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**TITLE 37: PUBLIC SAFETY AND CORRECTIONS**  
**PART 5: TEXAS BOARD OF PARDONS AND PAROLES**

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V. TEXAS BOARD OF PARDONS AND PAROLES

The provisions of this Part 5 issued under Acts 1965, 59th Leg., ch. 722, effective January 1, 1966, as amended (Texas C.C.P., Article 42.12); and Texas Constitution Article IV, §11, unless otherwise noted.
CHAPTER 141 GENERAL PROVISIONS

The provisions of this Chapter 141 issued under Chapter 508, Government Code

SUBCHAPTER A BOARD OF PARDONS AND PAROLES

§141.1 Presiding Officer

(a) The Presiding Officer (Chair) is designated by the Governor and serves in that capacity at the pleasure of the Governor. The Presiding Officer reports directly to the Governor and serves as the administrative head of the Board. The Presiding Officer acts as spokesperson for the Board.

(b) The Presiding Officer may:

(1) delegate responsibilities and authority to other members of the Board, Parole Commissioners, or to employees of the Board;

(2) appoint advisory committees from the membership of the Board or from Parole Commissioners to further the efficient administration of Board business;

(3) establish policies and procedures to further the efficient administration of the business of the Board; and

(4) provide a written plan for the administrative review of actions taken by a parole panel by a review panel.

(c) The Presiding Officer shall:

(1) develop and implement policies that clearly separate the policy-making responsibilities of the Board and the management responsibilities of the Board Administrator, Parole Commissioners, and the staff of the Board;

(2) establish caseloads and required work hours for members of the Board and Parole Commissioners;

(3) develop policies to ensure Board Members and Parole Commissioners implement the updated parole guidelines and assign precedential value to previous decisions of the Board relating to the granting of parole and the revocation of parole or mandatory supervision, and develop policies to ensure that members of the Board and Parole Commissioners use updated parole guidelines and previous decisions of the Board and Parole Commissioners in making decisions;

(4) require members of the Board and Parole Commissioners to file activity reports that provide information on release decisions made by members of the Board and Parole Commissioners, the workload and hours worked of the members of the Board and Parole Commissioners, and the use of parole guidelines by members of the Board and Parole Commissioners;

(5) report annually on all activities of the Board and Parole Commissioners, parole release decisions and the use of parole guidelines by the Board and Parole Commissioners to the Governor and the Legislature; and

(6) designate the composition of each parole panel and designate panels composed of at least one Board Member and any combination of Board Members and Parole Commissioners.

(d) The Presiding Officer is responsible for the employment and supervision of:

(1) Parole Commissioners;

(2) a General Counsel to the Board;

(3) a Board Administrator to manage the day-to-day activities of the Board;

(4) a Public Information Officer;

(5) a Budget Director;

(6) Hearing Officers;
(7) Institutional Parole Officers;
(8) personnel to assist in clemency and hearing matters; and
(9) secretarial or clerical personnel.

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.

§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 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) prepare annually a complete and detailed written report that meets the reporting requirements applicable to financial reporting provided in the General Appropriations Act and accounts for all funds received and disbursed by the Board during the preceding fiscal year;
(5) develop for Board Members and Parole Commissioners a comprehensive training and education program on the criminal justice system, with special emphasis on the parole process;
(6) develop and implement a training program that each newly hired employee of the Board designated to conduct hearings under Texas Government Code, Section 508.281, must complete before conducting a hearing without the assistance of a Board Member or experienced Parole Commissioner or designee;
(7) develop and implement a training program to provide an annual update to designees of the Board on issues and procedures relating to the revocation process;
(8) 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;
(9) prepare and update as necessary a handbook to be made available to participants in hearings under Texas Government Code, Section 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 Texas Government Code, Section 508.281;
(10) 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;
(11) after consultation with the Governor and the Texas Board of Criminal Justice, adopt a mission statement that reflects the responsibilities for the operation of the parole process that are assigned to the Board, the Division, the Department, or the Texas Board of Criminal Justice;

(12) include in the mission statement a description of specific locations at which the Board intends to conduct business related to the operation of the parole process;

(13) 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; 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;

(14) develop according to an acceptable research method the parole guidelines that are the basic criteria on which a parole decision is made; and

(15) adopt a policy establishing the date on which the Board may reconsider for release an inmate who has previously been denied release.

§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 10289; 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 the 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 the 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

§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.
§141.57 Petition for Adoption of Rule

(a) Any interested person may petition the Board requesting the adoption of a rule.

(b) A petition shall be mailed to the General Counsel of the Texas Board of Pardons and Paroles at P.O. Box 13401, Austin, Texas 78711.

(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 rule requested must be requested by separate petition;

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

(3) each petition must be delivered to the General Counsel of the Board at its Austin office; and

(4) each petition shall include:

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

(B) 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) If the General Counsel determines that further information is necessary, the General Counsel may require that the petitioner resubmit the petition and that it contain:

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

(2) Whether there will be an impact on the employment of the local economy;

(3) 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 Texas Government Code, Section 2006.002(d). 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, in consultation with the General Counsel, 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 the Texas Government Code, Section 2001.021.

(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.

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

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) Except as provided in subsection (c) of this rule, 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.

(c) When an offender's case is in the review period, copies of all information and arguments in support of an offender's release may be submitted to members of the parole panel designated to consider the case.

(d) For the purpose of this rule, the review period shall be greater than two months but less than six months prior to the month of the next schedule review period.

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 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

§141.61 Representation of an Offender

(a) Persons representing an offender pursuant to Texas Government Code, Chapter 508, Subchapter C, 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.

(d) For the purpose of this rule, the review period shall mean greater than two months but less than six months prior to the month of the next scheduled review period.

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

§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

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 Texas Government Code, Section 2004.002. A Board Member, Parole Commissioner, or representative of the Board shall protect the confidentiality of the victim as required by Texas Government Code, Section 508.313.

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

§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 Texas Government Code, Section 508.084.

(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

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

The provisions of these §141.111 issued under §§508.001, 508.150, and 508.117, Government Code, as amended (Texas C.C.P., Article 56.01), unless otherwise noted.

§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.

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

(2) Affinity (Marriage)--A husband-wife relationship (first degree). By virtue of the marriage, a spouse is also related to individuals related to the other spouse by blood (consanguinity), and the degree of relationship by affinity is the same as the underlying relationship of consanguinity. The ending of a marriage by divorce or death of a spouse ends relationships of affinity created by that marriage unless a child of that marriage is living, in which case the marriage is considered to continue as long as a child of that marriage lives.

(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) Consanguinity--A relationship in which one individual is related to another individual where one is a descendant of the other or where they share a common ancestor. An adopted child is considered to be a child of the adoptive parent for this purpose. The degree of relationship by consanguinity may be determined by adding the number of generations between an individual and the individual's ancestor or descendant.

(7) Consanguinity within the third degree--An individual's relatives within the third degree by consanguinity are the individual's parent or child (relatives in the first degree); brother, sister, grandparent, or grandchild
(relatives in the second degree); and great-grandparent, great-grandchild, aunt who is a sister of a parent of the individual, uncle who is a brother of a parent of the individual, nephew who is a child of a brother or sister of the individual, or niece who is a child of a brother or sister of an individual (relatives in the third degree).

(8) CU/Fl--Consecutive felony sentence vote that designates the date on which the offender would have been eligible for release on parole if the offender had been sentenced to serve a single sentence. This is not a vote to release on parole.

(9) CU/NR--Consecutive felony sentence vote to deny favorable parole action and set for review on a future specific month and year (set-off).

(10) CU/SA--Consecutive felony sentence vote to deny parole and not release the offender until the serve-all date.

(11) DMS--Mandatory supervision vote to deny release to mandatory supervision and set for review on a future specific month and year (set-off).

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

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

(14) 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.

(15) Eligible inmate--An offender who has been sentenced to a term of imprisonment in the Texas Department of Criminal Justice Correctional Institutions Division; 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.

(16) Fiduciary--A person holding a position of trust, who has the duty, created by the undertaking, to act primarily for another's benefit in that undertaking.

(17) Full 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.

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

(19) 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.

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

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

(22) 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 release decision along with the approval or denial reasons.
(23) Mandatory supervision--The non-discretionary 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.

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

(25) Offender--A person incarcerated in the TDCJ-Correctional Institutions Division (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.

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

(27) Pardon--See the definition of "full pardon" set forth in this section.

(28) 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.

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

(30) 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.

(31) Party--Each person or agency named or admitted as a party.

(32) Posthumous--An event occurring after death.

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

(34) Preponderance of the Evidence--Evidence that is of greater weight or more convincing than the evidence that is offered in opposition to it; that is evidence which as a whole shows that the fact sought to be proved is more probable than not.

(35) Projected Release Date--The minimum expiration date as determined by the Texas Department of Criminal Justice.

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

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

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

(39) 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.

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

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

(42) 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.
(43) RMS--Mandatory supervision vote to release to mandatory supervision when TDCJ-CID determines that the offender has reached the projected release date.

(44) Serve-All (SA)--A decision by the Board to deny parole and not release the offender until the serve-all date.

(45) Serve-All Date--The projected release date or minimum expiration date as determined by the Texas Department of Criminal Justice.

(46) SID--State Identification Number assigned by the Texas Department of Public Safety.

(47) TDCJ--Texas Department of Criminal Justice.

(48) TDCJ-CID--Texas Department of Criminal Justice-Correctional Institutions Division.

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

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

(51) 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.

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.
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 recommendation and advice of a majority of the board as authorized by the Texas Constitution, Article IV, Section 11 and Texas Code of Criminal Procedure, Articles 48.01 and 48.03.

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; adopted to be effective May 9, 2018, 43 TexReg 2795.

§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 at least two 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 DNA tests 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 November 9, 2014, 39 TexReg 8597; amended to be effective May 9, 2018, 43 TexReg 2795.

§143.3 Twelve Months on Parole

When any offender has served 12 months on parole for an offense committed on or before August 28, 1977, in a manner acceptable to the Board, upon request, the Board may review the offender's record upon application therefore and make a determination whether to recommend to the Governor that the offender be pardoned and finally discharged from the sentence under which he/she is serving as authorized by the Texas Constitution, Article IV, Section 11 and Code of Criminal Procedure, Article 42.12, §24, 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.

§143.4 Parolee Discharging Sentence

Whenever any offender who has been paroled for an offense committed on or before August 28, 1977, has complied with the rules and conditions governing his parole until the end of the term to which he/she was sentenced, and without a revocation of his 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 Code of Criminal Procedure, Article 42.12, §24, 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.
§143.5 Discharged Offender

Upon request 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. Applicant's name, TDCJ-CID or SID number, county of conviction, offense, and length of sentence shall be furnished for identification.

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.

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

A full pardon will not be considered for an offender while in TDCJ-CID, except when exceptional circumstances exist. The burden of showing such exceptional circumstances rests upon the applicant.

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.

§143.7 Prior Out-of-State or Federal Convictions

Where there exists one or more convictions or successful completion of a punishment similar to a term of deferred adjudication community supervision for offenses of felony grade, in other states or in federal court, prior to the last Texas conviction, the board will consider recommending a pardon only if the applicant:

(1) provides a clearance by full pardon from the jurisdiction(s) of the previous conviction(s); or

(2) furnishes proof in writing that the other jurisdiction(s) will not act 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.

§143.8 Suspended Sentence, Felony Conviction

Upon a written application from the applicant or person acting on their behalf, the Board will consider recommending full pardon for a suspended sentence. Applicant's name, SID number, the county of conviction, offense, and sentence shall be furnished when the request is made.

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.

§143.9 Sentence of Probation, Felony Conviction

The Board will consider recommending a full pardon for a sentence of probation only upon a showing of receipt of maximum relief available through the court of conviction, and then, only in an extreme or unusual circumstance which prevents the applicant from gaining a livelihood or in the event of loss of civil rights. The burden of showing such extreme or unusual circumstance rests upon the applicant.

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.

§143.10 Misdemeanor

The Board will consider recommending a full pardon in misdemeanor cases only when exceptional, extreme, and unusual circumstances exist. The burden of showing such exceptional, extreme, and unusual circumstances rests upon the applicant.

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.

§143.11 Request of the Governor

The Board shall consider a recommendation for a full pardon or request for restoration of firearm rights in any case upon the request of the governor as authorized by Texas Government Code, Section 508.050.
§143.12 Restoration of Firearm Rights

(a) The Board will consider recommending restoration of the right to receive, possess, bear, and transport in commerce a firearm only in extreme and unusual circumstances which prevent the applicant from gaining 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 Director of Alcohol, Tobacco, Firearms and Explosives, and furnishes copies of all relevant applications and responses thereto by the Director of Alcohol, Tobacco, Firearms and Explosives including any final actions by said Director of Alcohol, Tobacco, Firearms and Explosives.

(b) The burden of showing such extreme and unusual circumstance rests upon the applicant.

§143.13 Posthumous Pardon

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

§143.14 Consideration of Request or Application

(a) The Board will consider a written request or application 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.

SUBCHAPTER B CONDITIONAL PARDON

§143.21 Definition

A conditional pardon is a form of executive clemency which, upon application, may be recommended by the Board to the Governor, except in cases of treason or impeachment, and if granted, serves to release a person from the conditions of his or her sentence and/or 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 the purposes of revocation thereof to be a releasee, §141.111 of this title (relating to Definitions), and all such revocation proceedings are governed by the sections for revocation of release, §§146.3 - 146.12 of this title (relating to Revocation of Parole or Mandatory Supervision).
§143.22 Consideration of Application

The Board will consider a written application for conditional pardon, only to release an offender to another country or in cases where extreme, exceptional, and unusual circumstances exist, and only after minimum statutory parole eligibility has been attained. The burden of showing such extreme, exceptional, and unusual circumstances rests upon the applicant.

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.

§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 sections applicable to a releasee who is the subject of the revocation process.

(b) The Board or parole panel, on order of the Governor, is responsible for ordering the issuance of any warrant upon being notified by the Division that a violation has occurred. 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 of the Governor or the Board or until such time as he/she may be placed in the custody of an agent of the TDCJ-CID, or until further order of the Governor or the Board.

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.

§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 Texas 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.

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) A reprieve is not recommended as a matter of right and each request will be judged on the merits of the case and the security risk involved.

(c) Except at the request of the Governor, the Board will consider only such requests for reprieves as meet the general and specific criteria set out in these sections.

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

(e) The Board will not consider a written application for reprieve from a TDCJ-CID sentence requested for business reasons.

(f) The Board may recommend a reprieve either in custody of a peace officer or without custody.

(g) The Board will not recommend a reprieve without custody if the offender has a detainer filed against his release.

(h) Except as otherwise specified in these sections, a Board recommendation for a reprieve shall be for a specified time, including a beginning and ending date.

(i) Upon expiration of the specified time of the reprieve, a person granted a reprieve that remains at large, is subject to arrest without further action of the Board or the Governor.
The Board will consider a written request for an extension of a reprieve only if the request meets the requirements for the original reprieve.

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.

§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 a member of the offender's immediate family.

(b) The immediate family includes only the parents, spouse, and children of the offender, and a person other than a parent who assumed the responsibilities and acted as the parent of the offender during his/her childhood.

(c) Prior to consideration of the application for reprieve for family emergency, the Board may require written:

(1) verification of the critical illness by the attending physician; or

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

(3) proof of the parent-child relationship if the request is for the illness or death of a person, not a parent, who acted as the offender's parent during his/her 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.

§143.33 Emergency Reprieve to Attend Civil Court Proceedings

(a) An emergency reprieve to attend a civil court proceeding cannot be used for any other purpose unless specific permission is given in the Governor's proclamation, and if for any reason the cause is not tried as scheduled, the offender shall immediately return to TDCJ-CID. The offender may not, during the reprieve, take temporary employment or travel for any purpose, be it business, visiting relatives, or for an unsolicited visit to the Board.

(b) The Board will consider a written application for an emergency reprieve to attend civil court proceedings only upon receipt of the following:

(1) a request for reprieve by the offender or his or her representative stating the offender's vested interest in the cause and the date his presence is required with reasons requiring his attendance if date is prior to date set for trial;

(2) a letter signed by the presiding judge of the court in which the cause is pending, stating:

(A) the style and number of the cause;

(B) that a special setting for trial has been made on the docket of the court stating the date of such setting;

(C) that the presence of the offender is an absolute necessity for the protection of his or her interest in the litigation, and that his or her deposition would not suffice to protect that interest; and

(D) the estimated approximate time required to complete the trial.

Source Note: The provisions of this §143.33 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.
§143.34 Emergency Medical Reprieve

The Board will consider a written application for an indefinite medical emergency reprieve in instances such as terminal illness or total disability. Prior to consideration of the application for emergency medical reprieve, the Board may require written verification of the terminal illness or total disability by the attending physician.

Source Note: The provisions of this §143.34 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.

§143.35 Reprieve from Misdemeanor Jail Sentence and/or Fine

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

(b) The Board will also consider a written application for reprieve from a misdemeanor jail sentence and/or fine, only for medical reasons or reasons of 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 for reprieve 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 condition of the applicant and medical treatment recommended; and

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

(2) a request for reprieve clearly stating the nature of the hardship for the request;

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

(B) a statement from the 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.

SUBCHAPTER D REPRIEVE FROM EXECUTION

§143.41 Governor's Reprieve

(a) The Governor shall have the power to grant one reprieve in any capital case for a period not to exceed 30 days as authorized by the Texas Constitution, Article IV, Section 11.

(b) The Governor shall have 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.

(c) The duration of a gubernatorial reprieve granted under subsection (b) of this section may be equal to, greater than, or less than 30 days, but in no event shall any such reprieve exceed the period recommended by the Board.

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.

§143.42 Reprieve Recommended by the Board

The Board will consider a reprieve of execution from death sentence upon receipt of a written application in behalf of an offender. The individual filing such application, if other than the offender, may be required to demonstrate that he/she is authorized by the offender to file such application. Any such application shall be
addressed to the Texas Board of Pardons and Parole 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 that is, 30, 60, 90, etc., 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.

§143.43 Procedure in Capital Reprieve Cases

(a) The written application in behalf of an offender seeking a Board recommendation to the Governor of a reprieve from execution must be delivered to the Texas Board of Pardons and Paroles, Clemency Section, 8610 Shoal Creek Boulevard, Austin, Texas 78757, 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 in writing and delivered to the Texas Board of Pardons and Paroles, Clemency Section, 8610 Shoal Creek Boulevard, Austin, Texas 78757, 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 an amount determined by the Presiding Officer.

(d) An offender seeking a Board recommendation to the Governor of a reprieve from execution may request an interview 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.

(e) Upon receipt of a request for an interview, the Presiding Officer (chair) shall designate at least one member of the board to conduct the requested interview. Such interview shall occur at the confining unit of TDCJ-CID. Attendance at such interviews shall be limited to the offender, the designated Board Member(s), Board staff, and TDCJ-CID staff. The Board may consider statements made by the offender at such interviews and any other materials the offender delivers to the Board Member during
the interview when considering the offender's application for reprieve.

(f) The Board shall consider and decide applications for reprieve from execution. Upon review, a majority of the Board, or a majority thereof, in written and signed form, 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.

(g) When the Board sets a hearing pursuant to subsection (f)(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 family of the victim (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.

(h) 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 statute, 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 a closed meeting; 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.

(i) Advocates for and against the death penalty, generally, and members of the general public may present written information for the Board's consideration at its central office headquarters at any reasonable time.

(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.
§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 accompanied by the written recommendation of a majority of the trial officials.

(b) If the offender has the recommendation of two of the current trial officials and no written communication is received from the third trial official, the Board shall give the remaining trial official notice that such 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 of the trial of the case may be used to bolster and support the recommendation of the current trial officials, if in compliance with the requirements of subsection (d) of this section.

(d) The requirements of a recommendation of the current trial officials 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 facts of the cases and 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.

(e) If the offender is not confined in the TDCJ-CID, a certified copy of the judgment and sentence must be furnished.

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.

§143.53 Commutation of Remainder of Jail Sentence and/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 and/or commutation of fine after satisfactory completion of a reprieve of the jail sentence and/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.

§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;

(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.

§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, the execution date, and contain the information outlined in §143.42(1) – (6) of this chapter (relating to Reprieve Recommended by the Board).

(b) The written application in behalf of an offender seeking a Board recommendation to the Governor of commutation of the death sentence to a lesser penalty shall be addressed to the Texas Board of Pardons and Paroles and must be delivered to the Texas Board of Pardons and Paroles, Clemency Section, 8610 Shoal Creek Boulevard, Austin, Texas 78757, not later than the twenty-first calendar day before the day 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.

(c) All supplemental information not filed with the application, including but not limited to amendments, addenda, supplements, or exhibits, must be submitted in writing and delivered to the Texas Board of Pardons and Paroles, Clemency Section, 8610 Shoal Creek Boulevard, Austin, Texas 78757, 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 filed with the application, including but not limited to amendments, addenda, supplements, or exhibits, must be provided by the applicant in an amount determined by the Presiding Officer.

(e) An offender seeking a Board recommendation to the Governor of commutation of the death sentence to a lesser penalty may request an interview 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.

(f) Upon receipt of a request for an interview, the Presiding Officer (Chair) shall designate at least one member of the Board to conduct the requested interview. Such interview shall occur at the confining unit of TDCJ-CID. Attendance at such interviews shall be limited to the offender, the designated Board Member(s), Board staff, and TDCJ-CID staff. The Board may consider statements made by the offender at such interviews and any other materials the offender delivers to the Board Member during the interview when considering the offender's application for commutation of the death sentence to a lesser penalty.

(g) 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.

§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 Texas 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.

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 majority written recommendation of the trial officials, said recommendation to be furnished upon official letterhead of each official.

(b) The Board will also consider a written application to remit a fine, only for medical reasons, or reasons of financial hardship (loss of home or business, or the lack of support for family) or other compelling hardships only upon receipt 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 condition of the applicant and medical treatment recommended;

(C) a clear statement of financial responsibility for hospitalization or other treatment; and
(D) the recommendation of a majority of the trial officials that the fine be remitted to be furnished only on official letterhead of each official.

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

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

(B) 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; and

(C) the recommendation of a majority of the trial officials that the fine be remitted to be furnished only on official letterhead of each official.

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.

§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 him 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.

§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 trial officials on official letterhead setting out their attitude toward 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.
§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 Texas 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; adopted to be effective May 9, 2018, 43 TexReg 2796.

SUBCHAPTER G RESTORATION OF DRIVER'S LICENSE

The provisions of these §§143.81-143.82 issued under Acts 1941, 47th Leg., p. 245, ch. 173, effective October 2, 1941, as amended (Texas Civil Statutes, Article 6687b, §1(r)), unless otherwise noted.

§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.

§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 person acting for him, certified copies of all judgments which resulted in the revocation or suspension of the license; or if the suspension or revocation resulted from administrative action by the Texas Department of Public Safety, a copy of the final departmental order of suspension is required. No further action will be taken by the Board prior to receipt of the required judgment(s) or order.
CHAPTER 145 PAROLE

SUBCHAPTER A PAROLE PROCESS

§145.1 Parole 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 persons convicted of a capital felony offense, who are eligible for parole, or an offense under Sections 20.03, 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. The Board is not required to meet as a body to perform this duty.

(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.

§145.2 Standard Parole Guidelines

(a) The 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.

(A) Static factors include:

(i) Age at first admission to a juvenile or adult correctional facility;

(ii) History of supervisory release revocations for felony offenses;

(iii) Prior incarcerations;

(iv) Employment history; and

(v) The commitment offense.

(B) Dynamic factors include:

(i) The offender's current age;

(ii) Whether the offender is a confirmed security threat group (gang) member;

(iii) Education, vocational and certified on-the-job training programs completed during the present incarceration;

(iv) Prison disciplinary conduct; and

(v) Current prison custody level.

(3) Scores from the risk assessment instrument are combined with an offense severity rating for the sentenced offense of record to determine a parole candidate's guidelines level.
(c) The adoption and use of the parole guidelines does 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.

(d) The Board is authorized to revise the parole guidelines as warranted.

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.

§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 to be 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 will reconsider for release an offender, other than an offender serving a sentence for an offense listed in Section 508.149(a), Government Code as soon as practicable after the first anniversary of the date of denial.

(3) The Board will reconsider for release an offender who is serving a sentence for an offense under Section 508.149(a), Government Code or second or third degree under Section 22.04, Penal Code, after the first anniversary date of the denial and end before the fifth anniversary date of the denial, but in no event shall it be less than one calendar year from the panel decision date.

(4) 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 person 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 person's initial entry into 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 TDCJ, and for which a complaint has been filed with a magistrate of the State of Texas, any facility under its supervision, or a facility under contract with TDCJ 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.

(5) Any consideration by a Board Member or Parole Commissioner of an offender's litigation activities when determining an offender's candidacy for parole is strictly prohibited. No offender will be denied the opportunity to present to the judiciary, including appellate courts, his or her allegations concerning violations of fundamental constitutional rights. Any consideration of such legal activity during the parole review, supervision or revocation process is a violation of Board policy. In the event parole is denied in violation of this section, the offender may pursue a remedy under the special review provisions of §145.17 of this title (relating to Action upon Special Review--Release Denied). 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 Releassee's Motion to Reopen Hearing or Reinstate Supervision).

¶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 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 §145.3 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.

Source Note: The provisions of this §145.6 adopted to be effective August 15, 1989, 14 TexReg 3812; amended to be effective
§145.7 Initial Review

(a) The Board shall conduct an initial review of an offender, who is eligible to be released on parole, not 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) 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 program.

§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.

§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.

§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). The next review date (Month/Year) for an offender serving a sentence listed in Section 508.149(a), Government Code, or serving a sentence for second or third degree under Section 22.04 Penal Code may be set at any date after the first anniversary of the date of denial and end before the fifth anniversary of the date of denial, unless the inmate is serving a sentence for an offense under Section 22.021, Penal Code, or a life sentence for a capital felony, in which event the designated month must begin after the first anniversary of the date of denial and end before the 10th anniversary of the date of denial. The next review date for an offender serving a sentence not listed in Section 508.149(a), Government Code shall be as soon as practicable after the first anniversary of the 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 years for offenders serving sentences listed in Section 508.149(a),
Government Code, or serving a sentence for second or third degree under Section 22.04 Penal Code; or greater than one year for offenders not serving sentences listed in Section 508.149(a), Government 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) determined that the totality of the circumstances favor the offender's release on parole, further investigation (FI) is ordered with the following available voting options;
and, impose all conditions of parole or release to mandatory supervision that the parole panel is required or authorized by law to impose as a condition of parole or release to mandatory supervision;

(A) FI-1--Release the offender when eligible;

(B) FI-2 (Month/Year)--Release on a specified future date;

(C) FI-3 R (Month/Year)--Transfer to a TDCJ rehabilitation program. Release to parole only after program completion and not earlier than three months from specified date. Such TDCJ program may include either CHANGES/Lifeskills, Voyager, Segovia Pre-Release Center (Segovia PRC), or any other approved tier program;

(D) FI-4 R (Month/Year)--Transfer to a TDCJ rehabilitation program. Release to parole only after program completion and not earlier than four months from specified date. Such TDCJ program shall be the Sex Offender Education Program (SOEP);

(E) FI-5--Transfer to In-Prison Therapeutic Community Program. Release to aftercare component only after completion of IPTC program;

(F) FI-6--Transfer to a DWI Program. Release to continuum of care program as required by paragraph (5) of this section;

(G) FI-6 R (Month/Year)--Transfer to a TDCJ rehabilitation program. Release to parole only after program completion and no earlier than six months from specified date. Such TDCJ program may include the Pre-Release Therapeutic Community (PRTC), Pre-Release Substance Abuse Program (PRSAP), or In-Prison Therapeutic Community Program (IPTC), or any other approved tier program;

(H) FI-7 R (Month/Year)--Transfer to a TDCJ rehabilitation program. Release to parole only after program completion and not earlier than seven months from the specified date. Such TDCJ program shall be the Serious and Violent Offender Reentry Initiative (SVORI);

(I) FI-9 R (Month/Year)--Transfer to a TDCJ rehabilitation program. Release to parole only after program completion and not earlier than nine months from specified date. Such TDCJ program shall be the Sex Offender Treatment Program (SOTP-9);

(J) FI-18 R (Month/Year)--Transfer to a TDCJ rehabilitation treatment program. Release to parole only after program completion and no earlier than 18 months from specified date. Such TDCJ program shall be either the Sex Offender Treatment Program (SOTP-18), or the InnerChange Freedom Initiative (IFI);

(5) any person released to parole after completing a TDCJ 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 paragraph (4)(A) - (J) of this
section, shall be placed in a 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 8064; amended to be effective February 5, 2004, 29 TexReg 1269; 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 November 18, 2018, 43 TexReg 7466.

§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 TDCJ.

(c) If the case under parole consideration is a pre-final consecutive felony sentencing case, the parole panel may:

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

(2) vote CU/FI (Month/Year Cause Number), designate the date on which the offender would have been eligible for release on parole if the offender had been sentenced to serve a single sentence. This date shall be within a three-year incarceration period following the panel decision;

(3) vote CU/NR (Month/Year Cause Number), deny favorable parole action and set the next review date at one year from the panel decision date. If the offender is serving an offense under Section 508.149(a), Government Code, or second or third degree under Section 22.04, Penal Code; the next review date (month/year) may be set at any date in the five-year incarceration period following the panel decision date, but in no event shall it be less than one calendar year from the panel decision date; or

(4) vote CU/SA (Month/Year Cause Number): If the offender is serving an offense under Section 508.149(a), Government Code, or second or third degree under Section 22.04, Penal Code; deny release and order serve-all, but in no event shall this be utilized if the offender's maximum expiration date is over five years from the date of the panel decision. If the offender is not serving an offense under Section 508.149(a), Government Code, deny release and order serve-all, but in no event shall this be utilized if the offender's maximum expiration date is over one year from the date of the panel decision.

(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 September 26, 2002, 27 TexReg 8064; amended to be effective February 5, 2004, 29 TexReg 1269; amended to be effective October 27, 2013, 38 TexReg 7314; amended to be effective November 18, 2018, 43 TexReg 7466.
§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 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 10260; 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.

§145.15 Action upon Review; Extraordinary Vote (SB 45)

(a) This section applies to any offender convicted of or serving a sentence for a capital felony, other than a life sentence, an offense under Sections 20A.03, 21.02, or 21.11(a)(1), 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 members of the Board shall vote on the release of an eligible offender. At least two-thirds of the members must vote favorably for the offender to be released to parole. Members of the Board shall not vote until they receive and review a copy of a written report from the department on the probability of the offender committing an offense after being released.

(1) Upon review, use of the full range of voting options is not conducive to determining whether two-thirds of the Board considers the offender ready for release to parole.

(2) If it is determined that circumstances favor the offender's release to parole the Board has the following voting options available:

(A) FI-1--Release the offender when eligible;

(B) FI-4 R (Month/Year)--Transfer to a TDCJ rehabilitation program. Release to parole only after program completion and not earlier than four months from specified date. Such TDCJ program shall be the Sex Offender Education Program (SOEP);

(C) FI-9 R (Month/Year)--Transfer to a TDCJ rehabilitation program. Release to parole only after program completion and not earlier than nine months from specified date. Such TDCJ program shall be the Sex Offender Treatment Program (SOTP-9); or
(D) FI-18 R (Month/Year)--Transfer to a TDCJ rehabilitation treatment program. Release to parole only after program completion and no earlier than eighteen months from the specified date. Such TDCJ program may include the Sex Offender Treatment Program (SOTP-18), or the InnerChange Freedom Initiative (IFI). In no event shall the specified date be set more than three years from the current panel decision date.

(3) If it is determined that circumstances do not support a favorable action upon review, the following options are available:

(A) NR (Month/Year)--Deny release and set the next review date for 36 or 60 months following the panel decision date; or

(B) SA--The offender's minimum or maximum expiration date is less than 60 months away. The offender will continue to serve their sentence until that date.

(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 voting options are available to the Board panel:

(1) CU/FI (Month/Year-Cause Number)--A favorable parole action that designates the date an offender would have been released if the offender had been sentenced to serve a single sentence;

(2) CU/NR (Month/Year-Cause Number)--Deny release and set the next review date for 36 or 60 months following the panel decision date; or

(3) CU/SA (Month/Year-Cause Number)--Deny release and order serve-all if the offender is within 60 months of their maximum expiration date.

(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. Prior to the offender reaching the projected release date, the voting options are the same as those listed in subsections (a) and (b) of this section. If TDCJ-CID determines that release of the offender will occur because the offender will reach the projected release date, 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 using the following options:

(1) RMS--Release to mandatory supervision; or

(2) DMS (Month/Year)--Deny release to mandatory supervision and set for review on a future specific month and year. The next mandatory supervision review date shall be set one year from the panel decision date.

(d) Upon review of any eligible offender who qualifies for release to Medically Recommended Intensive Supervision (MRIS), the MRIS panel shall initially vote to either recommend or deny MRIS consideration. The MRIS panel shall base this decision on the offender's medical condition and medical evaluation, and shall determine whether the offender constitutes a threat to public safety.

(1) If the MRIS panel determines the offender does constitute a threat to public safety, no further voting is required.

(2) If the MRIS panel determines that the offender does not constitute a threat to public safety, the case shall be sent to the full Board, which shall determine whether to approve or deny the offender's release to parole. The following voting options are available to the Board:

(A) Approve MRIS--The Board shall vote F1-1 and impose special condition "O" - "The offender shall comply with the terms
and conditions of the MRIS program and abide by a Texas Correctional Office for Offenders with Mental or Medical Impairments (TCOOMMI)-approved release plan. At any time this condition is in effect, an offender shall remain under the care of a physician and in a medically suitable placement”; the Board shall provide appropriate reasons for the decision to approve MRIS; or

(B) Deny MRIS--The Board shall provide appropriate reasons for the decision to deny MRIS.

(3) The decision to approve release to MRIS for an offender remains in effect until specifically withdrawn by the Board.

(e) If a request for a special review meets the criteria set forth in §145.17(f) of this title (relating to Action upon Special Review--Release Denied), the offender’s case shall be sent to the special review panel.

(1) The special review panel may take action as set forth in §145.17(i) of this title.

(2) When the special review panel decides the offender’s case warrants a special review, the case shall be re-voted by the full Board. The Presiding Officer shall determine the order of the voting panel. Voting options are the same as those in subsections (a) - (c) of this section.

§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.

§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 file 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 filed with the Texas Board of Pardons and Paroles, Board Administrator, 8610 Shoal Creek Blvd., Austin, Texas 78757.

(e) The Board Administrator shall refer to the special review parole panel only those requests for special review which meet the criteria set forth herein.

(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; 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 Chair places the case in the special review process to be reconsidered prior to the NR date.

(g) Information not previously available shall mean only:

(1) responses from trial officials and victims;

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

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

(h) Erroneous information shall mean 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.

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

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

(k) 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).

(l) 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 November 18, 2018, 43 TexReg 7466.

§145.18 Action upon Review; Extraordinary Vote (HB 1914)

(a) This section applies to any offender convicted of a capital offense with a life
sentence, who is eligible for parole, or convicted of or serving sentence for an offense under Section 22.021, Penal Code. All members of the Board shall vote on the release of an eligible offender. At least two-thirds of the members must vote favorably for the offender to be released to parole. Members of the Board shall not vote until they receive and review a copy of a written report from the department on the probability of the offender committing an offense after being released.

(1) Upon review, use of the full range of voting options is not conducive to determining whether two-thirds of the Board considers the offender ready for release to parole.

(2) If it is determined that circumstances favor the offender's release to parole the Board has the following voting options available:

(A) FI-1--Release the offender when eligible;

(B) FI-4 R (Month/Year)--Transfer to a TDCJ rehabilitation program. Release to parole only after program completion and not earlier than four months from specified date. Such TDCJ program shall be the Sex Offender Education Program (SOEP);

(C) FI-9 R (Month/Year)--Transfer to a TDCJ rehabilitation program. Release to parole only after program completion and not earlier than nine months from specified date. Such TDCJ program shall be the Sex Offender Treatment Program (SOTP-9); or

(D) FI-18 R (Month/Year)--Transfer to a TDCJ rehabilitation treatment program. Release to parole only after program completion and no earlier than eighteen months from the specified date. Such TDCJ program may include the Sex Offender Treatment Program (SOTP-18), or the InnerChange Freedom Initiative (IFI). In no event shall the specified date be set more than three years from the current panel decision date.

(3) If it is determined that circumstances do not support a favorable action upon review, the following options are available:

(A) NR (Month/Year)--Deny release and set the next review date for 36, 60, 84 or 120 months following the panel decision date; or

(B) SA--The offender's minimum or maximum expiration date is less than 120 months away. The offender will continue to serve their sentence until that date.

(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 voting options are available to the Board panel:

(1) CU/FI (Month/Year-Cause Number)--A favorable parole action that designates the date an offender would have been released if the offender had been sentenced to serve a single sentence;

(2) CU/NR (Month/Year-Cause Number)--Deny release and set the next review date for 60, 84 or 120 months following the panel decision date; or

(3) CU/SA (Month/Year-Cause Number)--Deny release and order serve-all if the offender is within 120 months of their maximum expiration date.

(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. Prior to the offender reaching the projected release date, the voting options are the same as those listed in subsections (a) and (b) of this section. If TDCJ-CID determines that release of the offender will occur because the offender will reach the projected release date, 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 using the following options:

(1) RMS—Release to mandatory supervision; or

(2) DMS (Month/Year)—Deny release to mandatory supervision and set for review on a future specific month and year. The next mandatory supervision review date shall be set one year from the panel decision date.

(d) Upon review of any eligible offender who qualifies for release to Medically Recommended Intensive Supervision (MRIS), the MRIS panel shall initially vote to either recommend or deny MRIS consideration. The MRIS panel shall base this decision on the offender's medical condition and medical evaluation, and shall determine whether the offender constitutes a threat to public safety.

(1) If the MRIS panel determines the offender does constitute a threat to public safety, no further voting is required.

(2) If the MRIS panel determines that the offender does not constitute a threat to public safety, the case shall be sent to the full Board, which shall determine whether to approve or deny the offender's release to parole. The following voting options are available to the Board:

(A) Approve MRIS—The Board shall vote F1-1 and impose special condition "O" - "The offender shall comply with the terms and conditions of the MRIS program and abide by a Texas Correctional Office for Offenders with Mental or Medical Impairments (TCOOMMI)-approved release plan. At any time this condition is in effect, an offender shall remain under the care of a physician and in a medically suitable placement"; the Board shall provide appropriate reasons for the decision to approve MRIS; or

(B) Deny MRIS—The Board shall provide appropriate reasons for the decision to deny MRIS.

(3) The decision to approve release to MRIS for an offender remains in effect until specifically withdrawn by the Board.

(e) If a request for a special review meets the criteria set forth in §145.17(f) of this title (relating to Action upon Special Review—Release Denied), the offender's case shall be sent to the special review panel.

(1) The special review panel may take action as set forth in §145.17(i) of this title.

(2) When the special review panel decides the offender's case warrants a special review, the case shall be re-voted by the full Board. The Presiding Officer shall determine the order of the voting panel. Voting options are the same as those in subsections (a) - (c) of this section.

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 November 18, 2018, 43 TexReg 7466, amended to be effective February 3, 2019, 44 TexReg 433.

§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 facsimile 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 §145.18 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.

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; re-adopted to be effective November 18, 2018, 43 TexReg 7476.
§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.

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; re-adopted to be effective November 18, 2018, 43 TexReg 7476.

This Section cited in 37 TAC §145.23, (relating to Texas Parolees Supervised in Other States); 37 TAC §145.24, (relating to Out-of-State Parolees Supervised in Texas).

§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 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 §145.23 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; re-adopted to be effective November 18, 2018, 43 TexReg 7476.

This Section cited in 37 TAC §145.71, (relating to Reinstatement; Exceptional Circumstances; Hearing).

§145.27 Personal Identification Program

(a) Any person released to parole or mandatory supervision who does not hold a Texas driver's license shall participate in the Texas Department of Public Safety Personal Identification Certificate Program under Chapter 521, Transportation Code.

(b) Participation shall be deemed satisfactory if the releasee has in possession at all times a valid Texas driver's license or personal identification certificate duly issued by the Texas Department of Public Safety.

(c) All persons on release to parole or mandatory supervision shall comply with all applicable laws, rules and regulations in connection with the Texas Department of Public Safety Driver's License Program or the Personal Identification Certificate Program.

(d) This condition shall be strictly enforced and shall remain in effect and govern all persons released to parole or mandatory supervision for the duration of the supervision period.

Source Note: The provisions of this §145.27 adopted to be effective May 11, 1999, 24 TexReg 3541; amended to be effective June 11, 2002, 27 TexReg 4992; amended to be effective August 6, 2013, 40 TexReg 4906; amended to be effective November 18, 2018, 43 TexReg 7471.

The provisions of these Subchapter C (Revocation of Parole or Mandatory Supervision) and Subchapter D (Reinstatement of Parole or Mandatory Supervision after Revocation) repealed to be effective June 19, 2002, 27 TexReg 4991. Information from these subchapters is integrated into §§146.11 and 146.12.
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; readopted to be effective May 3, 2019, 44 TexReg 2473-2474.

§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 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) a complaint and information or a grand jury indictment;

(B) a judgment and sentence of conviction;

(C) reports of violation;

(D) witness affidavits; or

(E) other evidence if 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; readopted to be effective May 3, 2019, 44 TexReg 2473-2474.
§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 that 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 decision of the parole panel.

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; readopted to be effective May 3, 2019, 44 TexReg 2473-2474.

§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 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 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 41st 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.

(d) Subsection (a)(1) of this section does not apply when a releasee is:

1. transferred under Section 508.284, Government Code to a correctional facility operated by or under contract with the department; or

2. returned to custody from another state, a federal correctional institution, or a medical or psychiatric facility.

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

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.

§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:

1. the releasee is detained in federal custody;

2. the releasee is being held in a hospital or other facility for diagnosis or treatment of a physical or mental condition; or

3. the releasee is 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; readopted to be effective May 3, 2019, 44 TexReg 2473-2474.

§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) Subsection (b)(1) of this section does not apply when a releasee is:

(1) transferred under Section 508.284, Government Code to a correctional facility operated by or under contract with the department; or

(2) returned to custody from another state, a federal correctional institution, or a medical or psychiatric facility.

(e) 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 41st 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.

(f) 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 38; amended to be effective February 11, 2016, 41 TexReg 972; amended to be effective May 12, 2019, 44 TexReg 2269.

§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 recording of the hearing

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 97; readopted to be effective May 3, 2019, 44 TexReg 2473-2474.

§146.10 Final Board Disposition

(a) After reviewing the report of the 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) 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 97; readopted to be effective May 3, 2019, 44 TexReg 2473-2474.

§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 Reinstatement) 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; readopted to be effective May 3, 2019, 44 TexReg 2473-2474.
CHAPTER 147 HEARINGS

The provisions of these §§147.1-147.7 issued under the Section 508.145, Government Code.

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 and/or 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 Section 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 and/or privileged information being introduced into evidence. After the confidential and/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; redopted to be effective October 25, 2019, 44 TexReg 7217.

This Section cited in 37 TAC §141.111, (relating to Definitions).

§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; redopted to be effective October 25, 2019, 44 TexReg 6904 (republished due to Secretary of State error, 44 TexReg 7217).

This Section cited in 37 TAC §141.111, (relating to Definitions).

§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 communicate, directly or indirectly, 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; redopted to be effective October 25, 2019, 44 TexReg 6904 (republished due to Secretary of State error, 44 TexReg 7217).

This Section cited in 37 TAC §141.111, (relating to Definitions).

§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; redopted to be effective October 25, 2019, 44 TexReg 6904 (republished due to Secretary of State error, 44 TexReg 7217).

This Section cited in 37 TAC §141.111, (relating to Definitions).

§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 Section 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 that it appears to the satisfaction of 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 good cause determined 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; redopted to be effective October 25, 2019, 44 TexReg 6904 (republished due to Secretary of State error, 44 TexReg 7217).
§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 TDCJ Parole 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 TDCJ Parole Division. All requests for copies of the hearing report or hearing recording shall be addressed to the TDCJ Parole 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; redopted to be effective October 25, 2019, 44 TexReg 7217.

§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; redopted to be effective October 25, 2019, 44 TexReg 6904 (republished due to Secretary of State error, 44 TexReg 7217).
§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; redopted to be effective January 17, 2020, 45 TexReg 778.

§147.26 Stipulation

Evidence may be stipulated by agreement of all parties.

Source Note: The provisions of this §147.26 adopted to be effective January 1, 1976; redopted to be effective January 17, 2020, 45 TexReg 778.

§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; redopted to be effective January 17, 2020, 45 TexReg 778.

This Section cited in 37 TAC §141.111, (relating to Definitions).
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 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 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.

§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 to the parole panel for 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.

§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 in a matter may not communicate, directly or indirectly, 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.

§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) In the event that it appears to the satisfaction of 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 good cause determined by the Hearing Officer, may present testimony by written statement.

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.

§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.

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

§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.

§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 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 releasee has the opportunity to be heard in person and to present witnesses and documentary evidence;
   D. notice that the release 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.

2. information 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 sexual 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 his/her 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 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.

§148.51 Scheduling of Hearing

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

(1) fewer than seven 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 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 Hearing Officer 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.

§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, the releasee constitutes a threat to society by reason of his/her 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 his/her 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.

§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 sex offender conditions.

(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.

§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) judicial order requiring a hearing;

(2) initial decision was made without 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 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 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 his or her 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.

§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 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 §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 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 parole panel's action; or

(2) withdraw the imposition of special condition.

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.
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 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; readopted to be effective July 19, 2019, 44 TexReg 4069.

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 facsimile 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; readopted to be effective July 19, 2019, 44 TexReg 4069.

§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.
CHAPTER 150 MEMORANDUM OF UNDERSTANDING AND BOARD POLICY STATEMENTS

The provisions of this Chapter 150 issued under Section 508.318, Government Code.

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 obligations of any nature which is in substantial conflict with the proper discharge of his 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 his family, social, or other relationships to influence his 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 Texas Board of Criminal Justice, TDCJ and 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 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 he is involved in 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 him in a specific matter, he 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 might reasonably tend to influence him in the discharge of his official duties or that he knows or should know is being offered with the intent to influence his official conduct.

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

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

(4) No Board Member or Parole Commissioner shall make personal investments that could reasonably be expected to create a substantial conflict between his 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 his official powers or performed his official duties in favor of another.

(d) Section 4--Disqualification.

(1) Disqualification. A Board Member shall recuse himself or herself from voting on all clemency matters; and a Board Member or Parole Commissioner shall recuse themselves from voting on all release on parole or mandatory supervision decisions, 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 his/her spouse is related by affinity or consanguinity within the third degree to a person who is the subject of the decision before them.

(2) Recusal. A Board Member shall disqualify himself or herself from voting on all clemency matters; and a Board Member or Parole Commissioner shall disqualify themselves from voting on all release on parole or mandatory supervision decisions, 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) the Board Member or Parole Commissioner was a complainant, a material witness, or has 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 disqualify or recuse themselves 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.

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 9565; amended to be effective August 11, 2016, 41 TexReg 5764; amended to be effective September 8, 2020, 45 TexReg 6247.

§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 agency 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; redopted to be effective August 19, 2020, 45 TexReg 6252.
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**Effective 02/05/2015**
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**Effective 05/10/2015**
145.6 Notification of Parole Panel Decision
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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)
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Effective 05/10/2017
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Effective 11/12/2017
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Effective 05/09/2018
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143.2 Pardons for Innocence
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143.13 Posthumous Pardon
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143.31 General Rules
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143.42 Reprieve Recommended by the Board
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143.51 Commutation of Sentence
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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
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Effective 08/12/2018
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Effective 11/18/2018
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145.3 Policy Statements Relating to Parole Release Decisions by the Board of Pardons and Paroles
145.6 Notification of Parole Panel Decision
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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
145.21 Parole in Absentia (Parole Review and Mandatory Supervision for Offenders Not in Actual Physical Custody of the TDCJ CID)
145.22 Conditions and Rules of Parole
145.23 Texas Offenders Supervised in Other States
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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
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**Effective 05/12/2019**
146.6 Scheduling of Preliminary Hearing
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146.11 Releasee's Motion to Reopen Hearing or Reinstate Supervision

**Effective 07/19/2019**
149.1 Conditions and Rules of Mandatory Supervision
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**Effective 10/25/2019**
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**Effective 01/17/2020**
147.21 Order

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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