §141.91 adopted to be effective July 1, 1994, 19 TexReg 4753; amended to be effective February 5, 2004, 29 TexReg 1207; amended to be effective August 13, 2017, 42 TexReg 3880.*

§141.92 Record

The date, place, persons involved and purpose of such an interview shall be recorded and notes may be kept thereof for purposes of entering any information received into the confidential file of the person on whose behalf the interview is conducted.

Source Note: *The provisions of this §141.92 adopted to be effective July 1, 1994, 19 TexReg 4753.*

Subchapter F SUBPOENAS

§141.101 Issuance of Subpoenas

(a) A parole panel may issue subpoenas requiring the attendance of witnesses and the production of records, books, papers, and documents as deemed necessary for the investigation of the case of any person before a parole panel or designee of the Board.

(b) Subpoenas may be issued following the completion of an application prescribed by the Board.

(c) Subpoenas may be signed and oath administered by any member of the Board.

Source Note: *The provisions of this §141.101 adopted to be effective May 1, 1995, 20 TexReg 2860; amended to be effective February 8, 1999, 24 TexReg 786; amended to be effective February 15, 2000, 25 TexReg 1129; amended to be effective February 5, 2004, 29 TexReg 1208; amended to be effective November 30, 2011, 36 TexReg 8042; amended to be effective August 13, 2017, 42 TexReg 3881.*

Subchapter G DEFINITION OF TERMS

§141.111 Definition of Terms

The following words and terms used within these rules shall have the following meanings, unless the context clearly indicates otherwise. Acronyms. Within these rules, SID means State Identification Number assigned by the Texas Department of Public Safety; TDCJ means the Texas Department of Criminal Justice; and TDCJ-CID means the Texas Department of Criminal Justice-Correctional Institutions Divisions.

(1) Administrative Violation of Parole or Mandatory Supervision--A technical violation of parole or mandatory supervision which does not allege criminal conduct.

(2) Affinity and consanguinity (including consanguinity within the third degree)--Determined in accordance with Tex. Gov't Code Chapter 573.

(3) Board--The Texas Board of Pardons and Paroles, consisting of seven members appointed by the Governor.

(4) Commutation of sentence--An act of clemency by the Governor which serves to modify the conditions of a sentence.

(5) Conditional pardons--A form of executive clemency granted by the Governor which serves to release a person from the conditions of his or her sentence and any disabilities imposed by law thereby, subject to the conditions contained in the clemency proclamation. A person released pursuant to the terms of a conditional pardon is considered, for purposes of revocation thereof, to be a releasee.

(6) Department--The Texas Department of Criminal Justice.

(7) Division--The Parole Division of the Texas Department of Criminal Justice.

(8) 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.

(9) Eligible inmate--An offender who has been sentenced to a term of imprisonment in the TDCJ-CID; is confined in a penal or correctional institution, including a jail or a correctional institution in another state; and is eligible for release on parole.

(10) Further Investigation (FI)--An initial determination by a parole panel favorable to parole of an offender, subject to additional investigation and processing.

(11) Hearing Officer--A staff member designated by the Board and assigned to conduct a preliminary or revocation hearing concerning one or more allegations of violation of the terms and conditions of parole, mandatory supervision, or conditional pardon; and a sex offender conditions hearing to determine whether the offender constitutes a threat to society by reason of lack of sexual control.

(12) Initial review--The review conducted by the Board not later than the 180th day an offender is eligible for release on parole.

(13) Inmate--A person incarcerated in the TDCJ-CID, other penal institution, or jail serving a sentence imposed upon conviction of a felony.

(14) Institutional Parole Officer--A staff member responsible for interviewing offenders and preparing case summaries for review by a parole panel or the Board; and notifying the offender of the releasee decision along with the approval or denial reasons.

(15) Mandatory supervision--The nondiscretionary release of an offender from incarceration, but not from the legal custody of the state, under such conditions and provisions for supervision as the parole panel may determine. For the purposes of revocation, the terms "parole" and "mandatory supervision" are interchangeable and reference to either one of said terms includes the other.

(16) Mandatory supervision date--The date on which the release to mandatory supervision of an eligible offender may occur.

(17) Offender--A person incarcerated in the TDCJ-CID, other penal institution, or jail serving a sentence imposed upon conviction of a felony or a person released from prison on parole or mandatory supervision.

(18) Offender's file--The paper and electronic file maintained by the TDCJ Parole Division as the official custodian of record.

(19) Pardon--An unconditional act of executive clemency by the Governor which serves to release a person from the conditions of his or her sentence and from any disabilities imposed by law thereby.

(20) Parole--The discretionary release of an offender from incarceration, but not from the legal custody of the state, under such conditions and provisions for supervision as a parole panel may determine.

(21) Parole certificate--An order of the Board incorporating the terms and conditions of release.

(22) Parole panel--A three member decision-making body of the Board authorized to act in release matters. In certain cases, the full Board acts as the parole panel.

(23) Preliminary hearing--Hearing to determine whether probable cause exists to continue holding the offender in custody pending the outcome of the final hearing.

(24) Projected Release Date--The minimum expiration date as determined by TDCJ.

(25) Release plan--Proposed community and place of residence and proposed employment or proposed provision for maintenance and care of the releasee.

(26) Releasee--A person released from TDCJ-CID on parole or mandatory supervision.

(27) Remain Set--A decision by the Board, after a special review, to continue the initial denial vote set off.

(28) Remission of fine or forfeiture--An act of clemency by the Governor releasing a person from payment of all or a portion of a fine or canceling a forfeiture of a bond.

(29) Reprieve--A temporary release from the terms of an imposed sentence.

(30) Review period--A period in which a parole panel will review an eligible offender for release on parole or mandatory supervision.

(31) Revocation--The cancellation of parole, mandatory supervision, or a person granted a conditional pardon to immediate incarceration or recommend to the Governor revocation of a conditional pardon without further hearing or, in the instance of reprieve of a fine, to immediate payment of the fine.

(32) Serve-All Date--The projected release date or maximum expiration date as determined by TDCJ.

(33) Treatment--Refers to rehabilitation programs also referred to as counseling or therapy.

(34) Trial officials--The present sheriff, each chief of police, prosecuting attorney, and judge in the county and court of conviction and release.

(35) Victim--A person who is the victim of the offense of sexual assault, indecency with a child by contact, continuous sexual abuse of a young child or children, aggravated 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, as defined in Article 56A.001, Sections 6 and 7, Code of Criminal Procedure.

(36) Voting Codes--the following table contains the voting codes and options of the Board.

Attached Graphic

Source Note: *The provisions of this §141.111 adopted to be effective May 1, 1995, 20 TexReg 2861; amended to be effective August 14, 1996, 21 TexReg 7563; amended to be effective November 4, 1996, 21 TexReg 10437; amended to be effective June 30, 1997, 22 TexReg 5842; amended to be effective December 29, 1997, 22 TexReg 12540; amended to be effective February 3, 1999, 24 TexReg 786; amended to be effective November 14, 1999, 24 TexReg 9845; amended to be effective January 9, 2005, 29 TexReg 12236; amended to be effective September 16, 2010, 35 TexReg 8383; amended to be effective March 10, 2011, 36 TexReg 1681; amended to be effective November 30, 2011, 36 TexReg 8042; amended to be effective October 27, 2013, 38 TexReg 7314; amended to be effective August 10, 2014, 39 TexReg 5963; amended to be effective August 13, 2017, 42 TexReg 3881; amended to be effective August 12, 2018, 43 TexReg 5097; amended to be effective March 30, 2022, 47 TexReg 1623; amended to be effective November 12, 2026, 51 TexReg 7733.*

Chapter 143 EXECUTIVE CLEMENCY

Subchapter A FULL PARDON AND RESTORATION OF RIGHTS OF CITIZENSHIP

§143.1 Authority to Grant Pardons

Except in cases of treason or impeachment, after conviction or successful completion of a term of deferred adjudication community supervision, the Governor may grant a full pardon upon the written signed recommendation and advice of a majority of the Board as authorized by the Texas Constitution, Article IV, Section 11 and

Articles 48.01 and 48.03, Code of Criminal Procedure.

Source Note: *The provisions of this §143.1 adopted to be effective January 1, 1976; amended to be effective March 17, 1987, 12 TexReg 731; amended to be effective August 15, 1989, 14 TexReg 3812; amended to be effective March 1, 2012, 37 TexReg 1362; amended to be effective November 9, 2014, 39 TexReg 8597; amended to be effective May 9, 2018, 43 TexReg 2795; amended to be effective November 12, 2026, 51 TexReg 7733.*

§143.2 Pardons for Innocence

(a) On the grounds of innocence of the offense for which convicted or successfully completed a term of deferred adjudication community supervision, the Board will consider applications for recommendation to the Governor for a pardon for innocence upon receipt of:

(1) a written recommendation of a majority of the current trial officials of the sentencing court, with one trial official submitting documentary evidence of actual innocence; or

(2) a certified order or judgment of a court having jurisdiction accompanied by a certified copy of the findings of fact and conclusions of law where the court recommends that the Court of Criminal Appeals grant state habeas relief on the grounds of actual innocence.

(b) Evidence submitted under subsection (a)(1) of this section shall include the results and analysis of pre-trial and post-trial forensic DNA testing of biological material as defined in the Chapter 64, Code of Criminal Procedure, if any, and may also include affidavits of witnesses upon which the recommendation of actual innocence is based.

Source Note: *The provisions of this §143.2 adopted to be effective August 15, 1989, 14 TexReg 3812; amended to be effective March 22, 1998, 23 TexReg 2829; amended to be effective March 10, 2005, 30 TexReg 1316; amended to be effective March 1, 2012, 37 TexReg 1362; amended to be effective November 9, 2014, 39 TexReg 8597; amended to be effective May 9, 2018, 43 TexReg 2795; amended to be effective November 12, 2026, 51 TexReg 7733.*

§143.3 Twelve Months on Parole

When an offender has served 12 months on parole for an offense committed on or before August 28, 1977, upon application, the Board may review the offender's record and make a determination whether to recommend to the Governor that the offender be pardoned and finally discharged from the sentence under which the offender is serving as authorized by the Texas Constitution, Article IV, Section 11 and Article 42.12, §24, Code of Criminal Procedure, 59th Legislature, R.S., Volume 2, Page 317, Chapter 722.

Source Note: *The provisions of this §143.3 adopted to be effective August 15, 1989, 14 TexReg 3812; amended to be effective November 9, 2014, 39 TexReg 8597; amended to be effective May 9, 2018, 43 TexReg 2795; amended to be effective November 12, 2026, 51 TexReg 7733.*

§143.4 Parolee Discharging Sentence

When an offender has been paroled for an offense committed on or before August 28, 1977, and has complied with the rules and conditions governing the offender's parole until the end of the term to which the offender was sentenced, and without a revocation of the offender's parole, the Board may report such fact to the Governor prior to the issuance of the final order of discharge. The Board may, at this time, recommend to the Governor a full pardon as authorized by the Texas Constitution, Article IV, Section 11 and Article 42.12, §24, Code of Criminal Procedure, 59th Legislature, R.S. Volume 2, Page 317, Chapter 722.

Source Note: *The provisions of this §143.4 adopted to be effective August 15, 1989, 14 TexReg 3812; amended to be effective February 18, 2009, 34 TexReg 1095; amended to be effective November 9, 2014, 39 TexReg 8597; amended to be effective May*

9, 2018, 43 TexReg 2795; amended to be effective November 12, 2026, 51 TexReg 7733.

§143.5 Discharged Offender

Upon written application from a person who has discharged a felony sentence or successfully completed a term of deferred adjudication community supervision, the Board will consider recommending a full pardon to the Governor.

Source Note: *The provisions of this §143.5 adopted to be effective August 15, 1989, 14 TexReg 3812; amended to be effective March 1, 2012, 37 TexReg 1362; amended to be effective November 9, 2014, 39 TexReg 8597; amended to be effective May 9, 2018, 43 TexReg 2795; amended to be effective November 12, 2026, 51 TexReg 7733.*

§143.6 Offender in Texas Department of Criminal Justice-Correctional Institutions Division

(a) An offender currently incarcerated in TDCJ-CID will be considered for a full pardon, upon written application, only after the offender's minimum statutory parole eligibility has been attained and the offender has been reviewed for and denied parole.

(b) Subsection (a) of this section does not apply to a survivor of human trafficking or domestic violence who demonstrates the survivor's conviction correlates to human trafficking or domestic violence. The applicant has the burden of demonstrating the connection between the applicant's conviction and the applicant's victimization through human trafficking or domestic violence.

Source Note: *The provisions of this §143.6 adopted to be effective August 15, 1989, 14 TexReg 3812; amended to be effective March 1, 2012, 37 TexReg 1362; amended to be effective November 9, 2014, 39 TexReg 8597; amended to be effective November 12, 2026, 51 TexReg 7733.*

§143.7 Prior Out-of-State or Federal Convictions

Where an applicant has one or more prior out-of-state or federal convictions or has successfully completed a punishment comparable to a term of deferred adjudication community supervision for one or more felony offenses prior to the applicant's last Texas conviction, the Board will consider recommending a full pardon to the Governor only if the applicant provides:

(1) official full pardon clearance from the applicable jurisdiction of each previous conviction; or

(2) official written documentation indicating the applicable jurisdiction will not take action until a full pardon is granted by the Governor of Texas.

Source Note: *The provisions of this §143.7 adopted to be effective August 15, 1989, 14 TexReg 3812; amended to be effective March 1, 2012, 37 TexReg 1362; amended to be effective May 9, 2018, 43 TexReg 2795; amended to be effective November 12, 2026, 51 TexReg 7733.*

§143.8 Suspended Sentence, Felony Conviction

Upon a written application, the Board will consider recommending to the Governor a full pardon for a suspended sentence that prevents the applicant from maintaining a livelihood or has resulted in the loss of civil rights. The applicant has the burden of showing the conviction impacted the applicant's ability to maintain a livelihood or the loss of civil rights.

Source Note: *The provisions of this §143.8 adopted to be effective August 15, 1989, 14 TexReg 3812; amended to be effective November 9, 2014, 39 TexReg 8597; amended to be effective May 9, 2018, 43 TexReg 2795; amended to be effective November 12, 2026, 51 TexReg 7733.*

§143.9 Sentence of Probation or Community Supervision, Felony Conviction

(a) Upon written application, the Board will consider recommending a full pardon to the Governor for a sentence of community supervision only upon:

(1) a showing of receipt of maximum relief available through the court of conviction; and

(2) an extraordinary circumstance that prevents the applicant from maintaining a livelihood; or has resulted in the loss of civil rights.

(b) The applicant has the burden of showing the extraordinary circumstance in which the conviction impacted the applicant's ability to gain or maintain a livelihood or resulted in the applicant's loss of civil rights.

Source Note: *The provisions of this §143.9 adopted to be effective August 15, 1989, 14 TexReg 3812; amended to be effective November 9, 2014, 39 TexReg 8597; amended to be effective May 9, 2018, 43 TexReg 2795; amended to be effective November 12, 2026, 51 TexReg 7733.*

§143.10 Misdemeanor

(a) Upon written application, the Board will consider recommending a full pardon to the Governor for misdemeanor cases only when an extraordinary circumstance exists that prevents the applicant from maintaining a livelihood or if the applicant has lost civil rights due to the conviction.

(b) The applicant has the burden of showing the extraordinary circumstance in which the conviction impacted the applicant's ability to maintain a livelihood or resulted in the applicant's loss of civil rights.

Source Note: *The provisions of this §143.10 adopted to be effective August 15, 1989, 14 TexReg 3812; amended to be effective May 9, 2018, 43 TexReg 2795; amended to be effective November 12, 2026, 51 TexReg 7733.*

§143.11 Request of the Governor

The Board shall consider a recommendation for a full pardon and, if applicable, request for restoration of firearm rights in any case upon the request of the Governor as authorized by Government Code, Section 508.050.

Source Note: *The provisions of this §143.11 adopted to be effective August 15, 1989, 14 TexReg 3812; amended to be effective February 18, 2009, 34 TexReg 1095; amended to be effective November 9, 2014, 39 TexReg 8597; amended to be effective May 9, 2018, 43 TexReg 2795; amended to be effective February 16, 2026, 51 TexReg 961.*

§143.12 Restoration of Firearm Rights

(a) Upon written application, the Board will consider recommending to the Governor a restoration of the right to receive, possess, bear, and transport in commerce a firearm only in extraordinary circumstances which prevent the applicant from maintaining a livelihood, and only if the applicant:

(1) provides either proof of clearance by a previously granted full pardon or a request for such express restoration in a pending application for a full pardon from jurisdiction(s) of the relevant conviction(s) or successful completion of a punishment similar to a term of deferred adjudication community supervision; and

(2) provides proof of application under the United States Code, Title 18, Section 925(c), for exemption, relief from disabilities to the United States Attorney General and furnishes copies of all relevant applications and responses

thereto by the United States Attorney General including any final actions by said United States Attorney General.

(b) The applicant has the burden of showing the extraordinary circumstance in which the conviction impacted the applicants ability to maintain a livelihood.

Source Note: *The provisions of this §143.12 adopted to be effective August 15, 1989, 14 TexReg 3812; amended to be effective February 18, 2009, 34 TexReg 1095; amended to be effective March 1, 2012, 37 TexReg 1362; amended to be effective November 9, 2014, 39 TexReg 8597; amended to be effective May 9, 2018, 43 TexReg 2795; amended to be effective November 12, 2026, 51 TexReg 7733.*

§143.13 Posthumous Pardon

Upon written application from a person acting on behalf of a deceased person who was convicted of a felony offense, the Board will consider recommending to the Governor a full pardon for the deceased person.

Source Note: *The provisions of this §143.13 adopted to be effective March 1, 2012, 37 TexReg 1363; amended to be effective May 9, 2018, 43 TexReg 2795; amended to be effective November 12, 2026, 51 TexReg 7733.*

§143.14 Consideration of Request or Application

(a) Upon written application, the Board will consider a request for executive clemency submitted pursuant to Subchapter A of this chapter (relating to Full Pardon and Restoration of Rights of Citizenship).

(b) When an application for executive clemency is denied by the Governor or not recommended by the Board, a person may submit a subsequent written application for executive clemency on or after the second anniversary of the denial.

Source Note: *The provisions of this §143.14 adopted to be effective November 9, 2014, 39 TexReg 8597; amended to be effective May 9, 2018, 43 TexReg 2795; amended to be effective November 12, 2026, 51 TexReg 7733.*

Subchapter B CONDITIONAL PARDON

§143.21 Definition

(a) A conditional pardon is a form of executive clemency that upon application may be recommended by the Board to the Governor, except in cases of treason or impeachment. If granted a conditional pardon, serves to release the offender from the conditions of the offender's sentence or any disabilities imposed by law thereby, subject to the conditions outlined in the clemency proclamation.

(b) For revocation purposes, a recipient of a conditional pardon is considered a "releasee" as that term is defined in §141.111(26) of this Title (Definitions of Terms). All such revocation proceedings are governed by the rules found in Ch. 146 of this Title (Revocation of Parole or Mandatory Supervision).

Source Note: *The provisions of this §143.21 adopted to be effective January 1, 1976; amended to be effective December 30, 1980, 5 TexReg 4956; amended to be effective February 18, 2009, 34 TexReg 1095; amended to be effective November 9, 2014, 39 TexReg 8598; amended to be effective May 9, 2018, 43 TexReg 2795; amended to be effective November 12, 2026, 51 TexReg 7734.*

§143.22 Consideration of Application

(a) Upon written application, the Board will consider a request for a conditional pardon:

(1) to release an offender to another country; or

(2) in cases where extraordinary circumstances exist, and only after minimum statutory parole eligibility has been attained.

(b) For purposes of subsection (a)(2) of this section, the applicant has the burden to demonstrate the existence of extraordinary circumstances.

Source Note: *The provisions of this §143.22 adopted to be effective January 1, 1976; amended to be effective August 15, 1989, 14 TexReg 3812; amended to be effective September 13, 2012, 37 TexReg 7189; amended to be effective November 9, 2014, 39 TexReg 8598; amended to be effective May 9, 2018, 43 TexReg 2795; amended to be effective November 12, 2026, 51 TexReg 7734.*

§143.23 Revocation of Conditional Pardon

(a) A conditional pardon may be revoked if the terms and conditions of the clemency proclamation are breached. All such revocation proceedings shall be conducted in accordance with the rules of §143.21 of this Title (Definition), Ch. 146 (Revocation of Parole or Mandatory Supervision) and in accordance with Government Code, Ch. 508, Subchapter I. Hearings and Sanctions.

(b) When the Division notifies the Board that a violation has occurred, the Board will notify the Governor, who may order the Board to proceed to a revocation hearing. Upon order of the Governor, the Board shall notify the Division, which shall issue a warrant pursuant to Section 508.251(a)(5), Government Code. The warrant shall issue to appropriate law enforcement authorities, authorizing any sheriff, peace officer, or other addressee named therein to arrest and hold the named releasee until further order, or until such time as the releasee may be placed in the custody of an agent of the TDCJ-CID, or until further order.

Source Note: *The provisions of this §143.23 adopted to be effective November 23, 1993, 18 TexReg 8228; amended to be effective February 18, 2009, 34 TexReg 1095; amended to be effective September 13, 2012, 37 TexReg 7189; amended to be effective November 9, 2014, 39 TexReg 8598; amended to be effective May 9, 2018, 43 TexReg 2795; amended to be effective November 12, 2026, 51 TexReg 7734.*

§143.24 Request of the Governor

The Board shall consider a recommendation for conditional pardon in any case upon the request of the Governor as authorized by Government Code, Section 508.050.

Source Note: *The provisions of this §143.24 adopted to be effective January 1, 1976; amended to be effective March 17, 1987, 12 TexReg 732; amended to be effective February 18, 2009, 34 TexReg 1095; amended to be effective September 13, 2012, 37 TexReg 7189; amended to be effective November 9, 2014, 39 TexReg 8598; amended to be effective May 9, 2018, 43 TexReg 2795; amended to be effective November 12, 2026, 51 TexReg 7734.*

Subchapter C REPRIEVE

§143.31 General Rules

(a) The Governor may grant a reprieve upon the written recommendation of a majority of the Board as authorized by the Texas Constitution, Article IV, Section 11.

(b) Each request will be considered on the merits of the case and the security risk involved.

(c) Except at the direction of the Governor, the Board will only consider written reprieve requests that meet the criteria set out in this section.

(d) The Board will not consider a written application for reprieve from a TDCJ-CID sentence that involves travel outside the State of Texas or for business reasons.

(e) The Board may recommend a reprieve either in custody of a peace officer or without custody. However, the Board will not recommend a reprieve without custody if the offender has a detainer filed against the offender's release.

(f) Except as otherwise specified in this subsection, a Board recommendation for a reprieve shall be for a specified time, including a beginning and an ending date.

(g) An offender granted a reprieve who does not return to custody by the ending date of the offender's reprieve is subject to arrest without further action of the Board or Governor.

(h) The Board will consider a written request for an extension of a reprieve only if the request meets the requirements for the original reprieve.

(i) If at any time the Board is made aware that the conditions of a reprieve have been violated, the Board may recommend to the Governor the revocation of such reprieve.

Source Note: *The provisions of this §143.31 adopted to be effective January 1, 1976; amended to be effective March 17, 1987, 12 TexReg 732; amended to be effective September 13, 2012, 37 TexReg 7189; amended to be effective November 9, 2014, 39 TexReg 8598; amended to be effective May 9, 2018, 43 TexReg 2796; amended to be effective November 12, 2026, 51 TexReg 7734.*

§143.32 Reprieve for Family Emergency

(a) The Board will consider a written application for reprieve for a family emergency only in cases of critical illness or death of an offender's immediate family member.

(b) For the purpose of this subchapter, the immediate family are an offender's parents, spouse, and children, and a person other than a parent who assumed the responsibilities and acted as the offender's parent during the offender's childhood.

(c) Before considering the application for a reprieve for family emergency, the Board will require written:

(1) Verification of:

(A) the critical illness by the attending physician; or

(B) the death and of the time and place of the funeral, by the mortician; and

(2) proof of the parent-child relationship if the request is based on the illness or death of a person who was not the offender's biological parent, but acted as a parent during the offender's childhood.

(d) A Board recommendation for reprieve in the continuous custody of a peace officer is contingent upon a verified arrangement by the offender's family to secure and pay the expense of a peace officer to guard the offender.

Source Note: *The provisions of this §143.32 adopted to be effective January 1, 1976; amended to be effective September 13, 2012, 37 TexReg 7189; amended to be effective February 5, 2015, 40 TexReg 441; amended to be effective May 9, 2018, 43 TexReg 2796; amended to be effective November 12, 2026, 51 TexReg 7734.*

§143.35 Reprieve from Misdemeanor Jail Sentence or Fine

(a) The Board will consider a written application for reprieve from a misdemeanor jail sentence or fine upon the written recommendation on official letterhead of a majority of trial officials.

(b) Written applications submitted from an offender for a reprieve from a misdemeanor jail sentence or fine, for medical necessity, significant financial hardship, or other compelling adversity, will be considered by the Board only upon the receipt of the following:

(1) Medical Necessity:

(A) a request for reprieve clearly stating the medical reason for the application;

(B) a statement from the attending physician indicating the applicant's medical condition and recommended medical treatment;

(C) a clear statement of financial responsibility for hospitalization or other treatment; and

(D) a certified copy of the judgment and sentence for each conviction for which the applicant is currently incarcerated.

(2) Financial Hardship or Compelling Adversity:

(A) a request for reprieve clearly stating the nature of the financial hardship or other compelling adversity necessitating the application;

(B) a certified copy of the judgment and sentence for each conviction for which the applicant is currently confined; and

(C) if applicable, a statement from a prospective employer stating the nature of the employment offer and whether or not the employment offered will be permanent if duties are performed satisfactorily.

Source Note: *The provisions of this §143.35 adopted to be effective January 1, 1976; amended to be effective September 13, 2012, 37 TexReg 7189; amended to be effective February 5, 2015, 40 TexReg 441; amended to be effective May 9, 2018, 43 TexReg 2796; amended to be effective November 12, 2026, 51 TexReg 7734.*

Subchapter D REPRIEVE FROM EXECUTION

§143.41 Governor's Reprieve

The Governor has the power, upon the written and signed recommendation and advice of a majority of the Board, to grant a reprieve in any capital case at any time after conviction.

Source Note: *The provisions of this §143.41 adopted to be effective January 1, 1976; amended to be effective January 4, 1984, 8 TexReg 5423; amended to be effective March 17, 1987, 12 TexReg 732; amended to be effective November 9, 2014, 39 TexReg 8598; amended to be effective May 9, 2018, 43 TexReg 2796; amended to be effective November 12, 2026, 51 TexReg 7735.*

§143.42 Reprieve Recommended by the Board

The Board will consider a reprieve of execution from death sentence upon receipt of a written application on behalf of an offender. The individual filing such application, if other than the offender, may be required to demonstrate that the individual is authorized by the offender to file such application. Any such application shall be addressed to the Texas Board of Pardons and Paroles and contain the following information:

(1) the name of the applicant, execution number, together with any other pertinent identifying information;

(2) identification of the applicant's agents, if any, who are presenting the application;

(3) certified copies of the indictment, judgment, verdict of the jury, and sentence in the case, including official documentation verifying the scheduled execution date, if said information is not contained in the sentence;

(4) a brief statement of the offense for which the offender has been sentenced to death;

(5) a brief statement of the appellate history of the case, including its current status;

(6) a brief statement of the legal issues which have been raised during the judicial progress of the case;

(7) the requested length of duration of the reprieve, which shall be in increments of 30 days in accordance with the Governor's statutory authority to grant one 30-day reprieve, unless a different duration is requested upon the basis of the grounds for the application set forth pursuant to paragraph (8) of this section; and,

(8) all grounds upon the basis of which the reprieve is requested; provided that such grounds shall not call upon the Board to decide technical questions of law which are properly presented via the judicial process.

Source Note: *The provisions of this §143.42 adopted to be effective January 1, 1976; amended to be effective January 4, 1984, 8 TexReg 5423; amended to be effective October 19, 1984, 9 TexReg 5163; amended to be effective September 13, 2012, 37 TexReg 7189; amended to be effective October 27, 2013, 38 TexReg 7314; amended to be effective November 9, 2014, 39 TexReg 8598; amended to be effective May 9, 2018, 43 TexReg 2796; amended to be effective February 16, 2026, 51 TexReg 961; amended to be effective November 12, 2026, 51 TexReg 7735.*

§143.43 Procedure in Capital Reprieve Cases

(a) The written application on behalf of an offender seeking a Board recommendation to the Governor or a reprieve from execution may be submitted by electronic means or delivered to the Board's Clemency Section as published on the Board's website, not later than the twenty-first calendar day before the execution is scheduled. If the twenty-first calendar day before the execution is scheduled falls on a weekend or state observed holiday, the application shall be delivered not later than the next business day.

(b) All supplemental information, including but not limited to amendments, addenda, supplements, or exhibits, must be submitted through the provisions pursuant to subsection (a) of this rule, not later than the fifteenth calendar day before the execution is scheduled. If the fifteenth calendar day before the execution is scheduled falls on a weekend or state observed holiday, all additional information including but not limited to amendments, addenda, supplements, or exhibits shall be delivered not later than the next business day.

(c) The application and any information filed with the application, including but not limited to amendments, addenda, supplements, or exhibits, must be provided by the applicant in the manner determined by the Presiding Officer (Chair).

(d) Advocates for and against the death penalty, generally, and members of the general public may present written information for the Board's consideration through the provisions pursuant to subsection (a) of this rule during regular business hours.

(e) An offender seeking a Board recommendation to the Governor for a reprieve from execution may request the opportunity to speak to a member of the Board. Such request shall be included in the written application or any supplement filed therewith in accordance with this section.

(f) Upon receipt of the request, the Chair shall designate at least one member of the Board be present or by videoconference at the offender's TDCJ-CID confining unit. Attendance shall be limited to the offender, the designated Board Member, Board staff, and TDCJ-CID staff. When considering the offender's application for reprieve, the Board may consider statements made by the offender and any other materials the offender delivers to the Board Member.

(g) The Board shall consider and decide applications for reprieve from execution. Upon review, the Board may:

(1) recommend to the Governor a reprieve from execution;

(2) not recommend a reprieve from execution; or

(3) set the matter for a hearing as soon as practicable and at a location convenient to the Board and the parties to appear before it.

(h) When the Board sets a hearing pursuant to subsection (g)(3) of this section, it shall notify the trial officials of the county of conviction and the attorney general of the State of Texas and allow any such official(s), or the designated representatives thereof, the opportunity to attend the hearing and/or to present any relevant information. At the time of notifying the trial officials, the Board shall also notify any representative of the victim's family who has previously requested to be notified of the receipt of the application, the setting of a hearing, and of said representative or family member's rights to provide any written comments or to attend the hearing.

(i) All hearings conducted by the Board under this section shall be in open session pursuant to requirements of the Texas Open Meetings Act. For the purpose of discussing matters which are deemed confidential by Government Code, Section 508.313 or where otherwise authorized by the provisions of the Texas Open Meetings Act, the proceedings may be conducted in executive session closed to members of the general public, for that limited purpose. Only those persons whose privacy interests and right to confidentiality may be abridged by discussion involving disclosure of confidential information may be allowed to meet with members of the Board in their executive session to discuss that information. No decision, vote, or final action by the Board shall be made during executive session; the Board's decision, vote, or final action shall be made and announced in an open meeting. The hearing may be recessed prior to its completion and reconvened pursuant to the directions of the Board.

(j) After the conclusion of the hearing, the Board shall render its decision, reached by majority vote, within a reasonable time, which decision shall be either to:

(1) recommend to the Governor a reprieve from execution;

(2) not recommend a reprieve from execution; or

(3) recess the proceedings without rendering a decision on the merits, if a reprieve has been granted by the

Governor or if a court of competent jurisdiction has granted a stay of execution.

(k) Each of the provisions of this section and §143.42 of this title (relating to Reprieve Recommended by the Board) are subject to waiver by the Board when it finds that there exists good and adequate cause to suspend said provisions and adopt a different procedure which it finds to be better suited to the exigencies of the individual case before it.

(l) Successive or repetitious reprieve applications submitted in behalf of the same offender may be summarily denied by the Board without meeting.

Source Note: *The provisions of this §143.43 adopted to be effective January 4, 1984, 8 TexReg 5423; amended to be effective October 19, 1984, 9 TexReg 5164; amended to be effective March 17, 1987, 12 TexReg 732; amended to be effective May 11, 1999, 24 TexReg 3538; amended to be effective August 17, 1999, 24 TexReg 6311; amended to be effective August 10, 2006, 31 TexReg 6236; amended to be effective September 13, 2012, 37 TexReg 7189; amended to be effective November 9, 2014, 39 TexReg 8598; amended to be effective May 9, 2018, 43 TexReg 2796; amended to be effective August 5, 2021, 46 TexReg 4699; amended to be effective November 12, 2026, 51 TexReg 7735.*

Subchapter E COMMUTATION OF SENTENCE

§143.51 Commutation of Sentence

Except in cases of treason and impeachment, upon the recommendation of the Board, the Governor may grant a commutation of sentence as authorized by the Texas Constitution, Article IV, Section 11.

Source Note: *The provisions of this §143.51 adopted to be effective January 1, 1976; amended to be effective November 9, 2014, 39 TexReg 8599; amended to be effective May 9, 2018, 43 TexReg 2796.*

§143.52 Commutation of Sentence, Felony, or Misdemeanor

(a) The Board will consider recommending to the Governor a commutation of sentence upon a request submitted electronically or by mail accompanied by the written recommendation of a majority of the trial officials. These written recommendations must be provided on the official letterhead of each trial official.

(b) If the offender has the recommendation of three trial officials and no written communication is received from the fourth trial official, the Board shall give the remaining trial official notice that a clemency recommendation is being considered by the Board.

(c) In cases tried prior to the tenure of the present office-holders, the recommendation of persons holding such offices at the time the case was tried may be used to support the recommendation of the current trial officials, if in compliance with the requirements of subsection (d) of this section.

(d) Each trial official's recommendation for commutation of sentence must include the following:

(1) a statement that the penalty now appears to be excessive;

(2) a recommendation of a definite term now considered by the officials as just and proper; and

(3) a statement of the reasons for the recommendation based upon facts directly related to the case which were in existence, but not available to, the court or jury at the time of the trial, or a statutory change in penalty for the crime

which would appear to make the original penalty excessive.

Source Note: *The provisions of this §143.52 adopted to be effective January 1, 1976; amended to be effective March 17, 1987, 12 TexReg 733; amended to be effective August 15, 1989, 14 TexReg 3812; amended to be effective February 18, 2009, 34 TexReg 1096; amended to be effective September 13, 2012, 37 TexReg 7191; amended to be effective November 9, 2014, 39 TexReg 8599; amended to be effective May 9, 2018, 43 TexReg 2796; amended to be effective November 12, 2026, 51 TexReg 7735.*

§143.53 Commutation of Remainder of Jail Sentence or Fine after Reprieve

The Board will consider recommending to the Governor a commutation of the remainder of the time left to serve on a jail sentence or commutation of fine after satisfactory completion of a reprieve of the jail sentence or fine.

Source Note: *The provisions of this §143.53 adopted to be effective January 1, 1976; amended to be effective May 9, 2018, 43 TexReg 2796; amended to be effective November 12, 2026, 51 TexReg 7735.*

§143.54 Commutation for Jail Time Served before Sentence for Felony Conviction

The Board will consider a written application for commutation, on a felony conviction, resulting in credit for time served in jail from the time of sentence only if the applicant has been continuously in jail during the entire period for which the application is made and only upon receipt in writing of the following information from the judge of the court of conviction:

(1) the name of the convicted defendant;

(2) the cause number and court in which the conviction occurred;

(3) a statement that it was the intent of the sentencing judge, at the time of sentencing, that the applicant be given credit for the jail time served, but that such credit was not given through oversight or error, as the case may be;

(4) a statement of the exact number of days, months, or years which should be credited on the sentence;

(5) a statement that the applicant was continuously in custody and in jail for the total credit period requested; and

(6) a request that the Board make favorable recommendation to the Governor that such time credit be allowed.

Source Note: *The provisions of this §143.54 adopted to be effective January 1, 1976; amended to be effective November 9, 2014, 39 TexReg 8599; amended to be effective May 9, 2018, 43 TexReg 2796; amended to be effective February 16, 2026, 51 TexReg 962.*

§143.55 Commutation of Sentence for Time Out of TDCJ-CID on Reprieve

(a) The Board will consider a written request for commutation for time out of TDCJ-CID on reprieve only for medical reprieves.

(b) A request for commutation for time out of TDCJ-CID on medical reprieve will be considered only if:

(1) the offender has returned to the TDCJ-CID;

(2) the calendar time under consideration for commutation is time the offender was actually confined as a resident patient (not an out-patient) in a hospital or institution; and

(3) the offender has in all things complied with the rules of the hospital or institution during the emergency medical reprieve.

(c) Such commutation shall not exceed the actual amount of calendar time that the offender is absent from the TDCJ-CID on emergency medical reprieve.

Source Note: *The provisions of this §143.55 adopted to be effective January 1, 1976; amended to be effective September 13, 2012, 37 TexReg 7191; amended to be effective November 9, 2014, 39 TexReg 8599; amended to be effective May 9, 2018, 43 TexReg 2796.*

§143.57 Commutation of Death Sentence to Lesser Penalty

(a) The Board will consider recommending to the Governor a commutation of death sentence to a sentence of life imprisonment or the appropriate maximum penalty that can be imposed upon receipt of:

(1) a request from the majority of the trial officials of the court of conviction; or

(2) a written request of the offender or representative setting forth all grounds upon which the application is based, stating the full name of the offender, the county of conviction, and the execution date.

(b) Any such application shall be submitted by electronic means or delivered to the Texas Board of Pardons and Paroles as published on the Board's website, not later than the twenty-first calendar day before the execution is scheduled. If the twenty-first calendar day before the execution is scheduled falls on a weekend or state observed holiday, the application shall be delivered not later than the next business day. The application shall contain the following information:

(1) the name of the applicant, execution number, together with any other pertinent identifying information;

(2) identification of the applicant's agents, if any, who are presenting the application;

(3) certified copies of the indictment, judgment, verdict of the jury, and the sentence in the case, including official documentation verifying the scheduled execution date, if said information is not contained in the sentence;

(4) a brief statement of the offense for which the offender has been sentenced to death;

(5) a brief statement of the appellate history of the case, including its current status;

(6) a brief statement of the legal issues which have been raised during the judicial progress of the case;

(7) the requested length of duration of the reprieve, which shall be in increments of 30 days in accordance with the Governor's statutory authority to grant one 30-day reprieve, unless a different duration is requested upon the basis of the grounds for the application set forth pursuant to paragraph (8) of this section; and,

(8) all grounds upon the basis of which the reprieve is requested, provided that such grounds shall not call upon the Board to decide technical questions of law which are properly presented via the judicial process.

(c) All supplemental information not filed with the application, including but not limited to amendments, addenda, supplements, or exhibits, must be submitted through the provisions pursuant to subsection (b) of this rule, not later than the fifteenth calendar day before the execution is scheduled. If the fifteenth calendar day before the execution is scheduled falls on a weekend or state observed holiday, all additional information including but not limited to amendments, addenda, supplements, or exhibits shall be delivered not later than the next business day.

(d) The application and any information electronically submitted or delivered with the application, including but not limited to amendments, addenda, supplements, or exhibits, must be provided by the applicant in the manner determined by the Chair.

(e) Advocates for and against the death penalty, generally, and members of the public may submit written information for the Board's consideration through the provisions pursuant to subsection (b) of this rule during regular business hours.

(f) An offender seeking a Board recommendation to the Governor of commutation of the death sentence to a lesser penalty may request the opportunity to speak with a member of the Board. Such request shall be included in the written application or any supplement filed therewith in accordance with this section.

(g) Upon receipt of the request pursuant to subsection (f), the Chair shall designate at least one member of the Board to be present or appear by videoconference at the TDCJ-CID confining unit. Attendance shall be limited to the offender, the designated Board Member(s), Board staff, and TDCJ-CID staff. When considering the offender's application for commutation of the death sentence to a lesser penalty, the Board may consider statements made by the offender at such interviews and any other materials the offender delivers to the Board Member.

(h) The Board shall consider and decide applications for commutation of the death sentence to a lesser penalty. Upon review, a majority of the Board, or a majority thereof, in written and signed form, may:

(1) recommend to the Governor the commutation of the death sentence to a lesser penalty;

(2) not recommend commutation of the death sentence to a lesser penalty; or

(3) set the matter for a hearing pursuant to §143.43 of this chapter (relating to Procedure in Capital Reprieve Cases).

Source Note: *The provisions of this §143.57 adopted to be effective January 1, 1976; amended to be effective May 11, 1999, 24 TexReg 3540; amended to be effective August 17, 1999, 24 TexReg 6313; amended to be effective August 10, 2006, 31 TexReg 6236; amended to be effective September 13, 2012, 37 TexReg 7191; amended to be effective November 19, 2014, 39 TexReg 8599; amended to be effective May 9, 2018, 43 TexReg 2796; amended to be effective August 5, 2021, 46 TexReg 4699; amended to be effective November 12, 2026, 51 TexReg 7735.*

§143.58 Request of the Governor

The Board shall investigate and consider a recommendation of commutation of sentence in any case, upon the written request of the Governor as authorized by Government Code Section 508.050.

Source Note: *The provisions of this §143.58 adopted to be effective January 1, 1976; amended to be effective March 17, 1987, 12 TexReg 733; amended to be effective February 18, 2009, 34 TexReg 1096; amended to be effective November 9, 2014, 39 TexReg 8599; amended to be effective May 9, 2018, 43 TexReg 2796; amended to be effective February 16, 2026, 51 TexReg 962.*

Subchapter F REMISSION OF FINES AND FORFEITURES

§143.71 Remission of Fine

(a) The Board will consider a written application to remit a fine upon the written recommendation of a majority of the trial officials. Each recommendation is to be furnished upon the official letterhead of each trial official.

(b) The Board will consider a written application to remit a fine for medical necessity, financial hardship (loss of home or business, or the lack of support for family) or other compelling hardships only upon receipt in writing of the following information:

(1) a request to remit a fine(s) clearly stating the medical reason for the application:

(A) a certified copy of the judgment and sentence for each cause for which the applicant is presently confined;

(B) a statement from the attending physician indicating the applicant's medical condition and medical treatment recommended;

(C) a clear statement of financial responsibility for hospitalization or other treatment; and

(D) the written recommendation of a majority of the trial officials that the fine be remitted to be furnished only on official letterhead of each official; or

(2) a request to remit a fine(s) clearly stating the nature of the financial hardship or other hardship for the application:

(A) a certified copy of the judgment and sentence for each cause for which the applicant is presently confined; and

(B) if applicable, a written statement from the prospective employer stating the nature of employment offer and whether or not the employment offered will be permanent, if duties are performed satisfactorily.

Source Note: *The provisions of this §143.71 adopted to be effective January 1, 1976; amended to be effective March 17, 1987, 12 TexReg 733; amended to be effective September 13, 2012, 37 TexReg 7193; amended to be effective February 5, 2015, 40 TexReg 442; amended to be effective May 9, 2018, 43 TexReg 2796; amended to be effective November 12, 2026, 51 TexReg 7737.*

§143.72 Remission of Fine after Reprieve

The Board will consider recommending to the Governor remission of fine after satisfactory completion of a reprieve of fine upon receipt of a written application from the applicant or person acting for the applicant and a recommendation of a majority of the trial officials, to be furnished upon official letterhead of each official.

Source Note: *The provisions of this §143.72 adopted to be effective January 1, 1976; amended to be effective March 17, 1987, 12 TexReg 733; amended to be effective September 13, 2012, 37 TexReg 7193; amended to be effective November 9, 2014, 39 TexReg 8599; amended to be effective May 9, 2018, 43 TexReg 2796; amended to be effective February 16, 2026, 51 TexReg 962.*

§143.73 Remission of Bond Forfeiture

The Board will consider recommending to the Governor remission of bond forfeiture upon receipt of:

(1) a written majority recommendation of the trial officials and the commissioner's court in the county of forfeiture to be furnished upon official letterhead of each official; or

(2) a written application accompanied by the following:

(A) a letter setting out the necessity for the executive clemency;

(B) a certified copy of the final judgment of forfeiture;

(C) letters from a majority of the trial officials on official letterhead stating whether they are favorable or unfavorable towards remitting the bond forfeiture;

(D) a recommendation of the commissioner's court of the county in which final judgment of forfeiture was entered, by certified copy of the court's order or on the official letterhead of the court or county judge;

(E) a sworn statement as to whether or not either of the sureties received a fee for making the bond or bail involved in this application; whether or not they are then, or have been in the past, engaged in making bail or appearance bonds for a fee or any consideration of value;

(F) a summary statement of the amount of assets and liabilities of the applicant, or applicants;

(G) a statement from the sheriff or county treasurer as to whether or not the judgment or any part thereof has been paid or satisfied in any manner on official letterhead of the appropriate official; and

(H) a statement, verified by the sheriff of the county of conviction, as to whether or not the principal is in custody, or has been tried for the criminal offense subsequent to his failure to appear.

Source Note: *The provisions of this §143.73 adopted to be effective January 1, 1976; amended to be effective March 17, 1987, 12 TexReg 733; amended to be effective September 13, 2012, 37 TexReg 7193; amended to be effective November 9, 2014, 39 TexReg 8599; amended to be effective May 9, 2018, 43 TexReg 2796; amended to be effective November 12, 2026, 51 TexReg 7737.*

§143.74 Request of the Governor

The Board shall consider a written request for remission of fine or forfeiture in any case upon the request of the Governor as authorized by Government Code, Section 508.050.

Source Note: *The provisions of this §143.74 adopted to be effective January 1, 1976; amended to be effective March 17, 1987, 12 TexReg 733; amended to be effective February 18, 2009, 34 TexReg 1096; amended to be effective September 13, 2012, 37 TexReg 7193; amended to be effective November 9, 2014, 39 TexReg 8599; amended to be effective May 9, 2018, 43 TexReg 2796; amended to be effective February 16, 2026, 51 TexReg 962.*

Subchapter G RESTORATION OF DRIVER'S LICENSE

§143.81 Preliminary Requirements

The Board will consider recommending to the Governor restoration of a driver's or commercial operator's license only after denial of an application for an occupational driver's or commercial operator's license by the district court having jurisdiction. The applicant must furnish an official statement of the reason(s) for the court's denial.

Source Note: *The provisions of this §143.81 adopted to be effective January 1, 1976; amended to be effective September 13, 2012, 37 TexReg 7194; amended to be effective May 9, 2018, 43 TexReg 2797; amended to be effective February 16, 2026, 51 TexReg 963.*

§143.82 Subsequent Requirements

Upon making a preliminary determination to recommend to the Governor the restoration of a driver's or commercial operator's license, the Board will require from the applicant or the applicant's representative, certified copies of all judgments which resulted in the revocation or suspension of the license. No further action will be taken by the Board prior to receipt of the required judgment(s) or order.

Source Note: *The provisions of this §143.82 adopted to be effective January 1, 1976; amended to be effective September 13, 2012, 37 TexReg 7194; amended to be effective May 9, 2018, 43 TexReg 2797; amended to be effective November 12, 2026, 51 TexReg 7737.*

Chapter 145 PAROLE

Subchapter A PAROLE PROCESS

§145.1Parole Decision-Maker

(a) Unless otherwise provided, parole decisions shall be made by two-thirds vote of a parole panel. The Board is the parole release decision-maker of any offender convicted of or serving a sentence for a capital felony, other than a life sentence, or a capital felony with a life sentence, who is eligible for parole, or an offense under Sections 20A.03, 21.02, 21.11(a)(1), and 22.021, Penal Code, or who is required under Section 508.145(c), Government Code to serve 35 calendar years before becoming eligible for parole review. In these cases, the Board may grant parole only upon a two-thirds vote.

(b) In all other matters of parole and mandatory supervision and revocation of parole and mandatory supervision, three-member parole panels are parole decision makers. A parole panel may consider any eligible offender for release and, upon a majority vote of the panel, may approve or deny release to supervision. If a majority of the panel does not concur, the case is forwarded to a panel, designated by the Presiding Officer (Chair), to revote. The members of a parole panel are not required to meet as a body to perform these decision-making duties.

Source Note: *The provisions of this §145.1 adopted to be effective January 6, 1997, 21 TexReg 12426; amended to be effective October 20, 1998, 23 TexReg 10656; amended to be effective March 20, 2003, 28 TexReg 2355; amended to be effective February 5, 2004, 29 TexReg 1209; amended to be effective November 30, 2011, 36 TexReg 8043; amended to be effective August 6, 2015, 40 TexReg 4905; amended to be effective November 18, 2018, 43 TexReg 7466; amended to be effective*

February 9, 2023, 48 TexReg 522; amended to be effective November 12, 2026, 51 TexReg 7737.

§145.2 Standard Parole Guidelines

(a) Parole panels are vested with complete discretion in making parole decisions to accomplish the mandatory duties found in Chapter 508, Government Code.

(b) Parole guidelines have been adopted by the Board to assist parole panels in the selection of possible candidates for release. Parole guidelines are applied as a basis, but not as the exclusive criteria, upon which parole panels base release decisions.

(1) The parole guidelines consist of a risk assessment instrument and an offense severity scale. Combined, these components serve as an instrument to guide parole release decisions.

(2) The risk assessment instrument includes two sets of components, static and dynamic factors.

(c) The adoption and use of the parole guidelines do not imply the creation of any parole release formula, or a right or expectation by an offender to parole based upon the guidelines. The risk assessment instrument and the offense severity scale, while utilized for research and reporting, are not to be construed so as to mandate either a favorable or unfavorable parole decision. The parole guidelines serve as an aid in the parole decision process and the parole decision shall be at the discretion of the Board and the voting parole panel.

Source Note: *The provisions of this §145.2 adopted to be effective May 1, 1995, 20 TexReg 2861; amended to be effective March 20, 2003, 28 TexReg 2355; amended to be effective August 6, 2015, 40 TexReg 4905; amended to be effective November 18, 2018, 43 TexReg 7466; amended to be effective February 9, 2023, 48 TexReg 522; amended to be effective November 12, 2026, 51 TexReg 7737.*

§145.3 Policy Statements Relating to Parole Release Decisions by the Board of Pardons and Paroles

To aid the Board in its analysis and research of parole release, the Board adopts the following policies.

(1) Release to parole is a privilege, not an offender right, and the parole decision maker is vested with complete discretion to grant, or to deny parole release as defined by statutory law.

(A) Candidates for parole are evaluated on an individual basis.

(B) There are no mandatory rules or guidelines that must be followed in every case because each offender is unique. The Board and Parole Commissioners have the statutory duty to make release decisions, which are only in the best interest of society. The Board and parole panels use parole guidelines as a tool to aid in the discretionary parole decision process.

(2) The Board shall consider factors set forth in Gov't Code 508.141 (g1)(1-3) when reconsidering an offender.

(3) An offender will be considered for parole when eligible and when the offender meets the following criteria with regard to behavior during incarceration.

(A) Other than on initial parole eligibility, the offender must not have had a major disciplinary misconduct report in the six-month period prior to the date he is reviewed for parole, which has resulted in loss of good conduct time

or reduction to a classification status below that assigned during that offender's initial entry into the TDCJ-CID.

(B) Other than on initial parole eligibility, at the time he is reviewed for parole the person must be classified in the same or higher time earning classification assigned during that person's initial entry into TDCJ-CID.

(C) If any offender who has received an affirmative vote to parole and following the vote, notification is received that the offender has been reduced below initial classification status or has lost good conduct time, the parole decision will be reviewed and revoted by the parole panel that rendered the decision.

(D) A person who has been revoked and returned to custody for a violation of the conditions of release to parole or mandatory supervision will be considered for release to parole or mandatory supervision when eligible.

(E) An offender who is otherwise eligible for parole and who has charges pending alleging a felony offense committed while in the TDCJ, any facility under its supervision, or a facility under contract with the TDCJ, and for which a complaint has been filed with a magistrate of the State of Texas, will not be considered for release to parole.

(F) An offender who is otherwise eligible for release and meets the criteria for Medically Recommended Intensive Supervision (MRIS) as required by Section 508.146, Government Code may be considered for release on parole.

(4) A parole panel may not consider an offender's legal or appellate filings when making parole, discretionary mandatory supervision, or revocation decisions.

(5) In the event parole or mandatory supervision is revoked in violation of this section, the offender may pursue a remedy under the motion to reopen hearing provisions of §146.11 of this title (relating to Releasee's Motion to Reopen Hearing or Reinstate Supervision).

Source Note: *The provisions of this §145.3 adopted to be effective May 1, 1995, 20 TexReg 2862; amended to be effective August 14, 1996, 21 TexReg 7564; amended to be effective January 6, 1997, 21 TexReg 12427; amended to be effective February 8, 1999, 24 TexReg 787; amended to be effective November 14, 1999, 24 TexReg 9845; amended to be effective October 29, 2000, 25 TexReg 10568; amended to be effective February 5, 2004, 29 TexReg 1209; amended to be effective August 10, 2006, 31 TexReg 6237; amended to be effective September 16, 2007, 32 TexReg 6159; amended to be effective February 24, 2010, 35 TexReg 1482; amended to be effective September 13, 2012, 37 TexReg 7194; amended to be effective August 10, 2014, 39 TexReg 5964; amended to be effective August 6, 2015, 40 TexReg 4905; amended to be effective November 18, 2018, 43 TexReg 7466; amended to be effective May 18, 2023, 48 TexReg 2508; amended to be effective November 20, 2025, 50 TexReg 7428; amended to be effective November 12, 2026, 51 TexReg 7737.*

§145.6 Notification of Parole Panel Decision

(a) An offender considered for parole or mandatory supervision shall be notified of the parole panel's decision in writing.

(b) Consideration and notification of the parole panel's decision includes any cumulative, pre-final consecutive sentence.

(c) Upon considering a case for parole or mandatory supervision, the parole panel shall make a record of its decision and the

reasons for its decision on the minute sheet of the offender's file.

(d) Reasons for the parole panel's decision include but are not limited to the following:

(1) criminal history;

(2) nature of offense;

(3) drug or alcohol involvement;

(4) institutional adjustment;

(5) adjustment during periods of supervision;

(6) participation in the TDCJ-CID proposed or specialized programs;

(7) time served;

(8) felony offense committed while incarcerated;

(9) discretionary mandatory supervision;

(10) gang affiliation;

(11) other.

(e) Parole approval will be indicated by "A" and denial will be indicated by "D."

Source Note: *The provisions of this §145.6 adopted to be effective August 15, 1989, 14 TexReg 3812; amended to be effective November 4, 1996, 21 TexReg 10437; amended to be effective February 15, 2000, 25 TexReg 1129; amended to be effective October 29, 2000, 25 TexReg 10569; amended to be effective September 13, 2012, 37 TexReg 7194; amended to be effective May 10, 2015, 40 TexReg 2421; amended to be effective February 9, 2023, 48 TexReg 522.*

§145.7 Initial Review

(a) The Board shall conduct an initial review of an offender, who is eligible to be released on parole, no later than the 180th day of the offender's admission to the TDCJ CID.

(b) The Board shall identify the classes or programs listed in the Individual Treatment Plans as the classes or programs that the Board intends to require the offender to complete before releasing the offender on parole. TDCJ shall provide the offender with a copy of the Individual Treatment Plan, which includes a list of classes or programs.

(c) Before the offender is approved for release on parole, the offender must agree to participate in the classes or programs described by the Individual Treatment Plan. Refusal to participate in the classes or programs described by the Individual Treatment Plan shall be considered by the Board when reviewing the offender for parole.

(d) The identification of any classes or programs under subsection (b) of this section shall have no effect on any discretionary decision made by the Board regarding any offender and does not imply a right or expectation by an offender to parole based upon the completion of the classes or programs.

Source Note: *The provisions of this §145.7 adopted to be effective November 12, 2017, 42 TexReg 6187; amended to be effective February 9, 2023, 48 TexReg 522.*

§145.9 Parole Interview

Prior to consideration for parole by a parole panel, the offender may be interviewed by a Board member or Parole Commissioner whether it is the initial review or a subsequent review.

Source Note: *The provisions of this §145.9 adopted to be effective July 1, 1994, 19 TexReg 4756; amended to be effective February 5, 2004, 29 TexReg 1209; amended to be effective September 13, 2012, 37 TexReg 7194; amended to be effective November 18, 2018, 43 TexReg 7466.*

§145.11 Review Date Subject to Change

Initial or subsequent review dates or both are subject to change in cases where an offender's status is changed.

Source Note: *The provisions of this §145.11 to be effective August 15, 1989, 14 TexReg 3812; amended to be effective September 13, 2012, 37 TexReg 7194.*

§145.12 Action upon Review

A case reviewed by a parole panel for parole consideration may be:

(1) deferred for request and receipt of further information;

(2) denied a favorable parole action at this time and set for review on a future specific month and year (Set-Off).

(A) The next review date (Month/Year) may be set at any date after the first anniversary of the date of denial and before the fifth anniversary of the date of denial; or

(B) If the offender is serving a sentence under Section 481.115, Health and Safety Code, involving a controlled substance listed in Penalty Group 1, or an offense under Section 481.1151, 481.116, 481.1161, 481.117, 481.118, or 481.121, the next review date (Month/Year) shall begin as soon as practicable after the first anniversary of the date of denial.

(3) denied parole and ordered serve all, but in no event shall this be utilized if the offender's projected release date is greater than five (5) years from the date of the panel decision, or over one (1) year from the date of the panel decision for offenders serving a sentence for an offense under Section 481.115, Health and Safety Code, involving a controlled substance listed in Penalty Group 1, or an offense under Section 481.1151, 481.116, 481.1161, 481.117, 481.118, or 481.121 of that code. If the serve-all date in effect on the date of the panel decision is extended by more than 180 days, the case shall be placed in regular parole review;

(4) ordered for further investigation (FI) if it is determined that the circumstances favor the offender's release on parole, and impose all conditions of parole or release to mandatory supervision that the parole panel is required or authorized by law to impose. The following table contains the available voting options for the parole panel:

Attached Graphic

(5) any person released to parole after completing a TDCJ rehabilitation program as a prerequisite for parole, must participate in and complete any required post-release program. A parole panel shall require as a condition of release on parole or release to mandatory supervision that an offender who immediately before release is a participant in the program established under Section 501.0931, Government Code, participate as a releasee in a drug or alcohol abuse continuum of care treatment program; or

(6) any offender receiving an FI vote, as listed in the attached graphic in paragraph (4) of this section, shall be placed in a parole-approved program consistent with the vote. If treatment program managers recommend a

different program for an offender, a transmittal shall be forwarded to the parole panel requesting approval to place the offender in a different program.

Source Note: *The provisions of this §145.12 adopted to be effective May 1, 1995, 20 TexReg 2863; amended to be effective August 14, 1996, 21 TexReg 7564; amended to be effective June 30, 1997, 22 TexReg 5843; amended to be effective June 30, 1998, 23 TexReg 6722; amended to be effective February 8, 1999, 24 TexReg 787; amended to be effective August 17, 1999, 24 TexReg 6314; amended to be effective September 26, 2002, 27 TexReg 8964; amended to be effective February 5, 2004, 29 TexReg 1209; amended to be effective July 13, 2004, 29 TexReg 6733; amended to be effective November 14, 2004, 29 TexReg 10269; amended to be effective December 9, 2007, 32 TexReg 8853; amended to be effective February 18, 2009, 34 TexReg 1096; amended to be effective February 24, 2010, 35 TexReg 1483; amended to be effective March 10, 2011, 36 TexReg 1681; amended to be effective September 13, 2012, 37 TexReg 7194; amended to be effective October 27, 2013, 38 TexReg 7314; amended to be effective February 11, 2016, 41 TexReg 970; amended to be effective November 18, 2018, 43 TexReg 7466; amended to be effective May 18, 2023, 48 TexReg 2508; amended to be effective February 12, 2026, 51 TexReg 753; amended to be effective November 12, 2026, 51 TexReg 7737.*

§145.13 Action upon Review; Consecutive (Cumulative) Felony Sentencing

(a) This section applies only to an offender sentenced to serve consecutive sentences if each sentence in the series is for an offense committed on or after September 1, 1987.

(b) A parole panel shall review for parole consideration consecutive felony sentencing cases as determined and in the sequence submitted by the TDCJ.

(c) If the case under parole consideration is a pre-final consecutive felony sentencing case, the parole panel may defer for request and receipt of further information. The following table contains the available voting options for the Board.

Attached Graphic

(d) If the case under parole consideration is the last and final in a series of consecutive felony sentencing cases, the case shall be reviewed under §145.12 of this title (relating to Action upon Review).

(e) When a parole panel reviews for parole consideration a consecutive felony sentencing case, the parole panel shall indicate the Cause Number of the consecutive felony sentencing case it is considering.

Source Note: *The provisions of this §145.13 adopted to be effective June 30, 1997, 22 TexReg 5843; amended to be effective Septmeber 26, 2002, 27 TexReg 8964; amended to be effective February 5, 2004, 29 TexReg 1209; amended to be effective October 27, 2013, 38 TexReg 7314; amended to be effective November 18, 2018, 43 TexReg 7466; amended to be effective February 9, 2023, 48 TexReg 522; amended to be effective November 20, 2025, 50 TexReg 7428; amended to be effective November 12, 2026, 51 TexReg 7737.*

§145.14 Action upon Review; Release to Mandatory Supervision

(a) This section applies only to an offender eligible for release to mandatory supervision if the sentence is for an offense committed on or after September 1, 1996.

(b) If the TDCJ-CID determines that release of the offender will occur because the offender will reach the projected release date, the case will be processed as follows:

(1) the offender shall be provided written notice of the discretionary mandatory review and shall have 30 days from the receipt of the notice to submit, in writing, information to the Board; and

(2) after the expiration of the 30 day time period, the case shall be referred to a parole panel who will consider the case for release to mandatory

supervision no earlier than 60 days of the offender's projected release date.

(c) Upon considering a case for release to mandatory supervision, a parole panel may:

(1) defer for request and receipt of further information;

(2) vote DMS Month/Year, deny release to mandatory supervision and set the next mandatory supervision review date one year from the panel decision date; or

(3) vote RMS, release to mandatory supervision.

(d) Subsection (c) of this section applies to all subsequent reconsiderations for release to mandatory supervision.

Source Note: *The provisions of this §145.14 adopted to be effective June 30, 1997, 22 TexReg 5843; amended to be effective February 5, 2004, 29 TexReg 1209; amended to be effective November 14, 2004, 29 TexReg 10269; amended to be effective December 12, 2010, 35 TexReg 10993; amended to be effective September 13, 2012, 37 TexReg 7194; amended to be effective November 18, 2018, 43 TexReg 7466; amended to be effective February 9, 2023, 48 TexReg 522.*

§145.15 Action upon Review; Extraordinary Vote

(a) This section applies to any offender convicted of or serving a sentence for a capital felony, other than a life sentence, or a capital felony with a life sentence, who is eligible for parole, or an offense under Sections 20A.03, 21.02, 21.11(a)(1), or 22.021, Penal Code, or who is required under Section 508.145(c), Government Code to serve 35 calendar years before becoming eligible for parole review. All Board members shall vote on the release of an eligible offender. An eligible offender may only be released to parole if at least two thirds of the members vote favorably to release. Board members shall not vote until they have received and reviewed written report from the department regarding the probability that the offender will commit an offense if released.

(1) Use of the full range of voting options is ineffective in determining whether two-thirds of the Board consider the offender ready for release to parole.

(2) If circumstances support a favorable action upon review, the following table lists the Board's available voting options:

Attached Graphic

(3) If circumstances do not support a favorable action upon review, the following table lists the Board's available voting options:

Attached Graphic

(b) If the offender is sentenced to serve consecutive sentences and each sentence in the series is for an offense committed on or after September 1, 1987, the following table lists the Board's available voting options:

Attached Graphic

(c) Some offenders are eligible for consideration for release to Discretionary Mandatory Supervision if the sentence is for an offense committed on or after September 1, 1996. Before the offender reaches the projected release date, the voting options are the same as those listed in subsections (a)(2) and (a)(3) of this section. For offenders eligible for consideration for release to Discretionary Mandatory Supervision, the case shall be referred to a three-member parole panel within 30 days of the offender's projected release date for consideration for

release to mandatory supervision. The following table lists the Board's available voting options:

Attached Graphic

Source Note: *The provisions of this §145.15 adopted to be effective September 26, 2002, 27 TexReg 8965; amended to be effective February 5, 2004, 29 TexReg 1209; amended to be effective November 14, 2004, 29 TexReg 10270; amended to be effective September 16, 2007, 32 TexReg 6159; amended to be effective June 8, 2008, 33 TexReg 4333; amended to be effective March 10, 2011, 36 TexReg 1681; amended to be effective November 30, 2011, 36 TexReg 8043; amended to be effective September 13, 2012, 37 TexReg 7194; amended to be effective August 10, 2014, 39 TexReg 5964; amended to be effective February 11, 2016, 41 TexReg 970; amended to be effective November18, 2018, 43 TexReg 7466; amended to be effective May 18, 2023, 48 TexReg 2508; amended to be effective November 20, 2025, 50 TexReg 7428; amended to be effective November 12, 2026, 51 TexReg 7737.*

§145.16 Action upon Special Review--Release Approved

(a) Responses received from trial officials or victims after a release to parole or release to mandatory supervision decision shall be considered information not previously available to the parole panel. Provided that release to parole or mandatory supervision has not occurred, the responses shall be referred to the parole panel or to the Board office corresponding to the parole panel that rendered the release to parole or release to mandatory supervision decision. A case reviewed by a parole panel, pursuant to the receipt of information not previously available to the parole panel, may then:

(1) be continued in a release to parole or release to mandatory supervision status with or without additional conditions of release imposed; or

(2) have the release to parole or release to mandatory supervision decision withdrawn and the next review date set by the parole panel in accordance with applicable provisions of Chapter 145 of this title (relating to Parole Process).

(b) Nothing in this rule is intended to restrict a parole panel member from reconsidering a release vote to parole or mandatory supervision.

Source Note: *The provisions of this §145.16 adopted to be effective May 1, 1995, 20 TexReg 2863; amended to be effective February 8, 1999, 24 TexReg 788; amended to be effective February 5, 2004, 29 TexReg 1209; amended to be effective August 10, 2006, 31 TexReg 6237; amended to be effective September 13, 2012, 37 TexReg 7194; amended to be effective November 18, 2018, 43 TexReg 7466.*

§145.17 Action upon Special Review--Release Denied

(a) This rule provides a forum for receipt and consideration of information not previously available to the parole panel where the decision of the panel was to deny release to parole or mandatory supervision. If the denial decision was based upon erroneous information or an administrative processing error, this rule does not apply.

(b) Requests for special review shall apply only to cases reviewed for release to parole or mandatory supervision where the decision of the parole panel was to deny release to parole or mandatory supervision.

(c) All requests for special review shall be in writing and signed by the offender, his or her attorney, or in cases where the offender is unable to sign due to a mental or physical impairment, by a person acting on his or her behalf.

(d) All requests for special review shall be submitted by electronic means or delivered to the Texas Board of Pardons and Paroles as published on the Board's website.

(e) The request that meets the criteria shall be referred to the special review parole panel.

(f) Requests for special review shall be considered in the following circumstances:

(1) a written request on behalf of an offender is received which cites information not previously available to the parole panel; as defined in subsection (g) of this rule; or

(2) a parole panel denied release to parole or mandatory supervision and a parole panel member who voted with the majority on that panel desires to have the decision reconsidered prior to the next review (NR) date; or

(3) if both parole panel members who voted with the majority are no longer active Board Members or Parole Commissioners, the Presiding Officer places the case in the special review process to be reconsidered prior to the NR date.

(g) Definitions. In this section:

(1) Information not previously available means only:

(A) responses from trial officials and victims that did not provide input prior to the decision being rendered;

(B) a change in an offender's sentence and judgment; or

(C) an allegation that the parole panel has committed an error of law or Board rule;

(2) Erroneous information means information provided to the parole panel during the review process that may have been utilized as a basis for denial but is later determined to be inaccurate; and

(3) Administrative processing error means an action during the processing of an offender's file that results in the omission of or the recording of inaccurate information with respect to voting, denial reasons, or NR dates.

(h) A special review parole panel, other than the current voting panel, shall decide and exercise final action on such requests for special review.

(i) Upon considering a case for special review, the special review parole panel may take the following action:

(1) defer for request and receipt of further information;

(2) vote remain set; or

(3) revote the case in accordance with applicable provisions of Subchapter A of this chapter (relating to Parole Process).

(j) The special review parole panel shall not set an offender's NR date on a date later than the previous NR date.

Source Note: *The provisions of this §145.17 adopted to be effective February 3, 1999, 24 TexReg 788; amended to be effective February 5, 2004, 29 TexReg 1209; amended to be effective July 13, 2004, 29 TexReg 6733; amended to be effective June 12, 2005, 30 TexReg 3261; amended to be effective August 10, 2006, 31 TexReg 6238; amended to be effective December 9, 2007, 32 TexReg 8854; amended to be effective February 18, 2009, 34 TexReg 1096; amended to be effective August 6, 2015, 40 TexReg 4905; amended to be effective February 11, 2016, 41 TexReg 970; amended to be effective November 18, 2018, 43 TexReg 7466; amended to be effective November 12, 2026, 51 TexReg 7737.*

§145.18 Medically Recommended Intensive Supervision (MRIS)

(a) An offender other than an offender who is serving a sentence of death or life without parole or an offender who is not a citizen of the United States defined by federal law, may be released on MRIS based on factors that include:

(1) nature and onset of the medical condition that meet MRIS criteria enumerated in statute and defined by the Texas Correctional Office on Offenders with Medical or Mental Impairments (TCOOMMI);

(2) required medical treatment and care;

(3) individual diagnosis and likelihood of recovery;

(4) whether the offender constitutes a threat to public safety; and

(5) other relevant information.

(b) The MRIS panel shall evaluate the prognosis of offenders identified by TCOOMMI as meeting MRIS criteria, based on the following:

(1) a review of the offender's condition by at least one health care practitioner; and

(2) a written report from each health care practitioner who reviews the offender's condition that:

(A) is in plain language and understandable by a nonmedical professional;

(B) specifically describes how the offender's condition and treatment for the condition will affect the offender's cognitive and physical abilities and limitations; and

(C) contains other information as required by the Board.

(c) For the purpose of this rule, "threat to public safety" is a determined potential risk of harm or danger to the public, evaluated by the parole panel based on the following factors:

(1) criminal history;

(2) disciplinary, behavioral, rehabilitative, and medical compliance;

(3) victim/trial official information;

(4) nature and onset of medical condition;

(5) required medical treatment and care;

(6) individual diagnosis to include likelihood of recovery; and

(7) any other relevant information.

(d) The following table lists the available voting options for the MRIS panel:

Attached Graphic

Source Note: *The provisions of this §145.18 adopted to be effective February 11, 2016, 41 TexReg 972; amended to be effective November 24, 2016, 41 TexReg 9159; amended to be effective May 10, 2017, 42 TexReg 2415; amended to be effective November 18, 2018, 43 TexReg 7466; amended to be effective February 3, 2019, 44 TexReg 433; amended to be effective May 18, 2023, 48 TexReg 2508; amended to be effective November 20, 2025, 50 TexReg 7428; amended to be effective November 12, 2026, 51 TexReg 7737.*

§145.19 Action Upon Review; Early Release on Parole

(a) This section applies only to an eligible offender who has been identified by TDCJ as a suitable candidate for participation in an educational and vocational training pilot program.

(b) If TDCJ determines an offender is a suitable candidate for early release on parole:

(1) the offender shall be provided written notice of the early release on parole review and shall have 30 days from the receipt of the notice to submit, in writing, information to the Board; and

(2) after the expiration of the 30-day time period, the case shall be referred to a parole panel who will consider the case for early release on parole approximately 180 days prior to the offender's parole eligibility date.

(c) Upon considering a case for early release on parole, a parole panel may:

(1) vote early release on parole; or

(2) vote deny early release on parole.

(d) If the parole panel votes to deny early release on parole, the offender shall be considered for release on parole on the date that the offender would otherwise have been considered for release on parole.

Source Note: *The provisions of this §145.19 adopted to be effective June 9, 2022, 47 TexReg 3273.*

§145.20 Parole Certificate

(a) When the parole plan has been approved, a parole certificate shall be issued and signed with a digital signature of the Chair.

(b) The parole approval is not effective or final until a formal parole agreement is executed by the offender. The approval may be withdrawn by a parole panel at any time prior to the acceptance and execution by the offender of the formal parole agreement(s) which is contained in the parole certificate.

(c) The parole certificate shall not become effective and in force until the conditions are agreed to, signed, and accepted by the offender.

Source Note: *The provisions of this §145.20 adopted to be effective July 1, 1994, 19 TexReg 4756; amended to be effective Septmeber 26, 2002, 27 TexReg 8964; amended to be effective November 18, 2018, 43 TexReg 7466; amended to be effective November 12, 2026, 51 TexReg 7737.*

Subchapter B TERMS AND CONDITIONS OF PAROLE

§145.21 Parole in Absentia (Parole Review and Mandatory Supervision for Offenders Not in Actual Physical Custody of the TDCJ-CID)

Offenders serving state prison sentences for Texas crimes and offenders whose parole or mandatory supervision has been revoked who are not in the actual physical custody of the TDCJ-CID are subject to the parole review process as set out in this chapter and title in accord with the following.

(1) Parole in absentia processing is initiated upon referral from the county of conviction when all necessary pen

packet documents have been compiled and presented to the TDCJ-CID.

(2) Prior to consideration for parole by the parole panel, the offender may be interviewed for the purpose of obtaining a parole release plan and completion of a parole in absentia summary in order that the parole panel may make an informed decision concerning parole release suitability (§145.12 of this title, relating to Action upon Review; §145.16 of this title, relating to Action upon Special Review--Release Approved; and §145.17 of this title, relating to Action upon Special Review--Release Denied).

(3) An offender released to parole in absentia or mandatory supervision on a Texas felony sentence shall, after release, be treated the same as an offender released on parole or mandatory supervision directly from the TDCJ-CID. Such offenders are subject to revocation for violation of the terms and conditions of their release pursuant to the provisions and procedures of Chapter 146 of this title (relating to Revocation of Parole or Mandatory Supervision).

Source Note: *The provisions of this §145.21 adopted to be effective July 1, 1994, 19 TexReg 4757; amended to be effective November 14, 1999, 24 TexReg 9846; amended to be effective February 5, 2004, 29 TexReg 1209; amended to be effective August 10, 2006, 31 TexReg 6239; amended to be effective September 13, 2012, 37 TexReg 7195; amended to be effective August 6, 2015, 40 TexReg 4906.*

§145.22 Conditions and Rules of Parole

(a) Every offender approved for release on parole shall be issued a written statement listing the conditions and rules of parole in clear and intelligible language. The conditions and rules of parole must be agreed to and accepted by the offender prior to release. The offender may have additional conditions imposed by the parole panel after release, and shall be notified in writing of any such conditions.

(b) Continuance on parole is conditioned upon full compliance with all the conditions and rules of parole as imposed by the parole panel.

(c) The parole panel shall not impose as a condition for release to parole that the offender be released only to a state other than the State of Texas.

(d) Texas offenders accepted for supervision in other states and offenders accepted in Texas for supervision by the Division under the terms of the Interstate Parole Compact (Chapter 510, Government Code) are required to abide by the rules of parole for both the sending and the receiving state.

Source Note: *The provisions of this §145.22 adopted to be effective November 4, 1996, 21 TexReg 10438; amended to be effective August 17, 1999, 24 TexReg 6314; amended to be effective March 20, 2003, 28 TexReg 2355; amended to be effective November 12, 2026, 51 TexReg 7740.*

§145.23 Texas Offenders Supervised in Other States

Texas offenders accepted for supervision in other states under the terms of the Interstate Parole Compact (Chapter 510, Government Code) are required to abide by both the rules of parole for Texas as set forth in §145.22 of this title (relating to Terms and Conditions of Parole) and the rules of parole of the receiving state.

Source Note: *The provisions of this §145.23 adopted to be effective August 15, 1989, 14 TexReg 3813; amended to be effective February 18, 2009, 34 TexReg 1097; amended to be effective September 13, 2012, 37 TexReg 7195.*

§145.24 Out-of-State Offenders Supervised in Texas

Offenders from outside the State of Texas accepted in Texas for supervision by the Division under the terms of the Interstate Parole Compact (Chapter 510, Government Code) are required to abide by both the rules of parole for Texas offenders as set forth in §145.22 of this title (relating to Terms and Conditions of Parole) and the rules of parole of the sending state.

Source Note: *The provisions of this §145.24 adopted to be effective July 1, 1994, 19 TexReg 4757; amended to be effective February 18, 2009, 34 TexReg 1097; amended to be effective September 13, 2012, 37 TexReg 7195.*

Chapter 146 REVOCATION OF PAROLE OR MANDATORY SUPERVISION

§146.3 Right to Counsel

The Board Administrator or designee shall weigh the following factors in determining whether the releasee is to be appointed an attorney:

(1) whether the releasee is indigent;

(2) whether the releasee lacks the ability to articulate or present a defense or mitigation evidence in response to the allegations; and

(3) the complexity of the case and whether the releasee admits the alleged violations.

Source Note: *The provisions of this §146.3 adopted to be effective December 29, 1997, 22 TexReg 12541; amended to be effective September 17, 2000, 25 TexReg 9013; amended to be effective January 31, 2013, 38 TexReg 388; amended to be effective February 11, 2016, 41 TexReg 972.*

§146.4 Procedure after Waiver of Preliminary Hearing

(a) Following the waiver of the right to a preliminary hearing, the parole panel or a designee of the Board may proceed to a revocation hearing after a finding of probable cause or reasonable belief that the releasee violated a condition of parole or mandatory supervision.

(b) The parole panel or designee of the Board may accept a waiver of the preliminary hearing provided that a waiver of the preliminary hearing includes the following:

(1) information that the releasee was served with the following:

(A) notice of the right to a preliminary hearing and that its purpose is to determine whether there is probable cause or reasonable belief to believe the releasee has committed a parole violation;

(B) written notice of the allegations of parole violation against the releasee;

(C) notice of the right to full disclosure of the evidence;

(D) notice that releasee has the opportunity to be heard in person and to present witnesses and documentary evidence;

(E) notice that the releasee has the right to confront and cross-examine

adverse witnesses unless the Hearing Officer specifically finds good cause for not allowing confrontation of the witness;

(F) notice that the case will be heard by a parole panel or designee of the Board;

(G) notice that the releasee has the opportunity to waive in writing the right to either or both the preliminary and revocation hearings, with the additional understanding that, if the releasee waives the revocation hearing, the Board will in all probability revoke; and

(H) notice that the releasee has the right to retain an attorney and the conditional right to an appointed attorney; and

(2) information which supports the evidence of the alleged rule violations, which may include but are not limited to the following:

(A) complaint and information or grand jury indictment;

(B) judgment and sentence of conviction;

(C) reports of violation;

(D) witness affidavits; or

(E) other evidence, e.g., if the releasee was not indicted by a grand jury or convicted.

Source Note: *The provisions of this §146.4 adopted to be effective December 29, 1997, 22 TexReg 12541; amended to be effective January 31, 2013, 38 TexReg 388; amended to be effective February 11, 2016, 41 TexReg 972; amended to be effective May 15, 2024, 49 TexReg 3369.*

§146.5 Procedure after Waiver of Revocation Hearing

(a) Following a review of the waiver of the right to a revocation hearing and receipt of supporting documentation of evidence of the alleged rule violations as described in §146.4 of this title (relating to Procedure after Waiver of Preliminary Hearing), the parole panel may make final disposition of the case by taking one of the following actions:

(1) continue the parole or mandatory supervision, in any manner warranted by the evidence;

(2) revoke the parole or mandatory supervision in any manner warranted by the evidence, provided that the parole panel finds a preponderance of evidence exists that a condition of parole or mandatory supervision was violated; or

(3) refer the case for further action.

(b) If final Board disposition is an order to revoke the parole or mandatory supervision, the releasee or attorney shall be notified in writing of the parole panel's decision.

Source Note: *The provisions of this §146.5 adopted to be effective December 29, 1997, 22 TexReg 12541; amended to be effective February 11, 2016, 41 TexReg 97; amended to be effective May 15, 2024, 49 TexReg 3369.*

§146.6 Scheduling of Preliminary Hearing

(a) Upon request, the Board or the Board's scheduling staff shall schedule a preliminary hearing unless:

(1) more than fourteen calendar days have elapsed from the time the warrant is executed; or

(2) information has not been presented to the Board or the Board's scheduling staff that the releasee was served with the following:

(A) notice of the right to a preliminary hearing and that its purpose is to determine whether there is probable cause or reasonable belief to believe the releasee has committed a parole violation;

(B) written notice of the allegations of parole violation against the releasee;

(C) notice of the right to full disclosure of the evidence;

(D) notice that releasee has the opportunity to be heard in person and to present witnesses and documentary evidence;

(E) notice that the releasee has the right to confront and cross-examine adverse witnesses unless the Hearing Officer specifically finds good cause for not allowing confrontation of the witness;

(F) notice that the case will be heard by a parole panel or designee of the Board;

(G) notice that the releasee has the opportunity to waive in writing the right to either or both of the preliminary and revocation hearings, with the additional understanding that, if the releasee waives the revocation hearing, the Board will in all probability revoke; and

(H) notice that the releasee has the right to retain an attorney and the conditional right to an appointed attorney.

(b) For the purposes of subsection (a)(1) of this section, a warrant is executed if:

(1) the releasee is arrested only on a charge that the releasee has committed a violation of a condition of parole or mandatory supervision and is not charged before the 91st day with the commission of an offense; or

(2) the sheriff having custody of the releasee notifies the division that the releasee has discharged the sentence or that the prosecutor has dismissed the charge under Article 32.02, Code of Criminal Procedure.

(c) If the Board or the Board's scheduling staff receives a request for a preliminary hearing later than the fourteenth calendar day following the provisions described in subsection (a)(1) of this section, the Board or the Board's scheduling staff shall require the requestor to provide an explanation of the delay.

Source Note: *The provisions of this §146.6 adopted to be effective December 29, 1997, 22 TexReg 12541; amended to be effective September 17, 2000, 25 TexReg 9013; amended to be effective February 5, 2004, 29 TexReg 1210; amended to be effective February 18, 2009, 34 TexReg 1097; amended to be effective January 31, 2013, 38 TexReg 388; amended to be effective February 11, 2016, 41 TexReg 972; amended to be effective May 12, 2019, 44 TexReg 2269; amended to be effective November 8, 2023, 48 TexReg 6468.*

§146.7 Preliminary Hearing

(a) The parole panel or designee of the Board shall conduct the preliminary hearing. The purpose of the preliminary hearing is to determine whether there is probable cause or a reasonable belief that the releasee violated a condition of parole or mandatory supervision.

(b) The preliminary hearing shall be held at or near the location of the alleged violations or arrest, unless the releasee is:

(1) detained in federal custody;

(2) held in a hospital or other facility for diagnosis or treatment of a physical or mental condition; or

(3) arrested or detained on the authority of a warrant in a state other than the state of release.

(c) If the decision of the parole panel or designee of the Board is that there is probable cause or reasonable belief to proceed to a revocation hearing, upon the request of the parole panel, designee of the Board or the parole officer, the Board's scheduling staff may schedule a revocation hearing;

(1) at the conclusion of the hearing, or

(2) after a pending charge is adjudicated.

(d) If the parole panel or the designee of the Board finds that there is no probable cause or reasonable belief to proceed to a revocation hearing or does not schedule a revocation hearing, the parole panel or designee of the Board shall collect, prepare and forward to a parole panel, or to the TDCJ PD Interstate Compact for Probation and Parole Supervision, if the hearing was held pursuant to the Interstate Commission for Adult Offender Supervision rules, the following information:

(1) all documents and exhibits offered or admitted into evidence at the preliminary hearing;

(2) a summary report of the evidence relied upon to formulate the Hearing Officer's findings; and

(3) the recording of the hearing.

(e) Following a review of the supporting evidence of rule violations as described in subsection (d) of this section, the parole panel may dispose of the case by taking one of the following actions:

(1) continue the parole or mandatory supervision in any manner warranted by the evidence;

(2) proceed to a revocation hearing; or

(3) refer the case for further action.

(f) No preliminary hearing is required if the releasee:

(1) waives the preliminary hearing;

(2) has been charged only with an administrative violation of a condition of parole or mandatory supervision; or

(3) has been adjudicated guilty of or has pleaded guilty or nolo contendere to an offense committed after release, other than an offense punishable by fine only involving the operation of a motor vehicle, regardless of whether the court has deferred disposition of the case, imposed a sentence in the case, or placed the releasee on community supervision.

Source Note: *The provisions of this §146.7 adopted to be effective December 29, 1997, 22 TexReg 12541; amended to be effective September 17, 2000, 25 TexReg 9013; amended to be effective January 31, 2013, 38 TexReg 388; amended to be effective February 11, 2016, 41 TexReg 972; amended to be effective May 15, 2024, 49 TexReg 3369.*

§146.8 Scheduling of Revocation Hearings

(a) Upon request, the Board or the Board's scheduling staff shall schedule a revocation hearing unless information has not been presented to the Board or the Board's scheduling staff that the releasee was served with the following:

(1) notice of the right to a revocation hearing and that its purpose is to make a final evaluation of any contested relevant facts and consideration of whether the facts as determined warrant revocation of parole;

(2) written notice of the allegations of parole violation against the releasee;

(3) notice of the right to full disclosure of the evidence against the releasee;

(4) notice that releasee has the opportunity to be heard in person and to present witnesses and documentary evidence;

(5) notice that the releasee has the right to confront and cross-examine adverse witnesses unless the Hearing Officer specifically finds good cause for not allowing confrontation of the witness;

(6) notice that releasee has an opportunity to be heard and to show that he did not violate the conditions, or if the releasee did, that circumstances in mitigation suggest that the violation does not warrant revocation;

(7) notice that the case will be heard by a parole panel or designee of the Board;

(8) notice that the releasee has the opportunity to waive in writing the right to either or both of the preliminary and revocation hearings, with the additional understanding that, if the releasee waives the revocation hearing, the Board will in all probability revoke; and

(9) notice that the releasee has the right to retain an attorney and the conditional right to an appointed attorney.

(b) If the releasee is not entitled to a preliminary hearing and requests a revocation hearing, the Board or the Board's scheduling staff shall schedule a revocation hearing unless:

(1) more than fourteen calendar days have elapsed from the time that the warrant is executed; or

(2) information has not been presented to the Board or the Board's scheduling staff that the releasee was served with the following:

(A) notice of the right to a revocation hearing and that its purpose is to make a final evaluation of any contested relevant facts and consideration of whether the facts as determined warrant revocation of parole;

(B) written notice of the claimed allegations of parole violation against the releasee;

(C) notice of the right to full disclosure of the evidence;

(D) notice that releasee has the opportunity to be heard in person and to present witnesses and documentary evidence;

(E) notice that the releasee has the right to confront and cross-examine adverse witnesses unless the Hearing Officer specifically finds good cause for not allowing confrontation of the witness;

(F) notice that releasee has an opportunity to be heard and to show that he did not violate the conditions, or if the releasee did, that circumstances in mitigation suggest that the violation does not warrant revocation;

(G) notice that the case will be heard by a parole panel or designee of the Board;

(H) notice that the releasee has the opportunity to waive in writing the right to either or both of the preliminary and revocation hearings, with the additional understanding that, if the releasee waives the revocation hearing, the Board will in all probability revoke; and

(I) notice that the releasee has the right to retain an attorney and the conditional right to an appointed attorney.

(c) If the Board or the Board's scheduling staff receives a request for a revocation hearing later than the fourteenth calendar day following the provisions described in subsection (b)(1) of this section, the Board or the Board's scheduling staff shall require the requestor to provide an explanation of the delay.

(d) For the purposes of subsection (b)(1) of this section, a warrant is executed if:

(1) the releasee is arrested only on a charge that the releasee has committed a violation of a condition of parole or mandatory supervision and is not charged before the 91st day with the commission of an offense; or

(2) the sheriff having custody of the releasee notifies the division that the releasee has discharged the sentence or that the prosecutor has dismissed the charge under Article 32.02, Code of Criminal Procedure.

(e) In cases under subsection (d) of this section, a revocation hearing shall be held within a reasonable time.

Source Note: *The provisions of this §146.8 adopted to be effective December 29, 1997, 22 TexReg 12541; amended to be effective September 17, 2000, 25 TexReg 9013; amended to be effective February 5, 2004, 29 TexReg 1210; amended to be effective February 18, 2009, 34 TexReg 1097; amended to be effective January 31, 2013, 38 TexReg 388; amended to be effective February 11, 2016, 41 TexReg 972; amended to be effective May 12, 2019, 44 TexReg 2269; amended to be effective November 8, 2023, 48 TexReg 6468.*

§146.9 Revocation Hearing

(a) The parole panel or designee of the Board shall conduct the revocation hearing. The purpose of the revocation hearing is to consider the evidence offered pursuant to an allegation of a violation of a condition of parole or mandatory supervision. The parole panel or designee of the Board must determine whether it is shown by a preponderance of the credible evidence that the releasee violated a condition of parole or mandatory supervision.

(b) The revocation hearing shall not proceed to the mitigation phase unless it is determined by the parole panel or designee of the Board by a preponderance of the credible evidence that the releasee did

violate a condition of parole or mandatory supervision.

(c) At the close of the hearing or within a reasonable time thereafter, the parole panel or designee of the Board shall collect, prepare and forward to the parole panel:

(1) all documents;

(2) a summary report of the hearing separately setting out findings of fact relative to the alleged violation of a condition of parole or mandatory supervision, based on a preponderance of the credible evidence, which includes statements of the evidence relied upon in reaching said finding; and

(3) the hearing recording.

Source Note: *The provisions of this §146.9 adopted to be effective December 29, 1997, 22 TexReg 12541; amended to be effective October 29, 2000, 25 TexReg 10570; amended to be effective January 31, 2013, 38 TexReg 388; amended to be effective October 27, 2013, 38 TexReg 7315; amended to be effective February 11, 2016, 41 TexReg 972; amended to be effective May 15, 2024, 49 TexReg 3369.*

§146.10 Final Board Disposition

(a) The parole panel may make final disposition of the case by taking one of the following actions:

(1) continue the parole or mandatory supervision, in any manner warranted by the evidence;

(2) recommend to the Governor that the conditional pardon be continued, revoked, or modified; or

(3) revoke the parole or mandatory supervision, provided that all revocation decisions are preceded by a mitigation hearing; or

(4) refer the case to the Hearing Officer, with or without reopening the hearing, for further development of issues as specified by the parole panel.

(b) If final Board disposition is an order to revoke the parole or mandatory supervision, the releasee or attorney shall be notified in writing and provided with a copy of the report of the Hearing Officer and notice of the right to submit a motion to reopen the hearing.

Source Note: *The provisions of this §146.10 adopted to be effective December 29, 1997, 22 TexReg 12541; amended to be effective January 31, 2013, 38 TexReg 388; amended to be effective February 11, 2016, 41 TexReg 972; amended to be effective May 15, 2024, 49 TexReg 3369.*

§146.11 Releasee's Motion to Reopen Hearing or Reinstate Supervision

(a) The releasee or releasee's attorney shall have 60 days from the date of the parole panel's revocation decision to submit a written request for reopening a case for any substantial error in the revocation process or upon newly discovered information.

(b) A written request to reopen the revocation hearing or reinstate supervision submitted later than 60 days from the date of the parole panel's revocation decision will not be considered unless under exceptional circumstances including but not limited to:

(1) judicial reversal of a judgment of conviction of a criminal offense where the offense constituted an underlying factor in the initial revocation decision;

(2) judicial order requiring a hearing;

(3) initial revocation effected without opportunity for a hearing or waiver as required under law.

(c) Any such request for reopening made under this section must be in writing and delivered to the Board or placed in the United States mail and addressed to the Texas Board of Pardons and Paroles, Attention: General Counsel, 8610 Shoal Creek Blvd., Austin, Texas 78757.

(d) On transmittal, a parole panel designated by the Chair other than the original panel shall dispose of the motion by:

(1) granting of the motion and ordering that the hearing be reopened for a stated specified and limited purpose;

(2) denial of the motion; or

(3) reversal of the panel decision previously entered and withdrawal of the Board's revocation warrant, under the same terms and provisions as provided in §146.10 of this title (relating to Final Board Disposition).

(e) The releasee and attorney, if any, shall be notified in writing of the parole panel's decision.

(f) When a releasee's motion to reopen the hearing under this section is granted, the releasee shall be deemed to have consented to such further reasonable delay in the final disposition of his or her case as shall be required for the procedure described in §146.12 of this title (relating to Procedure after Motion to Reopen is Granted; Time; Rights of the Releasee; Final Disposition).

Source Note: *The provisions of this §146.11 adopted to be effective June 19, 2002, 27 TexReg 5217; amended to be effective January 16, 2006, 31 TexReg 306; amended to be effective December 9, 2007, 32 TexReg 8855; amended to be effective January 31, 2013, 38 TexReg 388; amended to be effective February 11, 2016, 41 TexReg 972; amended to be effective May 12, 2019, 44 TexReg 2269.*

§146.12 Procedure after Motion to Reopen is Granted; Time; Rights of the Releasee; Final Disposition

(a) When the parole panel disposes of a releasee's motion to reopen under §146.11 of this title (relating to Releasee's Motion to Reopen Hearing or Reinstate Supervision) by granting said motion to reopen the hearing, the case shall be disposed of or referred to a parole panel or designee of the Board for final disposition in accordance with this section and the previous disposition of the case made by the parole panel under §146.10 of this title (relating to Final Board Disposition) shall be set aside and shall be of no force and effect.

(b) The purpose of the further proceedings before the parole panel or designee of the Board under this section shall be as specified by the parole panel in its order granting the releasee's motion to reopen pursuant to §146.11(d)(1) of this title.

(c) When the parole panel or designee of the Board convenes the reopening of the hearing, it shall have before it the entire record previously compiled in the case, including:

(1) the record, report, and recommendation of the preliminary hearing under §146.7 of this title (relating to Preliminary Hearing) or revocation hearing under §146.9 of this title (relating to Revocation Hearing) collected or prepared by the designee of the Board originally assigned to the case;

(2) any amendments, supplements, or modifications of the record, report, or recommendation as developed through prior reopenings of the case;

(3) the releasee's motion to reopen the hearing pursuant to §146.11 of this title; and

(4) any transmittal submitted to the parole panel with recommendation from Board staff. Any transmittal submitted to the parole panel by the General Counsel constitutes legal advice which is confidential under law, and shall not be released to the public as part of the hearing packet.

(d) At the conclusion of the proceedings before the parole panel or designee of the Board, or within a reasonable time thereafter, the parole panel shall make final disposition of the case by taking one of the following actions in any manner warranted by the evidence:

(1) continue the revocation action;

(2) rescind the revocation action and reinstate supervision, under the previous or modified conditions;

(3) rescind the revocation action and reinstate supervision, imposing confinement in an ISF or SAFP;

(4) if the releasee received a conditional pardon, recommend to the Governor that the revocation action be continued, modified, or rescinded.

Source Note: *The provisions of this §146.12 adopted to be effective June 19, 2002, 27 TexReg 5217; amended to be effective January 31, 2013, 38 TexReg 388; amended to be effective October 27, 2013, 38 TexReg 7315; amended to be effective February 11, 2016, 41 TexReg 972.*

Chapter 147
HEARINGS

Subchapter A GENERAL RULES FOR HEARINGS

§147.1 Public Hearings

(a) All hearings on matters not confidential or privileged by law, or both, shall be open to the public.

(b) Appropriate federal and state constitutional provisions, statutes, regulations, and judicial precedent establishing the confidential or privileged nature of information presented shall be given effect by the Hearing Officer.

(c) To effect this provision, the Hearing Officer shall have the authority to close the hearing to the extent necessary to protect against the improper disclosure of confidential privileged information.

(d) If the Hearing Officer closes the hearing pursuant to this section, in no event shall the Hearing Officer exclude from the hearing a party as defined by §141.111 of this title (relating to Definition and Terms) and includes:

(1) the releasee;

(2) the releasee's attorney;

(3) the releasee's interpreter;

(4) Board Member or Board employee;

(5) TDCJ employee;

(6) County jail employee; and

(7) Prosecuting attorney.

(e) When the Hearing Officer closes the hearing, the Hearing Officer shall announce on the record that the hearing will be closed to the public to protect the confidential or privileged information being introduced into evidence. After the confidential or privileged evidence is obtained, the Hearing Officer shall open the hearing to the public and announce the same on the record.

Source Note: *The provisions of this §147.1 adopted to be effective November 23, 1993, 18 TexReg 8229; amended to be effective February 5, 2004, 29 TexReg 1210; amended to be effective February 5, 2015, 40 TexReg 442; amended to be effective August 11, 2016, 41 TexReg 5763; amended to be effective February 13, 2024, 49 TexReg 718.*

§147.2 Authority of Hearing Officers

(a) A Hearing Officer shall have the following authority:

(1) to administer oaths;

(2) to examine witnesses;

(3) to rule on the admissibility of evidence;

(4) to rule on motions and objections;

(5) to recess any hearing from time to time and place to place;

(6) to reopen, upon order of a parole panel, or reconvene, or both, any hearing;

(7) to issue on behalf of the Board subpoenas, warrants, and other documents authorized by and signed by a Board Member in accordance with statutory authority;

(8) to maintain order and decorum throughout the course of any proceedings;

(9) to collect documents and exhibits comprising the record of the hearing;

(10) to prepare the report of the hearing and make a recommendation to the Board for disposition of the case; and

(11) to act as the finder of facts and determine the weight to be given to particular evidence or testimony and to determine the credibility of witnesses.

(b) If a Hearing Officer fails to complete an assigned case, another officer may complete the case without the necessity of duplicating any duty or function performed by the previous Hearing Officer.

Source Note: *The provisions of this §147.2 adopted to be effective November 23, 1993, 18 TexReg 8229; amended to be effective February 5, 2004, 29 TexReg 1210; amended to be effective August 11, 2016, 41 TexReg 5763.*

§147.3 Ex Parte Consultations

Unless required for the disposition of matters authorized by law, Hearing Officers, Board Members and Parole Commissioners assigned to render a decision or to make findings of fact and conclusions of law in an individual case may not, directly or indirectly, initiate, permit, nor consider communications in connection with any issue of fact or law with any party, except on notice and opportunity for all parties to participate.

Source Note: *The provisions of this §147.3 adopted to be effective November 23, 1993, 18 TexReg 8229; amended to be effective February 5, 2004, 29 TexReg 1210; amended to be effective August 11, 2016, 41 TexReg 5763; amended to be effective February 13, 2024, 49 TexReg 718.*

§147.4 Motions

Unless made during a hearing, motions shall be made in writing, set forth the relief or order sought, and shall be filed with the Hearing Officer. Motions based on matters which do not appear of record shall be supported by affidavit.

Source Note: *The provisions of this §147.4 adopted to be effective November 23, 1993, 18 TexReg 8229; amended to be effective August 11, 2016, 41 TexReg 5763.*

§147.5 Witnesses

(a) The Hearing Officer may determine whether a witness may be excused under the rule that excludes witnesses from the hearing.

(1) In no event shall the Hearing Officer exclude from the hearing a party under the authority of this section. For these purposes, the term "party" means the definition in §141.111 of this title (relating to Definition of Terms) and includes:

(A) the releasee;

(B) the releasee's attorney; and

(C) no more than one representative of the TDCJ Parole Division who has acted or served in the capacity of supervising, advising, or agent officer in the case.

(2) In the event it appears to the Hearing Officer that an individual who is present at the hearing and intended to be called by a party as a witness has no relevant, probative, noncumulative testimony to offer on any material issue of fact or law, then the Hearing Officer, in his sound discretion, may determine that such individual should not be placed under the rule and excluded from the hearing.

(b) All witnesses who testify in person are subject to cross-examination unless the Hearing Officer specifically finds good cause for lack of confrontation and cross-examination.

(c) Witnesses personally served with a subpoena and who fail to appear at the hearing, and upon a favorable good cause determination by the Hearing Officer, may present testimony by written statement.

Source Note: *The provisions of this §147.5 adopted to be effective November 23, 1993, 18 TexReg 8229; amended to be effective February 5, 2004, 29 TexReg 1210; amended to be effective January 31, 2013, 38 TexReg 388; amended to be effective August 11, 2016, 41 TexReg 5763; amended to be effective February 13, 2024, 49 TexReg 718.*

§147.6 Record

(a) The record in any case includes all pleadings, motions, and rulings; evidence received or considered; matters officially noticed; questions and offers of proof, objections, and rulings on them; all relevant Division documents, staff memoranda or reports submitted to or considered by the Hearing Officer involved in making the decision, and any decision, opinion, or report by the Hearing Officer presiding at the hearing.

(b) All hearings shall be electronically recorded in their entirety.

(c) The hearing record is made part of the official parole record maintained by the Division. All requests for copies of the hearing report or hearing recording shall be addressed to the Division.

Source Note: *The provisions of this §147.6 adopted to be effective November 23, 1993, 18 TexReg 8229; amended to be effective*

January 31, 2013, 38 TexReg 388; amended to be effective August 11, 2016, 41 TexReg 5763; amended to be effective February 13, 2024, 49 TexReg 718.

§147.7 Decisions

(a) A final decision or order adverse to any party shall be in writing.

(b) Any party, as defined herein, shall be notified personally or by mail of any decision or order.

Source Note: *The provisions of this §147.7 adopted to be effective January 1, 1976, amended to be effective March 17, 1987, 12 TexReg 736; amended to be effective August 15, 1989, 14 TexReg 3814.*

Subchapter B EVIDENCE

§147.21 Order

The Hearing Officer shall determine the order of presentation of evidence.

Source Note: *The provisions of this §147.21 adopted to be effective January 1, 1976; amended to be effective August 11, 2016, 41 TexReg 5763.*

§147.22 Rules

Hearing Officers shall apply the Texas Rules of Evidence. When necessary to ascertain facts not reasonably susceptible of proof under these rules, evidence not admissible thereunder may be admitted, except where precluded by statute, if it is of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs.

Source Note: *The provisions of this §147.22 adopted to be effective January 1, 1976; amended to be effective October 31, 1980, 5 TexReg 4178; amended to be effective February 15, 2000, 25 TexReg 1130; amended to be effective August 11, 2016, 41 TexReg 5763.*

§147.23 Privilege

Hearing Officers shall give effect to the rules of privilege recognized by law.

Source Note: *The provisions of this §147.23 adopted to be effective January 1, 1976; amended to be effective August 11, 2016, 41 TexReg 5763.*

§147.24 Relevant Testimony

Testimony shall be confined to the subject of the pending matter. In the event any party at a hearing shall pursue a line of questioning that is, in the Hearing Officer's opinion, irrelevant, incompetent, unduly repetitious, or immaterial, such questioning shall be terminated.

Source Note: *The provisions of this §147.24 adopted to be effective January, 1976; amended to be effective October 31, 1980, 5 TexReg 4178; amended to be effective August 11, 2016, 41 TexReg 5763; amended to be effective February 13, 2024, 49 TexReg 719.*

§147.25 Staff Reports

Relevant staff reports may be admitted as evidence in any hearing.

Source Note: *The provisions of this §147.25 adopted to be effective January 1, 1976.*

§147.26 Stipulation

Evidence may be stipulated to by agreement of all parties.

Source Note: *The provisions of this §147.26 adopted to be effective January 1, 1976; amended to be effective February 13, 2024, 49 TexReg 719.*

§147.27 Decisions

Objections to evidence offers may be made and shall be ruled upon by the Hearing

Officer and any objections and the rulings thereon shall be noted in the record.

Source Note: *The provisions of this §147.27 adopted to be effective December 21, 1994, 19 TexReg 9751; amended to be effective August 11, 2016, 41 TexReg 5763.*

Chapter 148 SEX OFFENDER CONDITIONS OF PAROLE OR MANDATORY SUPERVISION

§148.40 Purpose

This chapter only applies to releasees not convicted of a sex offense to include a past juvenile adjudication for a sex offense.

Source Note: *The provisions of this §148.40 adopted to be effective September 18, 2011, 36 TexReg 5944; amended to be effective February 5, 2015, 40 TexReg 443.*

§148.41 Public Hearings

(a) All hearings on matters not confidential or privileged by law, or both, shall be open to the public.

(b) Appropriate federal and state constitutional provisions, statutes, regulations, and judicial precedent establishing the confidential or privileged nature of the information presented shall be given effect by the Hearing Officer.

(c) To give effect to subsection (b) of this section, the Hearing Officer shall have the authority to close the hearing to the extent necessary to protect against the improper disclosure of confidential and/or privileged information.

Source Note: *The provisions of this §148.41 adopted to be effective September 18, 2011, 36 TexReg 5944; amended to be effective October 27, 2013, 38 TexReg 7315; amended to be effective February 9, 2017, 42 TexReg 480; amended to be effective May 15, 2025, 50 TexReg 2814.*

§148.42 Authority of Hearing Officers

(a) A Hearing Officer shall have the following authority:

(1) to administer oaths;

(2) to examine witnesses;

(3) to rule on the admissibility of evidence;

(4) to rule on motions and objections;

(5) to recess any hearing from time to time and place to place;

(6) to reopen, upon request of a parole panel, or reconvene, or both, any hearing;

(7) to issue on behalf of the Board subpoenas and other documents authorized by and signed by a Board Member in accordance with statutory authority;

(8) to maintain order and decorum throughout the course of any proceedings;

(9) to collect documents and exhibits comprising the record of the hearing;

(10) to prepare the report of the hearing for the parole panel to make final disposition of the case; and

(11) to determine the weight to be given to particular evidence or testimony and to determine the credibility of witnesses.

(b) If a Hearing Officer fails to complete an assigned case, another Hearing Officer may complete the case without the necessity of duplicating any duty or function performed by the previous Hearing Officer.

Source Note: *The provisions of this §148.42 adopted to be effective September 18, 2011, 36 TexReg 5944; amended to be effective October 27, 2013, 38 TexReg 7315; amended to be effective February 9, 2017, 42 TexReg 480; amended to be effective May 15, 2025, 50 TexReg 2814.*

§148.43 Ex Parte Consultations

Unless required for the disposition of matters authorized by law, Hearing Officers, Board Members, and Parole Commissioners assigned to render a decision may not directly or indirectly, initiate, permit, nor consider communications in connection with any issue of fact or law with any party, except on notice and opportunity for all parties to participate.

Source Note: *The provisions of this §148.43 adopted to be effective September 18, 2011, 36 TexReg 5944; amended to be effective October 27, 2013, 38 TexReg 7315; amended to be effective February 9, 2017, 42 TexReg 480; amended to be effective May 15, 2025, 50 TexReg 2814.*

§148.44 Motions

Unless made during a hearing, motions shall be made in writing, set forth the relief or order sought, and shall be filed with the Hearing Officer assigned to conduct the hearing. Motions based on matters which do not appear of record shall be supported by affidavit.

Source Note: *The provisions of this §148.44 adopted to be effective September 18, 2011, 36 TexReg 5944; amended to be effective October 27, 2013, 38 TexReg 7315; amended to be effective February 9, 2017, 42 TexReg 480.*

§148.45 Witnesses

(a) The Hearing Officer may determine whether a witness may be excused under the rule that excludes witnesses from the hearing.

(1) In no event shall the Hearing Officer exclude from the hearing a party under the authority of this section. For these purposes, the term "party" means the definition in §141.111 of this title (relating to Definition of Terms) and includes:

(A) the releasee;

(B) the releasee's attorney; and

(C) no more than one representative of the Division who has acted or served in the capacity of supervising, advising, or agent officer in the case.

(2) When the Hearing Officer determines that an individual who is present at the hearing and intended to be called by a party as a witness has no relevant, probative, noncumulative testimony to offer on any material issue of fact or law, then the Hearing Officer, in their his sound discretion, may determine that such individual should not be placed under the rule and excluded from the hearing.

(b) All witnesses who testify in person are subject to cross-examination unless the Hearing Officer specifically finds good cause for lack of confrontation and cross-examination.

(c) Witnesses personally served with a subpoena and who fail to appear at the hearing may present testimony by written

statement upon a favorable good cause determination by the Hearing Officer.

Source Note: *The provisions of this §148.45 adopted to be effective September 18, 2011, 36 TexReg 5944; amended to be effective October 27, 2013, 38 TexReg 7315; amended to be effective February 9, 2017, 42 TexReg 480; amended to be effective February 11, 2021, 46 TexReg 937; amended to be effective May 15, 2025, 50 TexReg 2814.*

§148.46 Opinion and Expert Testimony

All witnesses who are testifying in the form of an opinion or inference shall submit a written report to the other party and the Hearing Officer in the manner prescribed by §148.47 of this title (relating to Evidence).

Source Note: *The provisions of this §148.46 adopted to be effective September 18, 2011, 36 TexReg 5944; amended to be effective October 27, 2013, 38 TexReg 7315; amended to be effective February 9, 2017, 42 TexReg 480.*

§148.47 Evidence

(a) No later than five (5) days prior to the scheduled hearing, all parties shall submit all documents that will be introduced into evidence at the hearing to the other party and the Hearing Officer.

(b) All parties shall have an opportunity to present evidence in the form of testimony and written documentation. The Hearing Officer shall determine the order of presentation of evidence.

(c) The Texas Rules of Evidence shall apply. When necessary to ascertain facts not reasonably susceptible of proof under these rules, evidence not admissible thereunder may be admitted, except where precluded by statute, if it is of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs.

(d) The Hearing Officer shall give effect to the rules of privilege recognized by law.

(e) Relevant testimony shall be confined to the subject of the pending matter. In the event any party at a hearing shall pursue a line of questioning that is, in the opinion of the Hearing Officer, irrelevant, incompetent, unduly repetitious, or immaterial, such questioning shall be terminated.

(f) Relevant staff reports may be admitted as evidence in any hearing.

(g) Evidence may be stipulated by agreement of all parties.

(h) Objections may be made and shall be ruled upon by the Hearing Officer, and any objections and the rulings thereon shall be noted in the record.

Source Note: *The provisions of this §148.47 adopted to be effective September 18, 2011, 36 TexReg 5944; amended to be effective October 27, 2013, 38 TexReg 7315; amended to be effective February 9, 2017, 42 TexReg 480; amended to be effective February 11, 2021, 46 TexReg 937.*

§148.48 Record

(a) The record in any case includes all pleadings, motions, and rulings; evidence received or considered; matters officially noticed; questions and offers of proof, objections, and rulings on them; all relevant Division documents, staff memoranda, or reports submitted to or considered by the Hearing Officer involved in making the decision; and any decision, opinion, or report by the Hearing Officer presiding at the hearing.

(b) All hearings shall be electronically recorded in their entirety.

(c) The hearing record is made a part of the official parole record maintained by the

Division. All requests for copies of the hearing report or hearing recording shall be addressed to the Division.

Source Note: *The provisions of this §148.48 adopted to be effective September 18, 2011, 36 TexReg 5944; amended to be effective October 27, 2013, 38 TexReg 7315; amended to be effective August 11, 2016, 41 TexReg 5764; amended to be effective February 9, 2017, 42 TexReg 480; amended to be effective February 11, 2021, 46 TexReg 937; amended to be effective May 15, 2025, 50 TexReg 2814.*

§148.49 Decisions

(a) A final decision or order shall be in writing and delivered to the releasee or attorney as required by §148.53 of this title (relating to Final Board Disposition).

(b) The releasee or attorney shall be notified in writing and provided with a copy of the report of the Hearing Officer and notice of the right to submit a petition to reopen the hearing.

Source Note: *The provisions of this §148.49 adopted to be effective September 18, 2011, 36 TexReg 5944; amended to be effective October 27, 2013, 38 TexReg 7315; amended to be effective February 9, 2017, 42 TexReg 480.*

§148.50 Procedure after Waiver of Hearing

(a) The parole panel may accept a waiver of the hearing provided that a waiver of the hearing includes the following:

(1) information that the releasee was served with written notice of the following:

(A) notice of the right to a hearing, the purpose of which is to determine whether sex offender conditions may be imposed as a special condition of the release;

(B) notice of the right to full disclosure of the evidence;

(C) notice that the releasee has the opportunity to be heard in person and to present witnesses and documentary evidence;

(D) notice that the releasee has the right to confront and cross-examine witnesses unless the parole panel or designee of the Board specifically finds good cause is shown;

(E) notice that the matter will be heard by an impartial decision-maker; and

(F) the opportunity to waive in writing the right to a hearing.

(2) information the Division relied upon to identify the releasee as a sex offender.

(b) After reviewing the waiver of the right to a sex offender condition hearing and receipt of supporting documentation of evidence of the releasee's sexually deviant behavior in the offense for which the releasee is currently on supervision, the parole panel or designee of the Board must determine that, by a preponderance of the evidence, the releasee constitutes a threat to society by reason of their lack of sexual control. The parole panel shall make final disposition of the case by taking one of the following actions:

(1) impose sex offender conditions; or

(2) deny the imposition of sex offender conditions.

Source Note: *The provisions of this §148.50 adopted to be effective September 18, 2011, 36 TexReg 5944; amended to be effective September 13, 2012, 37 TexReg 7195; amended to be effective March 28, 2013, 38 TexReg 2022; amended to be effective October 27, 2013, 38 TexReg 7315; amended to be effective February 9, 2017, 42 TexReg 480; amended to be effective February 11, 2021, 46 TexReg 937; amended to be effective May 15, 2025, 50 TexReg 2814.*

§148.51 Scheduling of Hearing

Upon request, the Board or the Board's scheduling staff shall schedule the hearing unless:

(1) fewer than seven (7) calendar days have elapsed from the time the releasee received notice; or

(2) information has not been presented to the Board or the Board's scheduling staff that the releasee was served with the following:

(A) notice of the right to a hearing, the purpose of which is to determine whether sex offender conditions may be imposed as a special condition of the release;

(B) notice of the right to full disclosure of the evidence;

(C) notice that the releasee has the opportunity to be heard in person and to present witnesses and documentary evidence;

(D) notice that the releasee has the right to confront and cross-examine witnesses unless the parole panel or designee of the Board specifically finds good cause is shown;

(E) notice that the matter will be heard by an impartial decision-maker; and

(F) opportunity to waive in writing the right to a hearing.

Source Note: *The provisions of this §148.51 adopted to be effective September 18, 2011, 36 TexReg 5944; amended to be effective October 27, 2013, 38 TexReg 7315; amended to be effective February 9, 2017, 42 TexReg 480; amended to be effective May 15, 2025, 50 TexReg 2814.*

§148.52 Hearing

(a) The designee of the Board shall conduct the hearing for the purpose of determining whether sex offender conditions may be imposed as a special condition of release.

(b) The designee of the Board must determine, as shown by a preponderance of the evidence, that the releasee constitutes a threat to society by reason of their lack of sexual control.

(c) At the close of the hearing, or within a reasonable time thereafter, the designee of the Board shall collect, prepare, and forward to the parole panel:

(1) all documents;

(2) a summary report of the hearing with a written statement as to the evidence relied upon to make a finding or no finding that the releasee constitutes a threat to society by reason of their lack of sexual control; and

(3) the recording of the hearing.

Source Note: *The provisions of this §148.52 adopted to be effective September 18, 2011, 36 TexReg 5944; amended to be effective October 27, 2013, 38 TexReg 7315; amended to be effective February 9, 2017, 42 TexReg 480; amended to be effective February 11, 2021, 46 TexReg 937; amended to be effective May 15, 2025, 50 TexReg 2814.*

§148.53 Final Board Disposition

(a) After reviewing the evidence in the summary report of the hearing, the parole panel shall make final disposition of the case by taking one of the following actions:

(1) impose sex offender conditions; or

(2) deny imposition of the sex offender condition.

(b) The releasee or attorney shall be notified in writing of the Board's disposition and provided a copy of the summary report of the hearing and notice of the right to submit a petition to reopen the hearing.

Source Note: *The provisions of this §148.53 adopted to be effective September 18, 2011, 36 TexReg 5944; amended to be effective October 27, 2013, 38 TexReg 7315; amended to be effective February 9, 2017, 42 TexReg 480; amended to be effective May 15, 2025, 50 TexReg 2814.*

§148.54 Releasee's Motion to Reopen Hearing

(a) The releasee or releasee's attorney shall have 30 days from the date of the parole panel's decision to request a reopening of the case for any substantial error in the process.

(b) A request to reopen the hearing submitted later than 30 days from the date of the parole panel's decision will not be considered unless under exceptional circumstances including but not limited to:

(1) a judicial order requiring a hearing;

(2) the initial decision was made without the opportunity for a hearing or waiver.

(c) Any such request for reopening made under this section must be in writing and delivered to the Board or placed in the United States mail and addressed to the Texas Board of Pardons and Paroles, General Counsel, 8610 Shoal Creek Blvd., Austin, Texas 78757.

(d) On transmittal, a parole panel designated by the Chair other than the original parole panel shall dispose of the motion by:

(1) granting the motion and ordering that the hearing be reopened for a stated specified and limited purpose;

(2) denial of the motion; or

(3) reversal of the parole panel decision previously entered.

(e) The releasee and attorney, if any, shall be notified in writing of the parole panel's decision.

(f) When a releasee's motion to reopen the hearing under this section is granted, the releasee shall be deemed to have consented to such further reasonable delay in the final disposition of their case as shall be required for the procedure under §148.55 of this title (relating to Procedure after Motion to Reopen Is Granted; Time; Rights of the Releasee; Final Disposition).

Source Note: *The provisions of this §148.54 adopted to be effective September 18, 2011, 36 TexReg 5944; amended to be effective October 27, 2013, 38 TexReg 7315; amended to be effective February 9, 2017, 42 TexReg 480; amended to be effective May 15, 2025, 50 TexReg 2814.*

§148.55 Procedure after Motion to Reopen Is Granted; Time; Rights of the Releasee; Final Disposition

(a) When the parole panel disposes of a releasee's motion to reopen under §148.54 of this title (relating to Releasee's Motion to Reopen Hearing) by granting the motion to reopen the hearing, the case shall be disposed of or referred to a parole panel or designee of the Board for final disposition in accordance with this section and the previous disposition of the case made by the parole panel under §148.53 of this title (relating to Final Board Disposition), shall be set aside, and shall be of no force and effect.

(b) The purpose of the further proceedings before the parole panel or designee of the Board under this section shall be as specified by the parole panel in its order

granting the releasee's motion to reopen pursuant to §148.54 of this title.

(c) When the parole panel or designee of the Board convenes the reopening of the hearing, it shall have before it the entire record previously compiled in the case, including:

(1) the record, report, and decision of the hearing under §148.52 of this title (relating to Hearing) collected or prepared by the parole panel or designee of the Board originally assigned to the case;

(2) any amendments, supplements, or modifications of the record, report, or decision as developed through prior reopenings of the case;

(3) the releasee's motion to reopen the hearing pursuant to §148.54 of this title; and

(4) any transmittal submitted to the parole panel with the recommendation from Board staff. Any transmittal submitted to the parole panel by the General Counsel constitutes legal advice that is confidential under law and shall not be released to the public as part of the hearing packet.

(d) At the conclusion of the proceedings before the parole panel or designee of the Board, or within a reasonable time thereafter, the parole panel shall make final disposition of the case by taking one of the following actions in any manner warranted by the evidence:

(1) continue the parole panel's action; or

(2) withdraw the imposition of the special conditions.

Source Note: *The provisions of this §148.55 adopted to be effective September 18, 2011, 36 TexReg 5944; amended to be effective October 27, 2013, 38 TexReg 7315; amended to be effective February 9, 2017, 42 TexReg 480; amended to be effective May 15, 2025, 50 TexReg 2814.*

Chapter 149 MANDATORY SUPERVISION

Subchapter A RULES AND CONDITIONS OF MANDATORY SUPERVISION

§149.1 Conditions and Rules of Mandatory Supervision

(a) Every offender being released on mandatory supervision shall be issued a written statement listing the conditions and rules of mandatory supervision in clear and intelligible language; and, upon release to mandatory supervision, all conditions of release to mandatory supervision that the parole panel is required by law to impose as a condition of release to mandatory supervision are imposed. The offender may have additional conditions imposed by a parole panel after release, and shall be notified in writing of any such conditions. Continuance on mandatory supervision is conditioned upon full compliance with all conditions and rules of mandatory supervision as imposed by the parole panel.

(b) The parole panel shall not impose as a condition for release to mandatory supervision that the offender be released only to a state other than the State of Texas.

Source Note: *The provisions of this §149.1 adopted to be effective November 4, 1996, 21 TexReg 10439; amended to be effective December 29, 1997, 22 TexReg 12543; amended to be effective September 26, 2002, 27 TexReg 8967.*

§149.3 Texas Mandatory Supervision Offenders Supervised in Other States

Texas mandatory supervision offenders accepted for supervision in other states under the terms of the Interstate Parole Compact for Adult Offender Supervision shall adhere to the conditions and rules of supervision for Texas and the receiving state.

Source Note: *The provisions of this §149.3 adopted to be effective August 15, 1989, 14 TexReg 3814; amended to be effective September 26, 2002, 27 TexReg 8967; amended to be effective February 18, 2009, 34 TexReg 1097; amended to be effective January 31, 2013, 38 TexReg 389.*

Subchapter B SELECTION FOR MANDATORY SUPERVISION

§149.16 Mandatory Release Certificate

(a) When a mandatory release plan has been approved, a mandatory release certificate shall be issued and signed with a digital signature of the Chair.

(b) The approval of discretionary mandatory supervision may be withdrawn by the parole panel prior to the release of the offender.

Source Note: *The provisions of this §149.16 adopted to be effective July 1, 1994, 19 TexReg 4759; amended to be effective September 26, 2002, 27 TexReg 8968; amended to be effective August 11, 2016, 41 TexReg 5764; amended to be effective November 12, 2026, 51 TexReg 7740.*

Chapter 150 MEMORANDUM OF UNDERSTANDING AND BOARD POLICY STATEMENTS

Subchapter A PUBLISHED POLICIES OF THE BOARD

§150.55 Conflict of Interest Policy

(a) Section 1--Policy.

(1) It is the policy of the Board that no Board Member or Parole Commissioner shall have any interest, financial or otherwise, direct or indirect; or engage in any business transaction or professional activity or incur any obligation of any nature that is in substantial conflict with the proper discharge of their duties in the public interest. In implementing this policy, they are provided the following standards of conduct, disclosure, and disqualification to be observed in the performance of their official duties.

(2) A Board Member or Parole Commissioner shall respect and comply with the law and not allow their family, social, or other relationships to influence their conduct, decisions, or judgment.

(b) Section 2--Disclosure.

(1) A Board Member or Parole Commissioner shall submit generally, and on a case-by-case basis, written notice to the Presiding Officer (Chair) of

any substantial interest held by the Board Member or Parole Commissioner in a business entity doing business with the Board of Criminal Justice, TDCJ, or the Board.

(2) A Board Member or Parole Commissioner having a personal or private interest in any measure, proposal, or decision pending before the Board (including parole and discretionary mandatory supervision release decisions) shall immediately notify the Chair in writing of such interest. The Chair shall publicly disclose the Board Member's or Parole Commissioner's interest to the Board in a meeting of the Board. The Board Member or Parole Commissioner shall not vote or otherwise participate in the decision. The disclosure shall be entered into the minutes or official record of the meeting.

(3) A Board Member or Parole Commissioner shall consider the possibility that they have a conflict of interest before making any decision or vote.

(4) If a Board Member or Parole Commissioner is uncertain whether any part of the conflict-of-interest policy applies to them in a specific matter, they shall request the General Counsel of the Board to determine whether a disqualifying conflict of interest exists.

(c) Section 3--Standards of Conduct.

(1) No Board Member or Parole Commissioner shall accept or solicit any gift, favor, or service that may reasonably tend to influence them in the discharge of their official duties or that they know or should know is being offered with the intent to influence their official conduct.

(2) No Board Member or Parole Commissioner shall accept employment or engage in any business or professional activity which they might reasonably expect would require or induce them to disclose confidential information acquired by reason of their official position.

(3) No Board Member or Parole Commissioner shall accept other employment or compensation that could reasonably be expected to impair their independence of judgment in the performance of their official duties.

(4) No Board Member or Parole Commissioner shall make personal investments that could reasonably be expected to create a substantial conflict between their private interest and the public interest.

(5) No Board Member or Parole Commissioner shall intentionally or knowingly solicit, accept, or agree to accept any benefit for having exercised their official powers or performed their official duties in favor of another.

(d) Section 4--Recusal and Disqualification.

(1) Recusal. A Board Member shall recuse themself from voting on all clemency matters, and a Board Member or Parole Commissioner shall recuse themself from voting on all decisions to release on parole or discretionary mandatory supervision, and decisions to continue, modify, or revoke parole or mandatory supervision when:

(A) they know that individually or as a fiduciary, they have an interest in the subject matter before them; or

(B) the Board Member or Parole Commissioner or their spouse is related by affinity or consanguinity within the third degree to a person who is the subject of the decision before them.

(2) Disqualification. A Board Member shall disqualify themself from voting on all clemency matters, and a Board Member or Parole Commissioner shall disqualify themself from voting on all decisions to release on parole or discretionary mandatory supervision, and decisions to continue, modify, or revoke parole or mandatory supervision when:

(A) their impartiality might reasonably be questioned;

(B) they have a personal bias or prejudice concerning the subject matter or person in the decision before them; or

(C) they were a complainant, a material witness, or served as counsel for the state or the defense in the prosecution of the subject of the parole decision or revocation decision before them.

(e) Section 5--Documentation.

(1) A Board Member or Parole Commissioner shall notify the Chair and General Counsel in writing when they recuse or disqualify themself from voting;

(2) A Board Member or Parole Commissioner shall provide the specific reason for disqualification or recusal;

(3) A Board Member or Parole Commissioner shall document the recusal or disqualification on the minute sheet of the offender's file; and

(4) A Board Member or Parole Commissioner shall place the written notification in the offender's file.

(f) Any written notice, signature, or documentation required by this section, including notices to the Chair and General Counsel under subsection (e) and entries on the minute sheet, may be provided or made by electronic means.

Source Note: *The provisions of this §150.55 adopted to be effective November 23, 1993, 18 TexReg 8229; amended to be effective October 20, 1998, 23 TexReg 10657; amended to be effective November 19, 2009, 34 TexReg 8040; amended to be effective January 31, 2013, 38 TexReg 389; amended to be effective October 27, 2013, 38 TexReg 7315; amended to be effective August 10, 2014, 39 TexReg 5965; amended to be effective August 11, 2016, 41 TexReg 5764; amended to be effective September 8, 2020, 45 TexReg 6247; amended to be effective November 7, 2024, 49 TexReg 8745; amended to be effective May 15, 2025, 50 TexReg 2815; amended to be effective November 12, 2026, 51 TexReg 7740.*

§150.56 Policies Pertaining to the Administration of the Agency

(a) The Board has overall managerial responsibility for developing, promulgating, and investigating policies on parole and mandatory supervision.

(b) The Presiding Officer of the Board or the Presiding Officer's designee acts as the agency's liaison to the legislature. The Board shall have final approval over all proposed legislation before being submitted to the legislature.

(c) The Presiding Officer of the Board or the Presiding Officer's designee shall serve as

the agency's spokesperson on all matters pertaining to Board policy.

Source Note: *The provisions of this §150.56 adopted to be effective August 15, 1989, 14 TexReg 3815; amended to be effective July 1, 1994, 19 TexReg 4759; amended to be effective September 17, 2000, 25 TexReg 9013; amended to be effective February 5, 2004, 29 TexReg 1211; amended to be effective August 11, 2016, 41 TexReg 5764; amended to be effective November 7, 2024, 49 TexReg 8745.*

RULES BY EFFECTIVE DATE

Effective 1/1/76
143.6 Inmate in Texas Department of
143.32 Reprieve for Family Emergency
143.34 Emergency Medical Reprieve
143.35 Reprieve of Misdemeanor Jail Sentence and/or Fine
143.51 Commutation of Sentence
143.53 Commutation of Remainder of Jail Sentence and/or Fine after Reprieve
143.54 Commutation for Jail Time Served before Sentence for Felony Conviction
143.55 Commutation for Time Out of Prison on Reprieve
143.81 Preliminary Requirements
143.82 Subsequent Requirements
147.21 Order
147.23 Privilege
147.25 Staff Reports
147.26 Stipulation

Effective 10/31/80
147.24 Relevant Testimony

Effective 12/30/80
143.21 Definition

Effective 10/19/84
143.42 Reprieve Recommended by Board

Effective 3/17/87
143.24 Request of Governor
143.31 General Rules
143.33 Emergency Reprieve To Attend Civil Court Proceedings
143.41 Governor's Reprieve
143.58 Request of the Governor
143.71 Remission of Fine
143.72 Remission of Fine after Reprieve
143.73 Remission of Bond Forfeiture
143.74 Request of Governor

Effective 8/15/89
143.1. Authority To Grant Pardons
143.3 Twelve Months on Parole
143.4 Parolee Discharging Sentence
143.5 Discharged Prisoner Criminal Justice-Institutional Division
143.7 Prior Out-of-State or Federal Convictions
143.8 Suspended Sentence, Felony Conviction
143.9 Sentence of Probation, Felony Conviction
143.10 Misdemeanor
143.11 Request of Governor
143.12 Restoration of Firearm Rights
143.22 Consideration of Request
143.52 Commutation of Sentence, Felony, or Misdemeanor
145.11 Review Date Subject to Change
145.23 Texas Parolees Supervised in Other States
147.7 Decisions

Effective 11/23/93
143.23 Revocation of Conditional Pardon
147.4 Motions
147.6 Record

Effective 7/1/94
141.51 Use and Effect of Rules
141.72 Record of Decisions
141.92 Record
145.24 Out-of-State Parolees Supervised in Texas

Effective 12/21/94
147.27 Decisions

Effective 4/7/97
145.4 Policy Statements Relating to Felony Consecutive Sentences

Effective 12/29/97
146.4 Procedure after Waiver of Preliminary Hearing
146.5 Procedure after Waiver of Revocation Hearing
146.10 Final Board Disposition

Effective 10/20/98
150.55 Policies Pertaining to the Administration of the Agency

Effective 2/15/00
147.22 Rules

Effective 9/17/00
146.3 Right to Counsel
146.7 Preliminary Hearing

Effective 10/29/00
145.6 Notification of Parole Panel Decision
146.9 Revocation Hearing

Effective 6/11/02
141.5 Parliamentary Authority
141.7 Composition of Parole Panels
141.71 Minutes of the Board and Board Records
141.82 Fee Affidavits
145.27 Personal Identification Program

Effective 6/19/02
146.12 Procedure after Motion To Reopen Is Granted; Time; Rights of the Releasee; Final Disposition

Effective 9/26/02
145.20 Parole Certificate
149.1 Conditions and Rules of Mandatory Supervision
149.3 Texas Mandatory Supervision Releasees Supervised in Other States
149.16 Mandatory Release Certificate

Effective 3/20/03
145.2 Standard Parole Guidelines
145.22 Terms and Conditions of Parole

Effective 2/5/04
141.1 Presiding Officer (Chair)
141.3 Board Administration
141.57 Petition for Adoption of Rules
141.81 Registration of Visitors
141.91 Purpose
141.101 Issuance of Subpoenas
145.1 Parole Decision-Maker
145.9 Parole Interview
145.13 Action upon Review; Consecutive (Cumulative) Felony Sentencing
146.6 Scheduling of Preliminary Hearing
146.8 Scheduling of Revocation Hearing
147.1 Public Hearings
147.2 Authority of Hearing Officers
147.3 Ex Parte Consultations
147.5 Witnesses
150.56 Policies Pertaining to the Administration of the Agency

Effective 11/14/04
141.4 Meetings
145.12 Action Upon Review
145.14 Action Upon Review; Release to Mandatory Supervision

Effective 12/31/04
141.111 Definitions
141.60 Submission and Presentation of Information
141.61 Representation of an Offender

Effective 03/10/05
143.2 Pardons for Innocence

Effective 01/16/06
146.11 Releasee's Motion To Reopen Hearing or Reinstate Supervision

Effective 08/10/06
145.16 Action upon Special Review -- Release Approved
145.17 Action upon Special Review -- Release Denied
145.21 Parole in Absentia
143.43 Procedure in Capital Reprieve Cases

143.57 Commutation of Death Sentence to Lesser Penalty

Effective 09/16/07
145.3 Policy Statements Relating to Parole Release Decisions by the Board of Pardons and Paroles
145.15 Action Upon Review; Extraordinary Vote

Effective 12/09/07
145.12 Action upon Review
145.17 Action upon Special Review -- Release Denied
146.11 Revocation of Parole or Mandatory Supervision

Effective 06/09/08
141.61 Representation of an Offender
145.15 Action Upon Review; Extraordinary Vote

Effective 02/18/09
141.60 Submission and Presentation of Information
143.4 Parolee Discharging Sentence
143.11 Request of Governor
143.12 Restoration of Firearm Rights
143.21 Definition
143.23 Revocation of Conditional Pardon
143.24 Request of Governor
143.52 Commutation of Sentence, Felony, or Misdemeanor
143.58 Request of the Governor
143.74 Request of Governor
145.12 Action upon Review
145.17 Action upon Special Review-- Release Denied
145.23 Texas Parolees Supervised in Other States
145.24 Out-of-State Parolees Supervised in Texas
146.6 Scheduling of Preliminary Hearing
146.8 Scheduling of Revocation Hearings
149.3 Texas Mandatory Supervision Offenders Supervised in Other States

Effective 11/19/09
150.55 Conflict of Interest Policy

Effective 02/24/2010
145.3 Policy Statements Relating to Parole Release Decisions by the Board of Pardons and Paroles
145.12 Action upon Review

Effective 09/17/2010
141.5 Parliamentary Authority
141.61 Representation of an Offender
141.81 Registration of Visitors
141.111 Definitions
143.20 Posthumous Pardon

Effective 12/12/2010
145.14 Action Upon Review; Release to Mandatory Supervision

Effective 03/10/2011
141.111 Definition of Terms
145.12 Action upon Review
145.15 Action Upon Review; Extraordinary Vote
149.40 Purpose
149.41 Public Hearings
149.42 Authority of a Panel Member
149.43 Ex Parte Consultations
149.44 Motions
149.45 Witnesses
149.46 Opinion and Expert Testimony
149.47 Evidence
149.48 Record
149.49 Decisions
149.50 Procedure after Waiver of Hearing
149.51 Scheduling of Hearing
149.52 Hearing
149.53 Final Panel Disposition
149.54 Releasee's Motion To Reopen Hearing
149.55 Procedure after Motion To Reopen Is Granted; Time; Rights of the Releasee; Final Disposition

Effective 09/18/2011
Repeal of 149.40 - 149.55
148.40 Purpose
148.41 Public Hearings
148.42 Authority of a Panel Member
148.43 Ex Parte Consultations
148.44 Motions
148.45 Witnesses
148.46 Opinion and Expert Testimony
148.47 Evidence
148.48 Record
148.49 Decisions
148.50 Procedure after Waiver of Hearing
148.51 Scheduling of Hearing
148.52 Hearing
148.53 Final Panel Disposition
148.54 Releasee's Motion To Reopen Hearing
148.55 Procedure after Motion To Reopen Is Granted; Time; Rights of the Releasee; Final Disposition

Effective 11/30/2011
141.1. Presiding Officer (Chair)
141.3. Board Administration
141.71. Minutes of the Board and Board Records
141.72. Record of Decisions
141.81. Registration of Visitors
141.101. Issuance of Subpoenas
141.111. Definition of Terms
145.1 Parole Decision-Maker
145.15 Action Upon Review; Extraordinary Vote

Effective 03/01/2012
143.1 Authority to Grant Pardons
143.2 Pardons for Innocence
143.5 Discharged Prisoner
143.6 Inmate in Texas Department of Criminal Justice-Institutional Division
143.7 Prior Out-of-State or Federal Convictions
143.12 Restoration of Firearm Rights Repeal of 143.20 Posthumous Pardon New Rule - 143.13 Posthumous Pardon

Effective 09/13/2012
143.22 Consideration of Request
143.23 Revocation of Conditional Pardon
143.24 Request of the Governor
143.31 General Rules
143.32 Reprieve for Family Emergency
143.33 Emergency Reprieve to Attend Civil Court Proceedings
143.34 Emergency Medical Reprieve
143.35 Reprieve from Misdemeanor Jail Sentence and/or Fine
143.42 Reprieve Recommended by the Board
143.43 Procedure in Capital Reprieve Cases
143.52 Commutation of Sentence, Felony, or Misdemeanor
143.55 Commutation of Sentence for Time Out of Prison on Reprieve
143.57 Commutation of Death Sentence to Lesser Penalty
143.71 Remission of Fine
143.72 Remission of Fine after Reprieve
143.73 Remission of Bond Forfeiture
143.74 Request of the Governor
143.81 Preliminary Requirements
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145.3 Policy Statements Relating to Parole Release Decisions by the Board of Pardons and Paroles
145.4 Policy Statements Relating to Felony Consecutive Sentences
145.6 Notification of Parole Panel Decision
145.9 Parole Interview
145.11 Review Date Subject to Change
145.12 Action upon Review
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145.15 Action upon Review; Extraordinary Vote
145.16 Action upon Special Review—Release Approved
145.21 Parole in Absentia (Parole Review and Mandatory Supervision for Offenders Not in Actual Physical Custody of the TDCJ CID)

145.23 Texas Offenders Supervised in Other States
145.24 Out-of-State Offenders Supervised in Texas
148.50 Procedure after Waiver of Hearing

Effective 01/31/2013
146.3 Right to Counsel
146.4 Procedure after Waiver of Preliminary Hearing
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146.8 Scheduling of Revocation Hearings
146.9 Revocation Hearing
146.10 Final Board Disposition
146.11 Releasee's Motion to Reopen Hearing or Reinstate Supervision
146.12 Procedure after Motion to Reopen Is Granted; Time; Rights of the Releasee; Final Disposition
147.5 Witnesses
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149.3 Texas Mandatory Supervision Offenders Supervised in Other States
150.55 Conflict of Interest Policy

Effective 03/28/2013
148.50 Procedure after Waiver of Hearing

Effective 10/27/2013
141.111 Definitions
143.42 Reprieve Recommended by the Board
145.12 Action upon Review
145.13 Action upon Review; Consecutive (Cumulative) Felony Sentencing
146.9 Revocation Hearings
146.12 Procedure after Motion to Reopen is Granted; time; Rights of the Releasee; Final Disposition
148.41 Public Hearings
148.42 Authority of Hearing Officer
148.43 Ex Parte Consultations
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148.47 Evidence
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148.50 Procedure after Waiver of Hearing
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148.53 Final Board Disposition
148.54 Releasee's Motion to Reopen Hearing
148.55 Procedure after Motion To Reopen Is Granted; Time; Rights of the Releasee; Final Disposition
150.55 Conflict of Interest Policy

Effective 08/10/2014
141.1Presiding Officer (Chair)
141.3 Board Administration
141.4 Meetings
141.57 Petition for Adoption of Rule
141.81 Registration of Visitors
141.82 Fee Affidavits
141.111 Definitions
145.3 Policy Statements Relating to Parole Release Decision by the Board of Pardons and Paroles
145.15 Action upon Review; Extraordinary Vote
Repeal of 145.4 Policy Statements Relating to Felony Consecutive Sentences
150.55 Conflict of Interest Policy

Effective 11/09/2014
143.1 Authority to Grant Pardons

143.2 Pardons for Innocence
143.3 Twelve Months on Parole
143.4 Parolee Discharging Sentence
143.5 Discharged Offender
143.6 Offender in Texas Department of Criminal Justice-Correctional Institutions Division
143.8 Suspended Sentence, Felony Conviction
143.9 Sentence of Probation, Felony Conviction
143.11 Request of the Governor

143.12 Restoration of Firearm Rights
143.14 Consideration of Request or Application
143.21 Definition
143.22 Consideration of Application
143.23 Revocation of Conditional Pardon
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143.31 General Rules
143.32 Reprieve for Family Emergency
143.33 Emergency Reprieve to Attend Civil Court Proceedings
143.34 Emergency Medical Reprieve
143.35 Reprieve from Misdemeanor Jail Sentence and/or Fine
143.41 Governor's Reprieve
143.42 Reprieve Recommended by the Board
143.43 Procedure in Capital Reprieve Cases
143.51 Commutation of Sentence
143.52 Commutation of Sentence, Felony, or Misdemeanor
143.54 Commutation for Jail Time Served before Sentence for Felony Conviction
143.55 Commutation of Sentence for Time Out of TDCJ-CID on Reprieve
143.57 Commutation of Death Sentence to Lesser Penalty
143.58 Request of the Governor
143.71 Remission of Fine
143.72 Remission of Fine after Reprieve
143.73 Remission of Bond Forfeiture
143.74 Request of the Governor

Effective 02/05/2015
143.71 Remission of Fine
147.1 Public Hearings
148.40 Purpose

Effective 05/10/2015
145.6 Notification of Parole Panel Decision
145.17 Action upon Special Review--Release Denied
145.21 Parole in Absentia (Parole Review and Mandatory Supervision for Offenders Not in Actual Physical Custody of the TDCJ-CID).
145.27 Personal Identification Program

Effective 08/06/2015
145.1 Parole Decision-Maker
145.2 Standard Parole Guidelines
145.3 Policy Statements Relating to Parole Release Decisions by the Board of Pardons and Paroles
145.17 Action upon Special Review--Release Denied
145.21 Parole in Absentia (Parole Review and Mandatory Supervision for Offenders Not in Actual Physical Custody of the TDCJ-CID)
145.27 Personal Identification Program

Effective 02/11/2016
145.12 Action upon Review
145.15 Action upon Review; Extraordinary Vote (SB 45)
145.17 Action upon Special Review--Release Denied
New Rule - 145.18 Action upon Review; Extraordinary Vote (HB 1914)
146.3 Right to Counsel
146.4 Procedure after Waiver of Preliminary Hearing
146.5 Procedure after Waiver of Revocation Hearing
146.6 Scheduling of Preliminary Hearing
146.7 Preliminary Hearing
146.8 Scheduling of Revocation Hearings
146.9 Revocation Hearing
146.10 Final Board Disposition
146.11 Releasee's Motion to Reopen Hearing or Reinstate Supervision
146.12 Procedure after Motion to Reopen is Granted; Time; Rights of the Releasee; Final Disposition

Effective 08/11/2016
147.1 Public Hearings
147.2 Authority of Hearing Officers
147.3 Ex Parte Consultations
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147.6 Record
147.21 Order
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147.23 Privilege
147.24 Relevant Testimony
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149.16 Mandatory Release Certificate
150.55 Conflict of Interest Policy
150.56 Policies Pertaining to the Administration of the Agency
148.48 Record

Effective 11/24/2016
145.18 Action upon Review; Extraordinary Vote (HB 1914)

Effective 02/09/2017
148.41 Public Hearings
148.42 Authority of Hearing Officers
148.43 Ex Parte Consultations
148.44 Motions
148.45 Witnesses
148.46 Opinion and Expert Testimony
148.47 Evidence
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148.51 Scheduling of Hearing
148.52 Hearing
148.53 Final Board Disposition
148.54 Releasee's Motion to Reopen Hearing
148.55 Procedure after Motion to Reopen Is Granted; Time; Rights of the Releasee; Final Disposition

Effective 05/10/2017
145.18 Action upon Review; Extraordinary Vote (HB 1914)
145.20 Parole Certificate

Effective 08/13/2017
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141.7 Composition of Parole Panels
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141.61 Representation of an Offender
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141.82 Fee Affidavits
141.91 Purpose
141.101 Issuance of Subpoenas
141.111 Definition of Terms

Effective 11/12/2017
145.7 Initial Review

Effective 05/09/2018
143.1 Authority to Grant Pardons
143.2 Pardons for Innocence
143.5 Discharged Prisoner
143.7 Prior Out-of-State or Federal Convictions
143.8 Suspended Sentence, Felony Conviction
143.9 Sentence of Probation, Felony Conviction
143.10 Misdemeanor
143.11 Request of the Governor
143.12 Restoration of Firearm Rights
143.13 Posthumous Pardon
143.14 Consideration of Request or Application
143.21 Definition
143.22 Consideration of Request
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143.24 Request of the Governor
143.31 General Rules
143.32 Reprieve for Family Emergency
143.33 Emergency Reprieve to Attend Civil Court Proceedings
143.34 Emergency Medical Reprieve
143.35 Reprieve from Misdemeanor Jail Sentence and or Fine
143.41 Governor's Reprieve

143.42 Reprieve Recommended by the Board
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143.53 Commutation of Remainder of Jail Sentence and/or Fine after Reprieve
143.54 Commutation for Jail Time Served before Sentence for Felony Conviction
143.55 Commutation of Sentence for Time Out of TDCJ-CID on Reprieve
143.57 Commutation of Death Sentence to Lesser Penalty
143.58 Request of the Governor
143.71 Remission of Fine
143.72 Remission of Fine after Reprieve
143.73 Remission of Bond Forfeiture
143.74 Request of the Governor
143.81 Preliminary Requirements
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Effective 08/12/2018
141.111 Definition of Terms

Effective 11/18/2018
145.1 Parole Decision-Maker
145.2 Standard Parole Guidelines
145.3 Policy Statements Relating to Parole Release Decisions by the Board of Pardons and Paroles
145.6 Notification of Parole Panel Decision
145.7 Initial Review
145.9 Parole Interview
145.11 Review Date Subject to Change
145.12 Action upon Review
145.13 Action upon Review; Consecutive (Cumulative) Felony Sentencing
145.14 Action upon Review; Release to Mandatory Supervision
145.15 Action upon Review; Extraordinary Vote (SB 45)
145.16 Action upon Special Review—Release Approved
145.17 Action upon Special Review—Release Denied
145.18 Action upon Review; Extraordinary Vote (HB1914)
145.20 Parole Certificate
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145.22 Conditions and Rules of Parole
145.23 Texas Offenders Supervised in Other States
145.24 Out-of-State Offenders Supervised in Texas
145.27 Personal Identification Program

Effective 05/03/2019
146.3 Right to Counsel
146.4 Procedure after Waiver of Preliminary Hearing
146.5 Procedure after Waiver of Revocation Hearing
146.7 Preliminary Hearing
146.9 Revocation Hearing
146.10 Final Board Disposition
146.12 Procedure after Motion to Reopen is Granted; Time; Rights of the Releasee; Final Disposition

Effective 05/12/2019
146.6 Scheduling of Preliminary Hearing
146.8 Scheduling of Revocation Hearings
146.11 Releasee's Motion to Reopen Hearing or Reinstate Supervision

Effective 07/19/2019
149.1 Conditions and Rules of Mandatory Supervision
149.3 Texas Mandatory Supervision Offenders Supervised in Other States
149.16 Mandatory Release Certificate

Effective 10/25/2019
147.1 Public Hearings
147.2 Authority of Hearing Officers
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147.6 Record
147.7 Decisions

Effective 01/17/2020
147.21 Order
147.22 Rules
147.23 Privilege
147.24 Relevant Testimony
147.25 Staff Reports
147.26 Stipulation
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Effective 08/19/2020
150.56 Policies Pertaining to the Administration of the Agency

Effective 09/08/2020
150.55 Conflict of Interest Policy

Effective 08/03/2021
143.43 Procedure in Capital Reprieve Cases
143.57 Commutation of Death Sentence to a Lesser Penalty

Effective 06/09/2022
145.19 Action Upon Review; Early Release on Parole

Effective 09/08/2022
141.3 Board Administration
141.5 Parliamentary Authority
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Effective 02/09/2023
145.1 Parole Decision-Maker
145.2 Standard Parole Guidelines
145.6 Notification of Parole Panel Decision
145.7 Initial Review
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Effective 05/18/2023
145.3 Policy Statements Relating to Parole Release Decisions by the Board of Pardons and Paroles
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Repeal of 145.27 Personal Identification Program

Effective 11/08/2023
146.6 Scheduling of Preliminary Hearing
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Effective 02/13/2024
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Effective 05/15/2024
146.4 Procedure after Waiver of Preliminary Hearing
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Effective 11/07/2024
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Effective 5/15/2025
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148.51 Scheduling of Hearing
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148.55 Procedure after Motion to Reopen is Granted; Time; Rights of the Release; Final Disposition
150.55 Conflicts of Interest Party

Effective 11/20/2025
145.3 Policy Statements Relating to Parole Release Decisions by the Board of Pardons and Paroles
145.12 Action upon Review
145.13 Action upon Review; Consecutive (Cumulative) Felony Sentencing
145.15 Action upon Review; Extraordinary Vote (SB 45)
145.18 Action upon Review; Extraordinary Vote (HB 1914)

Effective 02/16/2026
143.1 Request of the Governor
143.42 Reprieve Recommended by the Board
143.54 Commutation for Jail Time Served before Sentence for Felony Conviction
143.58 Request for the Governor
143.72 Remission of Fine after Reprieve
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143.81 Preliminary Requirements
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Effective 11/12/2026
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141.57 Petition for Adoption of Rule
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145.15 Action upon Review; Extraordinary Vote

145.17 Action upon Special Review-Release Denied
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