

Published by the

***Texas Department of Criminal Justice
Parole Division***

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And

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The information contained in this booklet is subject to change at any time as new laws are enacted and new policies are adopted by the Texas Department of Criminal Justice and by the Texas Board of Pardons and Paroles. In addition, this booklet serves only for informational purposes, and the information on policies and procedures presented herein should not be construed as legal advice or as legal requirements binding the Texas Department of Criminal Justice or the Texas Board of Pardons and Paroles.

Austin, Texas 2011

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Introduction

INTRODUCTION

Texas Board of Pardons and Paroles

The primary role of the Texas Board of Pardons and Paroles (hereinafter referred to as the board) is the discretionary release of eligible offenders sentenced to the Correctional Institutions Division to a plan of parole supervision. In addition, the board is responsible for determining the conditions of release, imposing any special conditions for parole or mandatory supervision offenders on a case-by-case basis, and responding to violations of the conditions of release with sanctions to include revocation and re-incarceration. On September 1, 1996, the board was also given authority to review and rescind scheduled mandatory supervision releases for offenders with offenses committed on or after September 1, 1996.

The governor, with the advice and consent of the Texas Senate, appoints the board's seven members. Members hold office for six-year staggered terms. To be eligible to serve, board members must be representative of the general public, are resident citizens of Texas, and have resided in Texas for the two years preceding appointment.

The board has offices in Amarillo, Angleton, Gatesville, Huntsville, Palestine, and San Antonio. Three-member panels consisting of at least one board member and any combination of board members and parole commissioners, may either meet together or review cases separately, to make decisions on parole, discretionary mandatory supervision, conditions of parole or mandatory supervision, and revocation of parole or mandatory supervision.

The seven-member board makes recommendations to the governor on executive clemency matters, including pardons, reprieves, and commutation actions. The board employs professional staff to assist with legal matters, the parole process, hearings, clemency, and administrative duties.

Board Support Operations manages the day-to-day operations that support agency operations. Other functions include requests for special review after a denial of parole release, Motions for Reinstatement, tracking of waivers and transmittals, and responses to correspondence dealing with a myriad of related issues. In addition, Administration schedules hearings, prepares statistical information and provides technical support for the agency.

Hearing Operations handles the revocation hearing and processing of offender cases when violations of supervision rules are alleged. Hearings are held in county jails or on Texas Department of Criminal Justice (TDCJ) Correctional Institutions Division (CID) units statewide. Hearing reports are presented to parole panels for revocation decisions.

Institutional Parole Operations is responsible for the parole and discretionary mandatory review process for eligible offenders who have been sentenced to a term of incarceration in the Texas Department of Criminal Justice (TDCJ) Correctional Institutions Division (CID).

Upon eligibility, the offender is interviewed and a detailed case summary is submitted to parole panel members for a release decision.

Clemency Section is responsible for processing and preparing clemency requests for consideration and decision by the board. There are several types of clemency available in Texas, but the primary requests are for full pardon, commutation of sentence, reprieve of execution, and emergency reprieves. The Clemency Section's staff investigates, compiles all information, and notifies trial officials of clemency consideration prior to presentation to the board.

Parole Division

The term "parole" comes from the French *parole* meaning "word," as in giving one's word of honor or promise. It has come to mean an offender's promise to conduct him or herself in a law-abiding manner and in accordance to certain rules in exchange for release. A person on parole is still in the legal custody of the state and remains under supervision for the remainder of his or her sentence.

TDCJ Parole Division is responsible for pre-release planning and for supervising parolees and mandatory supervision offenders once they are released to the community. The mission of the Parole Division is to promote public safety and positive offender change through effective supervision, programs, and services.

Review and Release Processing coordinates the movement and maintenance of offender files and performs the administrative activities necessary to release offenders to parole or mandatory supervision.

Specialized Programs develops, administers, and coordinates therapeutic, rehabilitative, and resource intervention programs that enhance the division's ability to reintegrate offenders and protect the public, to include training.

Warrants handles functions related to the processing of parole violations, including warrant issuance, publication, and confirmation as well as Interstate Services/Extradition. Additionally, the section administers the Super Intensive Supervision Program (SISP) and the Electronic Monitoring (EM) program.

Central Coordination Unit coordinates field operations and carries out various support functions (detrainer monitoring, interstate compact supervision and intermediate sanction facility transfer).

Field Supervision includes staff in numerous district parole offices located throughout the state who provide direct supervision of parolees and mandatory supervision offenders. Parole officers and other field staff are responsible for investigating release plans prior to an offender's release, for assessment and classification of the offender after release, for development of a supervision plan based on the needs of the offender, and for making appropriate referrals. In addition, they ensure that conditions of release are met and initiate intervention procedures when necessary.

What is the difference between the Board of Pardons and Paroles and Parole Division?

The primary role of the board members and parole commissioners is the determination of which offenders are to be released on parole or discretionary mandatory supervision and the revocation of parole or mandatory supervision offenders for violations. Additionally, parole panels are responsible for determining the conditions of release and the imposition of any special conditions for parole or mandatory supervision offenders.

The primary role of the Parole Division is the supervision of offenders released from the Correctional Institutions Division on parole or mandatory supervision. The division also supervises offenders who are released from a county jail or another jurisdiction to *Parole in Absentia*.

How can I contact the Texas Board of Pardons and Paroles?

Persons wishing to comment on parole panel actions, procedures, case handling, or any other matter should submit their concerns in writing to:

Texas Board of Pardons and Paroles
P.O. Box 13401, Capitol Station
Austin, Texas 78711
(512) 406-5452

Email: bpp-pio@tdcj.state.tx.us
Website: <http://www.tdcj.state.tx.us/bpp/>

How can I contact the Parole Division?

Persons wishing to comment on division policies, procedures, case handling, or any other matters regarding parole or mandatory supervision should submit their concerns in writing to:

Texas Department of Criminal Justice, Parole Division
Attention: Ombudsman
P.O. Box 13401, Capitol Station
Austin, Texas 78711
(512) 406-5795

Bilingual Staff Available – Se habla Espanol
Email address: parole.div@tdcj.state.tx.us

Offender support letters may be sent to the Texas Department of Criminal Justice to be placed in the offender's permanent file for review by the parole panel at the appropriate time.

Address letters to:

TDCJ-Parole Division
Attention: Correspondence
P.O. Box 13401, Capitol Station
Austin, Texas 78711

Include the offender's full name and their TDCJ number, SID number and/or date of birth.

How can I contact the Correctional Institutions Division?

Persons wishing to comment on Division policies, procedures, case handling, or any other matter should submit their concerns in writing to:

Texas Department of Criminal Justice, Correctional Institutions Division
Attention: Ombudsman
P. O. Box 99
Huntsville, Texas 77342-0099
(936) 437- 4927

Bilingual staff available - Se habla Espanol
Email address: ombudsman@tdcj.state.tx.us

**Eligibility for
Release and
Good Conduct
Time**

ELIGIBILITY FOR RELEASE AND GOOD CONDUCT TIME

Types of Release

Parole: The release of an offender, by decision of a parole panel, to serve the remainder of his or her sentence under supervision in the community. Offenders may only be paroled if they receive approval from a parole panel and if they have served enough of their sentence to be eligible by law for parole. Parole is a privilege, not a right.

Mandatory Supervision Release: Certain offenders may accrue enough combined “calendar time” and “good time” to qualify by law for mandatory supervision release prior to completion of their entire sentence. Mandatory offenders, like parolees, are subject to conditions of release as determined by a parole panel and are obligated to complete the remaining portion of their sentences under TDCJ Parole Division supervision in the community.

Direct Discharge: Offenders who are not granted parole and who are not eligible for mandatory supervision release must remain in the prison system until they have served their entire court-ordered sentence and are discharged from state custody. No post-release supervision requirements can be imposed on such discharged offenders.

What is the difference between parole and mandatory release?

Parole is discretionary and always involves a decision on the part of a parole panel. Although an initial parole eligibility date may be reached months or even years before an offender’s mandatory supervision date, a parole panel is in no way obligated to approve parole at the time of initial or subsequent parole reviews.

Under the law in effect until August 31, 1996, release to mandatory supervision was automatic, with no parole panel decision involved. All offenders serving time for offenses committed prior to August 31, 1996, and classified as eligible for mandatory supervision based on the nature of their offenses must be released on their “minimum expiration date,” when calendar time served and accrued “good time” add up to equal their entire sentence.

In 1995, the 74th Legislature gave the board authority to review and intervene in scheduled mandatory supervision releases for offenders with offenses committed on or after September 1, 1996. Specifically, a parole panel may block mandatory supervision releases on a case-by-case basis when the panel determines that an offender’s good conduct time does not accurately reflect the potential for rehabilitation and that the offender’s release would endanger the public. For more information about mandatory release and parole eligibility dates, see the Eligibility Chart on the following pages.

Parole and mandatory supervision are similar in that the Parole Division supervises both categories of offenders. They must report to parole officers, must abide by the same rules in the community, and are subject to arrest and re-incarceration if they violate the conditions of release.

What is Medically Recommended Intensive Supervision (MRIS)?

In 1991, the Texas Legislature authorized the early parole review and release of certain categories of offenders who are mentally ill, mentally retarded, elderly, terminally ill, require long term care, or physically handicapped. With approval from the parole panel, such offenders may be released to the MRIS program.

All MRIS applicants are carefully screened by the Texas Correctional Office on Offenders with Medical or Mental Impairments (TCOOMMI) and, prior to MRIS approval, the parole panel must determine that the offender is no longer a threat to public safety and poses no risk of committing future offenses due to his or her medical and/or psychiatric condition. An offender, other than an offender who is serving a sentence of death, may be released on MRIS on a date designated by a parole panel, with the following exceptions:

An offender with an instant offense that is an offense described in Section 3g, Article 42.12, Code of Criminal Procedure, may only be considered if a medical condition of terminal illness or long-term care has been diagnosed.

- An offender with a reportable conviction or adjudication under Chapter 62, Code of Criminal Procedure may only be considered if in a persistent vegetative state or being with an organic brain syndrome with significant to total mobility impairment.
- An inmate who is not a citizen of the United States, as defined by federal law, may be released to immigration authorities pending deportation if the parole panel determines that upon release the inmate would be deported to another country and that the inmate does not constitute a threat to public safety in the other country or this country and is unlikely to reenter this country illegally.

For all potential MRIS offenders, TCOOMMI ensures that the parole plan provides intensive case management, appropriate supervision by specialized parole officers, and a suitable placement in the community. Services for this special population are provided via TCOOMMI contracts with the Department of Human Services and TCOOMMI/TDCJ local Mental Health/Mental Retardation centers.

What laws govern parole and mandatory supervision in Texas?

Adult parole and mandatory supervision laws may be found in Chapter 508 of the Texas Government Code.

What is Good Conduct Time?

Good conduct time or “good time” is time credited to an offender for good behavior and for participating in work and self-improvement programs while incarcerated. For many – but not all – offenders, “good time” credits may be added to calendar time served in calculating their eligibility for parole or mandatory supervision. “Good time” does not otherwise affect an offender’s sentence.

Good conduct time is a privilege and not a right. In accordance with TDCJ's institutional rules, prison officials may award or take away "good time" based on an offender's behavior. Prison officials keep all records on earned "good time."

Neither the Parole Division nor the Board of Pardons and Paroles is involved in the awarding of "good time." Offenders do not earn "good time" while on parole or mandatory supervision. Questions regarding an offender's "good time" should be addressed to:

TDCJ-Correctional Institutions Division
Classification and Records Office
P.O. Box 99
Huntsville, TX 77342

**Parole and
Mandatory Supervision
Eligibility Chart**

Parole and Mandatory Supervision Eligibility Chart

55th LEGISLATURE		
Prior to 01/01/1966		
OFFENSES	PAROLE ELIGIBILITY	COMMENTS
All Offenses	Calendar Time = 1/3, including any bonus & blood donations. Maximum of 15 yrs.	* (Article 42.12 was amended 01/01/1966 to allow good time and ¼ time for all persons confined in TDC.)
59th LEGISLATURE		
01/01/1966 – 08/31/1967		
OFFENSES	PAROLE ELIGIBILITY	COMMENTS
All Offenses	Calendar Time + Good Time = *1/4, including any bonus & blood donations. Maximum of 15 yrs.	* Effective 01/01/1966
60th LEGISLATURE		
09/01/1967 – 08/31/1977		
OFFENSES	PAROLE ELIGIBILITY	COMMENTS
All Offenses	Calendar Time + Good Time = *1/3, including any bonus & blood donations. Maximum of *20 yrs.	No Mandatory Supervision: offender discharges sentence when calendar time + good time = total sentence
	*TDCJ calculates eligibility dates on all offenses prior to 08/28/1977 utilizing calendar time + good time = 1/3, regardless of the law in effect when the offense was committed. This is apparently due to court rulings during that time period.	Sentence is effectively reduced by the amount of good time earned. * Effective 01/01/1967
65th LEGISLATURE		
09/01/1977 – 08/31/1983		
OFFENSES	PAROLE ELIGIBILITY	COMMENTS
<ul style="list-style-type: none"> - Aggravated Kidnapping – 20.04 - Aggravated Robbery – 29.03 - Aggravated Sexual Assault – 22.021 - *Agg Sexual Abuse and Agg Rape combined - Any offense with affirmative finding of Deadly Weapon - Capital Murder – 19.03 	Calendar Time = 1/3 Minimum of 2 yrs. Maximum of 20 yrs.	CCP, Art. 42.12 Sec. 3f * Effective 08/31/1983 ** All offenses eligible for Mandatory Supervision. Effective 08/29/1977. Article 42.18 of the Texas Code of Criminal Procedure (CCP).
69th LEGISLATURE		
09/01/1983 – 08/31/1987		
OFFENSES	PAROLE ELIGIBILITY	COMMENTS
<ul style="list-style-type: none"> - Aggravated Kidnapping – 20.04 - Aggravated Robbery – 29.03 - Aggravated Sexual Assault – 22.021 - Agg Sexual Abuse and Agg Rape combined - Any offense with affirmative finding of Deadly Weapon - Capital Murder – 19.03 	Calendar Time = 1/3 Minimum of 2 yrs. Maximum of 20 yrs.	CCP, Art. 42.12 Sec. 3f
All other offenses	Calendar Time + Good Time = 1/3, including any credits and bonus. Maximum of 20 yrs.	CCP, Art. 42.12 Sec. 3g * All offenses eligible for Mandatory Supervision. * Effective 01/01/1987

71 st and 72 nd LEGISLATURE		
09/01/1989 - 08/31/1993		
OFFENSES	PAROLE ELIGIBILITY	COMMENTS
Capital Murder (Capital Felony) – *Life Sentence – 19.03 1) Murder of a peace officer or fireman on official duty, 2) Intentionally murders a person in the course of committing or attempting to commit a kidnapping, burglary, robbery, aggravated sexual assault, arson, obstruction, or retaliation 3) Murders for remuneration, 4) Murders while escaping or attempting to escape from a penal institution, 5) Murders an employee of a penal institution while incarcerated, 6) Murders more than one person during the same criminal transaction, or during different criminal transactions but the murders are committed pursuant to the same scheme.	Calendar Time = 1/4 Minimum of 2 yrs. Maximum of 15 yrs. ** Calendar Time = 35 yrs.	Gov't Code 508.046 * Effective 09/01/1989 ** Effective 09/01/1991
3g Offenses: – Aggravated Kidnapping – 20.04 – Aggravated Robbery – 29.03 – Aggravated Sexual Assault – 22.021 – Any offense with Affirmative finding of Deadly Weapon – Capital Murder – 19.03	Calendar Time = 1/4 Minimum of 2 yrs. Maximum of 15 yrs.	CCP, Art. 42.12 Gov't Code 508.046
*** Medically Recommended Intensive Supervision (MRIS) Elderly Mentally Ill Mentally Retarded Physically Handicapped Terminally Ill	3g cases are excluded. – Can be earlier than parole eligibility date. – Based on medical evaluation, offender is no longer a threat to society.	Gov't Code 508.146 as described in 508.145(f) Above criteria + approval by Texas Correctional Office on Offenders with Medical and Mental Impairments (TCOOMMI). *** Effective 12/01/1991
All other offenses	Calendar Time + Good Time = 1/4, including work credits and bonus time. Maximum of 15 yrs.	
CU offenses	Time credit on all sentences, one after another, until eligibility is reached on last sentence.	CCP, Art. 42.08(a)

71st and 72nd LEGISLATURE (continued)

09/01/1989 - 08/31/1993

OFFENSES	PAROLE ELIGIBILITY	COMMENTS
<p>The offenses listed below are NOT eligible for Mandatory Supervision:</p> <ul style="list-style-type: none"> - Aggravated Assault, 2nd or 3rd Degree – 22.02 - Aggravated Kidnapping, 1st or 2nd Degree – 20.04 - Aggravated Robbery, 1st Degree – 29.03 - Aggravated Sexual Assault, 1st Degree – 22.021 - Any offense with Affirmative finding of Deadly Weapon - Arson, 1st Degree – 28.02 - Burglary, 1st Degree – 30.02 (d2) (d3)(armed with explosives or deadly weapon or causes injury while in commission of offense) - Capital Murder – 19.03 - Deadly Assault on Law or Corrections Officer; Court Participant; Probation Personnel; Member or Employees of the BPP; Employees of TYC, 1st Degree - Injury to a Child or Elderly, 1st Degree – 22.04 - Murder, 1st Degree – 19.02 - Robbery, 2nd Degree – 29.02 - Sexual Assault, 2nd Degree – 22.011 	<p>Ineligible for Mandatory Supervision.</p>	<p>CCP, Art. 42.18 Gov't Code 508.149</p>

73rd LEGISLATURE

09/01/1993 - 08/31/1995

OFFENSES	PAROLE ELIGIBILITY	COMMENTS
<p>Capital Murder (Capital Felony) – Life Sentence – 19.03</p> <ol style="list-style-type: none"> 1) Murder of a peace officer or fireman on official duty, 2) Intentionally murders a person in the course of committing or attempting to commit a kidnapping, burglary, robbery, aggravated sexual assault, arson, obstruction, or retaliation, 3) Murders for remuneration, 4) Murders while escaping or attempting to escape from a penal institution, 5) Murders an employee of a penal institution while incarcerated, 6) Murders with intent to establish or participate in an alliance of individuals, 7) A person convicted of murder who murders while incarcerated, 8) Murders while serving a sentence of Life or 99 years for Aggravated Kidnapping, Aggravated Sexual Assault, or Aggravated Robbery, *9) Murders more than one person during the same criminal transaction, or during different criminal transactions but the murders are committed pursuant to the same scheme, *10) Murders an individual under six years of age. 	<p>* Calendar Time = 40 yrs.</p>	<p>CCP, Art. 42.18</p> <p>* HB537 enacted as Article 42.18(g) of the Code of Criminal Procedure (CCP), “The board may grant parole to a person convicted of a Capital Felony only on a two-thirds vote of the entire membership of the board.”</p> <p>* Effective 09/01/1993</p>
<p>3g Offenses:</p> <ul style="list-style-type: none"> – Aggravated Kidnapping - 20.04 – Aggravated Robbery - 29.03 – Aggravated Sexual Assault - 22.021 – Any offense with Affirmative finding of Deadly Weapon – Capital Murder - 19.03 – Indecency w/Child (Sexual Contact)2nd Degree - 21.11(a)(1) – *Murder, 1st Degree - 19.02 	<p>Calendar Time = ½ Minimum of 2 yrs. Maximum of 30 yrs.</p>	<p>CCP, Art. 42.12</p> <p>* Effective 09/01/1993</p>
<p>Medically Recommended Intensive Supervision (MRIS)</p> <p>Elderly Mentally Ill Mentally Retarded Physically Handicapped Terminally Ill</p>	<p>3g cases are excluded.</p> <ul style="list-style-type: none"> – Can be earlier than parole eligibility date. – Based on medical evaluation, offender is no longer a threat to society. 	<p>Gov’t Code 508.146 as described in 508.145(f)</p> <p>Above criteria + approval by Texas Correctional Office on Offenders with Medical and Mental Impairments (TCOOMMI).</p>

74th LEGISLATURE

09/01/1995 - 08/31/1997

OFFENSES	PAROLE ELIGIBILITY	COMMENTS
<p>Capital Murder (Capital Felony) – Life Sentence – 19.03</p> <ol style="list-style-type: none">1) Murder of a peace officer or fireman on official duty,2) Intentionally murders a person in the course of committing or attempting to commit a kidnapping, burglary, robbery, aggravated sexual assault, arson, obstruction, or retaliation,3) Murders for remuneration,4) Murders while escaping or attempting to escape from a penal institution,5) Murders an employee of a penal institution while incarcerated,6) Murders with intent to establish or participate in an alliance of individuals,7) A person convicted of murder who murders while incarcerated,8) Murders while serving a sentence of Life or 99 years for Aggravated Kidnapping, Aggravated Sexual Assault, or Aggravated Robbery,9) Murders more than one person during the same criminal transaction, or during different criminal transactions but the murders are committed pursuant to the same scheme,10) Murders an individual under six years of age.	<p>Calendar Time = 40 yrs.</p>	<p>Gov't Code 508.046</p> <p>Full Board vote + written report from Texas Department of Criminal Justice, regardless of date of offense.</p> <ul style="list-style-type: none">– Includes predecessor offense of Murder w/Malice Aforethought when characteristics of crime match definition of capital felony. <p>SB45 Effective 09/01/1995 – Extraordinary Vote</p>

74th LEGISLATURE (continued)

09/01/1995 - 08/31/1997

OFFENSES	PAROLE ELIGIBILITY	COMMENTS
<p>** Offender is serving a Life Sentence for one of the following listed offenses:</p> <ul style="list-style-type: none"> - Aggravated Kidnapping (with intent to violate or abuse the victim sexually) - 20.04(a)(4) - Aggravated Sexual Assault – 22.021 - Burglary of Habitation with Intent to Commit any of the following listed sexual offenses: - 30.02 <ul style="list-style-type: none"> - Aggravated Sexual Assault – 22.021 - Indecency w/Child – 21.11 - Poss. or Promotion of Child Pornography – 43.26 - Prohibited Sexual Conduct – 25.02 - Sexual Assault – 22.011 - Sexual Performance by a Child– 43.25 - Sexual Assault – 22.011 	<p>Calendar Time = 35 yrs.</p>	<p>Gov't Code 508.145 PC 12.42c</p>
<p>* AND has a previous conviction for one of the above listed offenses or one of the following offenses:</p> <ul style="list-style-type: none"> - Burglary of Habitation with Intent to Commit any of the following listed sexual offenses: - 30.02 <ul style="list-style-type: none"> -Aggravated Kidnapping (with intent to violate or abuse the victim sexually) – 20.04(a)(4) -Indecency w/Child –21.11(a)(1) - Possession or Promotion of Child Pornography – 43.26 - Prohibited Sexual Conduct – 25.02 - Sexual Assault – 22.011 - Sexual Performance by a Child – 43.25 <p>Offense in another state substantially similar to any of the above offenses.</p>		<p>* Effective 09/01/1995</p>

74th LEGISLATURE (continued)

09/01/1995 - 08/31/1997

OFFENSES	PAROLE ELIGIBILITY	COMMENTS
3g Offenses: – Aggravated Kidnapping – 20.04 – Aggravated Robbery – 29.03 – Aggravated Sexual Assault – 22.021 – Any offense with Affirmative finding of Deadly Weapon – Capital Murder – 19.03 – Indecency w/Child (Sexual Contact) 2nd Degree – 21.11(a) (1) – Murder, 1st Degree – 19.02 – Sexual Assault (of a Child) – 22.011(a) (2)* A Felony Increased Under Health & Safety Code 481.134 (Drug-Free Zones).	Calendar Time = ½ Minimum of 2 yrs. Maximum of 30 yrs.	CCP, Art. 42.12 Gov't Code 508.046 Full Board vote + written report from Texas Department of Criminal Justice, regardless of date of offense ONLY for the following offenses. – Agg Sexual Assault – 22.021 (includes predecessor offenses for Agg Sexual Abuse and Agg Rape) – Indecency w/Child (Sexual Contact) -21.11(a)(1) SB45 Effective 09/01/1995 – Extraordinary Vote * Effective 09/01/1995
Medically Recommended Intensive Supervision (MRIS) Elderly Mentally Ill Mentally Retarded Physically Handicapped Terminally Ill	3g cases are excluded. – Can be earlier than parole eligibility date. – Based on medical evaluation, offender is no longer a threat to society.	Gov't Code 508.146 as described in 508.145(f) Above criteria + approval by Texas Correctional Office on Offenders with Medical and Mental Impairments (TCOOMMI).
All other 1st, 2nd, and 3rd degree felony offenses (a court may reduce the punishment of a 3rd degree felony by imposing the confinement of a Class A Misdemeanor).	Calendar Time + Good Time = 1/4, including work credits and bonus time. Maximum of 15 yrs.	
Drug-Free Zones	Calendar Time = 5 yrs. or maximum term, whichever is less.	Gov't code 508.145(e)
State Jail Felonies * A state jail felony can be enhanced to a 2nd or 3rd degree felony.	Parole Eligibility is NOT applicable.	Confinement is to a state jail for any term of not more than two years or less than 180 days. ** Confinement to a state jail is not more than two years or less than 90 days. * Effective 09/01/1995 ** Effective 09/01/1996

75th LEGISLATURE

09/01/1997 - 08/31/1999

OFFENSES	PAROLE ELIGIBILITY	COMMENTS
<p>Capital Murder (Capital Felony) – Life Sentence – 19.03</p> <ol style="list-style-type: none">1) Murder of a peace officer or fireman on official duty,2) Intentionally murders a person in the course of committing or attempting to commit a kidnapping, burglary, robbery, aggravated sexual assault, arson, obstruction, or retaliation,3) Murders for remuneration,4) Murders while escaping or attempting to escape from a penal institution,5) Murders an employee of a penal institution while incarcerated,6) Murders with intent to establish or participate in an alliance of individuals,7) A person convicted of murder who murders while incarcerated,8) Murders while serving a sentence of Life or 99 years for Aggravated Kidnapping, Aggravated Sexual Assault, or Aggravated Robbery,9) Murders more than one person during the same criminal transaction, or during different criminal transactions but the murders are committed pursuant to the same scheme,10) Murders an individual under six years of age.	<p>Calendar Time = 40 yrs.</p>	<p>Gov't Code 508.046 Full Board vote + written report from Texas Department of Criminal Justice, regardless of date of offense: – Includes predecessor offense of Murder w/Malice Aforethought when characteristics of crime match definition of capital felony.</p> <p>SB45 Effective 09/01/1995 – Extraordinary Vote</p>

75th LEGISLATURE (continued)

09/01/1997 - 08/31/1999

OFFENSES	PAROLE ELIGIBILITY	COMMENTS
<p>Offender is serving a Life Sentence for one of the following listed offenses:</p> <ul style="list-style-type: none"> - Aggravated Kidnapping (with intent to violate or abuse the victim sexually) - 20.04(a)(4) - Aggravated Sexual Assault – 22.021 - Burglary of Habitation with Intent to Commit any of the following listed sexual offenses: - 30.02 <ul style="list-style-type: none"> - Aggravated Sexual Assault – 22.021 - Indecency w/Child – 21.11 - Poss. or Promotion of Child Pornography – 43.26 - Prohibited Sexual Conduct – 25.02 - Sexual Assault – 22.011 - Sexual Performance by a Child – 43.25 - Sexual Assault – 22.011 AND has a previous conviction for one of the above listed offenses or one of the following offenses: - Burglary of Habitation with Intent to Commit any of the following listed sexual offenses: - 30.02 <ul style="list-style-type: none"> -Aggravated Kidnapping (with intent to violate or abuse the victim sexually) – 20.04(a)(4) - Indecency w/Child – 21.11(a)(1) - Possession or Promotion of Child Pornography – 43.26 - Prohibited Sexual Conduct – 25.02 - Sexual Assault – 22.011 - Sexual Performance by a Child – 43.25 <p>Offense in another state substantially similar to any of the above offenses.</p>	<p>Calendar Time = 35 yrs.</p>	<p>Gov't Code 508.145 PC 12.42c</p>

75th LEGISLATURE (continued)

09/01/1997 - 08/31/1999

OFFENSES	PAROLE ELIGIBILITY	COMMENTS
<p>3g Offenses:</p> <ul style="list-style-type: none"> - Aggravated Kidnapping – 20.04 - Aggravated Robbery – 29.03 - Aggravated Sexual Assault – 22.021 - Any offense with Affirmative finding of Deadly Weapon - Capital Murder – 19.03 - Indecency w/Child (Sexual Contact)2nd Degree – 21.11(a)(1) - Murder, 1st Degree – 19.02 - Sexual Assault, *all subsections – 22.011(a)(2) <p>A Felony Increased Under Health & Safety Code 481.134 (Drug-Free Zones).</p>	<p>Calendar Time = ½ Minimum of 2 yrs. Maximum of 30 yrs.</p>	<p>CCP, Art. 42.12 Gov't Code 508.046 Full Board vote + written report from Texas Department of Criminal Justice, regardless of date of offense ONLY for the following offenses.</p> <ul style="list-style-type: none"> - Agg Sexual Assault – 22.021 (includes predecessor offenses for Agg Sexual Abuse and Agg Rape) - Indecency w/Child (Sexual Contact) -21.11(a)(1) <p>SB45 Effective 09/01/1995 – Extraordinary Vote</p>
<p>Medically Recommended Intensive Supervision (MRIS)</p> <p>Elderly Mentally Ill Mentally Retarded Physically Handicapped Terminally Ill</p>	<ul style="list-style-type: none"> - Can be earlier than parole eligibility date. - Based on medical evaluation, offender is no longer a threat to society. 	<p>Gov't Code 508.146 as described in 508.145(f)</p> <p>Above criteria + approval by Texas Correctional Office on Offenders with Medical and Mental Impairments (TCOOMMI).</p>
<p>All other 1st, 2nd, and 3rd degree felony offenses (a court may reduce the punishment of a 3rd degree felony by imposing the confinement of a Class A Misdemeanor).</p>	<p>Calendar Time + Good Time = 1/4, including work credits and bonus time. Maximum of 15 yrs.</p>	
<p>Drug-Free Zones</p>	<p>Calendar Time = 5 yrs. or maximum term, whichever is less.</p>	<p>Gov't code 508.145(e)</p>
<p>State Jail Felonies</p> <p>A state jail felony can be enhanced to a 2nd or 3rd degree felony.</p>	<p>Parole Eligibility is NOT applicable.</p>	<p>Confinement is to a state jail for any term of not more than two years or less than 180 days.</p> <p>Confinement to a state jail is not more than two years or less than 90 days.</p>

75th LEGISLATURE (continued)

09/01/1997 - 08/31/1999

OFFENSES	PAROLE ELIGIBILITY	COMMENTS
<p>The offenses listed below are NOT eligible for Mandatory Supervision:</p> <ul style="list-style-type: none"> - Aggravated Assault, 1st or 2nd Degree – 22.02 - Aggravated Kidnapping, 1st or 2nd Degree – 20.04 - Aggravated Robbery – 29.03 - Aggravated Sexual Assault – 22.021 - Any offense with Affirmative finding of Deadly Weapon - Arson, 1st Degree – 28.02 - Burglary, 1st Degree – 30.02 with intent to commit felony other than Theft - Capital Murder – 19.03 - Indecency w/Child (Sexual Contact) 2nd or 3rd Degree – 21.11(a)(1) - Injury to a Child or Elderly or Disabled Individual, 1st Degree – 22.04 - Murder, 1st or 2nd Degree – 19.02 - Robbery, 2nd Degree – 29.02 - Sexual Assault, 2nd Degree – 22.011 <p>A Felony Increased Under Health & Safety Code 481.134 (Drug-Free Zones). Any offense committed on or after 09/01/1996 with a prior conviction to include any above listed offenses.</p>	<p>Ineligible for Mandatory Supervision.</p>	<p>CCP, Art. 42.18 Gov't Code 508.149</p>
<p>Discretionary Mandatory Supervision</p>	<p>Ineligible for Mandatory Supervision.</p>	<p>Gov't Code 508.149(b) An offender may be denied mandatory supervision by a parole panel for the following reasons:</p> <ul style="list-style-type: none"> - Offender will endanger the public. - Offender's accrued good conduct time is not an accurate reflection of the offender's potential for rehabilitation.

76th LEGISLATURE

09/01/1999 - 08/31/2001

OFFENSES	PAROLE ELIGIBILITY	COMMENTS
<p>Capital Murder (Capital Felony) – Life Sentence – 19.03</p> <ol style="list-style-type: none">1) Murder of a peace officer or fireman on official duty,2) Intentionally murders a person in the course of committing or attempting to commit a kidnapping, burglary, robbery, aggravated sexual assault, arson, obstruction, or retaliation,3) Murders for remuneration,4) Murders while escaping or attempting to escape from a penal institution,5) Murders an employee of a penal institution while incarcerated,6) Murders with intent to establish or participate in an alliance of individuals,7) A person convicted of murder who murders while incarcerated,8) Murders while serving a sentence of Life or 99 years for Aggravated Kidnapping, Aggravated Sexual Assault, or Aggravated Robbery,9) Murders more than one person during the same criminal transaction, or during different criminal transactions but the murders are committed pursuant to the same scheme,10) Murders an individual under six years of age.	<p>Calendar Time = 40 yrs.</p>	<p>Gov't Code 508.046</p> <p>Full Board vote + written report from Texas Department of Criminal Justice, regardless of date of offense.</p> <ul style="list-style-type: none">– Includes predecessor offense of Murder w/Malice Aforethought when characteristics of crime match definition of capital felony. <p>SB45 Effective 09/01/1995 – Extraordinary Vote</p>

76th LEGISLATURE (continued)

09/01/1999 - 08/31/2001

OFFENSES	PAROLE ELIGIBILITY	COMMENTS
<p>Offender is serving a Life Sentence for one of the following listed offenses:</p> <ul style="list-style-type: none"> - Aggravated Kidnapping (with intent to violate or abuse the victim sexually) - 20.04(a)(4) - Aggravated Sexual Assault – 22.021 - Burglary of Habitation with Intent to Commit any of the following listed sexual offenses: - 30.02 <ul style="list-style-type: none"> - Aggravated Sexual Assault – 22.021 - Indecency w/Child – 21.11 - Poss. or Promotion of Child Pornography – 43.26 - Prohibited Sexual Conduct – 25.02 - Sexual Assault – 22.011 - Sexual Performance by a Child– 43.25 - Sexual Assault – 22.011 	<p>Calendar Time = 35 yrs.</p>	<p>Gov't Code 508.145 PC 12.42c</p>
<p>AND has a previous conviction for one of the above listed offenses or one of the following offenses:</p> <ul style="list-style-type: none"> - Burglary of Habitation with Intent to Commit any of the following listed sexual offenses: - 30.02 <ul style="list-style-type: none"> -Aggravated Kidnapping (with intent to violate or abuse the victim sexually) – 20.04(a)(4) - Indecency w/Child – 21.11(a)(1) - Possession or Promotion of Child Pornography – 43.26 - Prohibited Sexual Conduct – 25.02 - Sexual Assault – 22.011 - Sexual Performance by a Child – 43.25 <p>Offense in another state substantially similar to any of the above offenses.</p>		

76th LEGISLATURE (continued)

09/01/1999 - 08/31/2001

OFFENSES	PAROLE ELIGIBILITY	COMMENTS
<p>3g Offenses: – Aggravated Kidnapping – 20.04 – Aggravated Robbery – 29.03 – Aggravated Sexual Assault – 22.021 – Any offense with Affirmative finding of Deadly Weapon – Capital Murder – 19.03 – Indecency w/Child (Sexual Contact) 2nd Degree – 21.11(a) (1) – Murder, 1st Degree – 19.02 – Sexual Assault, *all subsections – 22.011</p> <p>A Felony Increased Under Health & Safety Code 481.134 (Drug-Free Zones).</p> <p>** A Felony Increased Under Health & Safety Code 481.140 (Use of Child in Commission of Offense).</p>	<p>Calendar Time = ½ Minimum of 2 yrs. Maximum of 30 yrs.</p>	<p>CCP, Art. 42.12 Gov't Code 508.046 Full Board vote + written report from Texas Department of Criminal Justice, regardless of date of offense ONLY for the following offenses. – Agg Sexual Assault 22.021 (includes predecessor offenses for Agg Sexual Abuse and Agg Rape) – Indecency w/Child (Sexual Contact) -21.11(a)(1)</p> <p>SB45 Effective 09/01/1995 – Extraordinary Vote * Effective 09/01/1999 ** Effective 06/14/2001</p>
<p>Medically Recommended Intensive Supervision (MRIS)</p> <p>Elderly Mentally Ill Mentally Retarded Physically Handicapped Terminally Ill</p>	<p>3g offenses excluded as of 09/01/1998. – Can be earlier than parole eligibility date. – Based on medical evaluation; offender is no longer a threat to society. Sentence of death excluded.</p>	<p>Gov't Code 508.146 as described in 508.145(f)</p> <p>Above criteria + approval by Texas Correctional Office on Offenders with Medical and Mental Impairments (TCOOMMI).</p>
<p>All other 1st, 2nd, and 3rd degree felony offenses (a court may reduce the punishment of a 3rd degree felony by imposing the confinement of a Class A Misdemeanor)</p>	<p>Calendar Time + Good Time = 1/4, including work credits and bonus time. Maximum of 15 yrs.</p>	
<p>Drug-Free Zones</p>	<p>Calendar Time = 5 yrs. or maximum term, whichever is less.</p>	<p>Gov't code 508.145(e)</p>
<p>State Jail Felonies</p>	<p>Parole Eligibility is NOT applicable.</p>	<p>Confinement is to a state jail for any term of not more than two years or less than 180 days.</p>

76th LEGISLATURE (continued)

09/01/1999 - 08/31/2001

OFFENSES	PAROLE ELIGIBILITY	COMMENTS
<p>The offenses listed below are NOT eligible for Mandatory Supervision:</p> <ul style="list-style-type: none"> - Aggravated Assault, 1st or 2nd Degree – 22.02 - Aggravated Kidnapping, 1st or 2nd Degree – 20.04 - Aggravated Robbery – 29.03 - Aggravated Sexual Assault – 22.021 - Any offense with Affirmative finding of Deadly Weapon - Arson, 1st Degree – 28.02 - Burglary, 1st Degree – 30.02 - Capital Murder – 19.03 - Indecency w/Child, 2nd or 3rd Degree – 21.11 – Injury to a Child or Elderly or Disabled Individual, 1st Degree – 22.04 - Murder, 1st or 2nd Degree – 19.02 - Robbery, 2nd Degree – 29.02 - Sexual Assault, 2nd Degree – 22.011 <p>A Felony Increased Under Health & Safety Code 481.134 (Drug-Free Zones). **A Felony Increased Under Health & Safety Code 481.140 (Use of Child in Commission of Offense). Any offense committed on or after 09/01/1996 with a prior conviction to include any above listed offenses.</p>	<p>Ineligible for Mandatory Supervision.</p>	<p>CCP, Art. 42.18 Gov't Code 508.149</p> <p align="right">** Effective 06/14/2001</p>

77th LEGISLATURE

09/01/2001 - 08/31/2003

OFFENSES	PAROLE ELIGIBILITY	COMMENTS
<p>Capital Murder (Capital Felony) – Life Sentence – 19.03</p> <ol style="list-style-type: none"> 1) Murder of a peace officer or fireman on official duty, 2) Intentionally murders a person in the course of committing or attempting to commit a kidnapping, burglary, robbery, aggravated sexual assault, arson, obstruction, or retaliation, 3) Murders for remuneration, 4) Murders while escaping or attempting to escape from a penal institution, 5) Murders an employee of a penal institution while incarcerated, 6) Murders with intent to establish or participate in an alliance of individuals, 7) A person convicted of murder who murders while incarcerated, 8) Murders while serving a sentence of Life or 99 years for Aggravated Kidnapping, Aggravated Sexual Assault, or Aggravated Robbery, 9) Murders more than one person during the same criminal transaction, or during different criminal transactions but the murders are committed pursuant to the same scheme, 10) Murders an individual under six years of age. 	<p>Calendar Time = 40 yrs.</p>	<p>Gov't Code 508.046</p> <p>Full Board vote + written report from Texas Department of Criminal Justice, regardless of date of offense:</p> <ul style="list-style-type: none"> – Includes predecessor offense of Murder w/Malice Aforethought when characteristics of crime match definition of capital felony. <p>SB45 Effective 09/01/1995 – Extraordinary Vote</p>

77th LEGISLATURE (continued)

09/01/2001 - 08/31/2003

OFFENSES	PAROLE ELIGIBILITY	COMMENTS
<p>Offender is serving a Life Sentence for one of the following listed offenses:</p> <ul style="list-style-type: none"> - Aggravated Kidnapping (with intent to violate or abuse the victim sexually) - 20.04(a)(4) - Aggravated Sexual Assault – 22.021 - Burglary of Habitation with Intent to Commit any of the following listed sexual offenses: - 30.02 <ul style="list-style-type: none"> - Aggravated Sexual Assault – 22.021 - Indecency w/Child – 21.11 - Poss. or Promotion of Child Pornography – 43.26 - Prohibited Sexual Conduct – 25.02 - Sexual Assault – 22.011 - Sexual Performance by a Child– 43.25 - Sexual Assault – 22.011 	<p>Calendar Time = 35 yrs.</p>	<p>Gov't Code 508.145 PC 12.42c</p>
<p>AND has a previous conviction for one of the above listed offenses or one of the following offenses:</p> <ul style="list-style-type: none"> - Burglary of Habitation with Intent to Commit any of the following listed sexual offenses: - 30.02 <ul style="list-style-type: none"> - Aggravated Kidnapping (with intent to violate or abuse the victim sexually) – 20.04(a)(4) - Indecency w/Child – 21.11(a)(1) - Possession or Promotion of Child Pornography – 43.26 - Prohibited Sexual Conduct – 25.02 - Sexual Assault – 22.011 - Sexual Performance by a Child – 43.25 <p>Offense in another state substantially similar to any of the above offenses.</p>		

77th LEGISLATURE (continued)

09/01/2001 - 08/31/2003

OFFENSES	PAROLE ELIGIBILITY	COMMENTS
<p>3g Offenses: – Aggravated Kidnapping – 20.04 – Aggravated Robbery – 29.03 – Aggravated Sexual Assault – 22.021 – Any offense with Affirmative finding of Deadly Weapon – Capital Murder – 19.03 – Indecency w/Child (Sexual Contact)2nd Degree – 21.11(a)(1) – Murder, 1st Degree – 19.02 – Sexual Assault, all subsections – 22.011</p> <p>A Felony Increased Under Health & Safety Code 481.134 (Drug-Free Zones).</p> <p>A Felony Increased Under Health & Safety Code 481.140 (Use of Child in Commission of Offense).</p>	<p>Calendar Time = ½ Minimum of 2 yrs. Maximum of 30 yrs.</p>	<p>CCP, Art. 42.12 Gov’t Code 508.046</p> <p>Full Board vote + written report from Texas Department of Criminal Justice, regardless of date of offense ONLY for the following offenses: – Agg Sexual Assault – 22.021 (includes predecessor offenses for Agg Sexual Abuse and Agg Rape) – Indecency w/Child (Sexual Contact) -21.11(a)(1)</p> <p>SB45 Effective 09/01/1995 – Extraordinary Vote</p>
<p>Medically Recommended Intensive Supervision (MRIS)</p> <p>*Condition requiring long term care Elderly Mentally Ill Mentally Retarded Physically Handicapped Terminally Ill</p>	<p>3g offenses excluded. – Can be earlier than parole eligibility date. – Based on medical evaluation, offender is no longer a threat to society. Sentence of death excluded.</p>	<p>Gov’t Code 508.146 as described in 508.145(f)</p> <p>Above criteria + approval by Texas Correctional Office on Offenders with Medical and Mental Impairments (TCOOMMI).</p>
<p>All other 1st, 2nd, and 3rd degree felony offenses (a court may reduce the punishment of a 3rd degree felony by imposing the confinement of a Class A Misdemeanor.)</p>	<p>Calendar Time + Good Time = 1/4, including work credits and bonus time. Maximum of 15 yrs.</p>	
<p>Drug-Free Zones</p>	<p>Calendar Time = 5 yrs. or maximum term, whichever is less.</p>	<p>Gov’t code 508.145(e)</p>
<p>State Jail Felonies</p>	<p>Parole Eligibility is NOT applicable.</p>	<p>Confinement is to a state jail for any term of not more than two years or less than 180 days.</p>

77th LEGISLATURE (continued)

09/01/2001 - 08/31/2003

OFFENSES	PAROLE ELIGIBILITY	COMMENTS
<p>The offenses listed below are NOT eligible for Mandatory Supervision:</p> <ul style="list-style-type: none"> - Aggravated Assault, 1st or 2nd Degree – 22.02 - Aggravated Kidnapping, 1st or 2nd Degree – 20.04 - Aggravated Sexual Assault - 22.021 - Aggravated Robbery – 29.03 - Any offense with Affirmative finding of Deadly Weapon - Arson, 1st Degree – 28.02 - Burglary, 1st Degree – 30.02 - Capital Murder – 19.03 - Indecency w/Child, 2nd Degree – 21.11 - Injury to a Child or Elderly or Disabled Individual, 1st Degree – 22.04 - Murder, 1st or 2nd Degree – 19.02 - Robbery, 2nd Degree – 29.02 - Sexual Assault, 2nd Degree – 22.011 <p>A Felony Increased Under Health & Safety Code 481.134 (Drug-Free Zones). A Felony Increased Under Health & Safety Code 481.140 (Use of Child in Commission of Offense). Any offense committed on or after 09/01/1996 with a prior conviction to include any above listed offenses.</p>	<p>Ineligible for Mandatory Supervision.</p>	<p>CCP, Art. 42.18 Gov't Code 508.149</p>

78th LEGISLATURE

09/01/2003 - 08/31/2005

OFFENSES	PAROLE ELIGIBILITY	COMMENTS
<p>Capital Murder (Capital Felony) – Life Sentence – 19.03</p> <ol style="list-style-type: none"> 1) Murder of a peace officer or fireman on official duty, 2) Intentionally murders a person in the course of committing or attempting to commit a kidnapping, burglary, robbery, aggravated sexual assault, arson, obstruction, or retaliation, or *terroristic threat - 22.07(a)(1,3,4,5,or 6), 3) Murders for remuneration, 4) Murders while escaping or attempting to escape from a penal institution, 5) Murders an employee of a penal institution while incarcerated, 6) Murders with intent to establish or participate in an alliance of individuals, 7) A person convicted of murder who murders while incarcerated, 8) Murders while serving a sentence of Life or 99 years for Aggravated Kidnapping, Aggravated Sexual Assault, or Aggravated Robbery, 9) Murders more than one person during the same criminal transaction, or during different criminal transactions but the murders are committed pursuant to the same scheme, 10) Murders an individual under six years of age. 	<p>Calendar Time = 40 yrs.</p>	<p>Gov't Code 508.046</p> <p>Full Board vote + written report from Texas Department of Criminal Justice, regardless of date of offense:</p> <ul style="list-style-type: none"> – Includes predecessor offense of Murder w/Malice Aforethought when characteristics of crime match definition of capital felony. <p>SB45 Effective 09/01/1995 – Extraordinary Vote * Effective 09/01/2003</p>

78th LEGISLATURE (continued)

09/01/2003 - 08/31/2005

OFFENSES	PAROLE ELIGIBILITY	COMMENTS
<p>Offender is serving a Life Sentence for one of the following listed offenses:</p> <ul style="list-style-type: none"> - Aggravated Kidnapping (with intent to violate or abuse the victim sexually) - 20.04(a)(4) - Aggravated Sexual Assault – 22.021 - Burglary of Habitation with Intent to Commit any of the following listed sexual offenses: - 30.02 <ul style="list-style-type: none"> - Aggravated Sexual Assault – 22.021 - Indecency w/Child – 21.11 - *Obscenity (images of child under the age of 18) - 43.23 - Poss. or Promotion of Child Pornography – 43.26 - Prohibited Sexual Conduct – 25.02 - Sexual Assault – 22.011 - Sexual Performance by a Child– 43.25 - Sexual Assault – 22.011 	<p>Calendar Time = 35 yrs.</p>	<p>Gov't Code 508.145 PC 12.42c</p>
<p>AND has a previous conviction for one of the above listed offenses or one of the following offenses:</p> <ul style="list-style-type: none"> - Burglary of Habitation with Intent to Commit any of the following listed sexual offenses: - 30.02 <ul style="list-style-type: none"> -Aggravated Kidnapping (with intent to violate or abuse the victim sexually) – 20.04(a)(4) - Indecency w/Child – 21.11(a)(1) - Possession or Promotion of Child Pornography – 43.26 - Prohibited Sexual Conduct – 25.02 - Sexual Assault – 22.011 - Sexual Performance by a Child – 43.25 <p>Offense in another state substantially similar to any of the above offenses.</p>		<p>* Effective 09/01/2003</p>

78th LEGISLATURE (continued)

09/01/2003 - 08/31/2005

OFFENSES	PAROLE ELIGIBILITY	COMMENTS
<p>3g Offenses: – Aggravated Kidnapping – 20.04 – Aggravated Robbery – 29.03 – Aggravated Sexual Assault – 22.021 – Any offense with Affirmative finding of Deadly Weapon – Capital Murder – 19.03 – Indecency w/Child (Sexual Contact) 2nd Degree – 21.11(a)(1) – Murder, 1st Degree – 19.02 – Sexual Assault, all subsections – 22.011</p> <p>A Felony Increased Under Health & Safety Code 481.134 (Drug-Free Zones). A Felony Increased Under Health & Safety Code 481.140 (Use of Child in Commission of Offense).</p>	<p>Calendar Time = ½ Minimum of 2 yrs. Maximum of 30 yrs.</p>	<p>CCP, Art. 42.12 Gov't Code 508.046 Full Board vote + written report from Texas Department of Criminal Justice, regardless of date of offense ONLY for the following offenses.</p> <ul style="list-style-type: none"> – Agg Sexual Assault – 22.021 (includes predecessor offenses for Agg Sexual Abuse and Agg Rape) – Indecency w/Child (Sexual Contact) -21.11(a)(1) <p>SB45 Effective 09/01/1995 – Extraordinary Vote</p>
<p>Medically Recommended Intensive Supervision (MRIS)</p> <p>Condition requiring long term care Elderly Mentally Ill Mentally Retarded Physically Handicapped Terminally Ill</p>	<p>* 3g offenses are now eligible. * Sex offenders are excluded. – Can be earlier than parole eligibility date. – Based on medical evaluation, offender is no longer a threat to society.</p> <p>Sentence of death excluded.</p>	<p>Gov't Code 508.146 as described in 508.145(f)</p> <p>Above criteria + approval by Texas Correctional Office on Offenders with Medical and Mental Impairments (TCOOMMI). * Effective 09/01/2003</p>
<p>All other 1st, 2nd, and 3rd degree felony offenses (a court may reduce the punishment of a 3rd degree felony by imposing the confinement of a Class A Misdemeanor).</p>	<p>Calendar Time + Good Time = 1/4, including work credits and bonus time. Maximum of 15 yrs.</p>	
<p>Drug-Free Zones</p>	<p>Calendar Time = 5 yrs. or maximum term, whichever is less.</p>	<p>Gov't code 508.145(e)</p>
<p>State Jail Felonies</p>	<p>Parole Eligibility is NOT applicable.</p>	<p>Confinement is to a state jail for any term of not more than two years or less than 180 days.</p>

78th LEGISLATURE (continued)

09/01/2003 - 08/31/2005

OFFENSES	PAROLE ELIGIBILITY	COMMENTS
<p>The offenses listed below are NOT eligible for Mandatory Supervision:</p> <ul style="list-style-type: none"> - Aggravated Assault, 1st or 2nd Degree – 22.02 - Aggravated Kidnapping, 1st or 2nd Degree – 20.04 - Aggravated Sexual Assault – 22.021 - Aggravated Robbery – 29.03 - Any offense with Affirmative finding of Deadly Weapon - Arson, 1st Degree – 28.02 - Burglary, 1st Degree – 30.02 - Capital Murder – 19.03 - Indecency w/Child 2nd or 3rd Degree – 21.11 - Injury to a Child or Elderly or Disabled Individual, 1st Degree – 22.04 - Murder, 1st or 2nd Degree – 19.02 - Robbery, 2nd Degree – 29.02 - Sexual Assault, 2nd Degree – 22.011 <p>A Felony Increased Under Health & Safety Code 481.134 (Drug-Free Zones). A Felony Increased Under Health & Safety Code 481.140 (Use of Child in Commission of Offense). Any offense committed on or after 09/01/1996 with a prior conviction to include any above listed offenses.</p>	<p>Ineligible for Mandatory Supervision.</p>	<p>CCP, Art. 42.18 Gov't Code 508.149</p>

79th LEGISLATURE

09/01/2005 - 08/31/2007

OFFENSES	PAROLE ELIGIBILITY	COMMENTS
<p>Capital Murder (Capital Felony)*Death or Life without Parole – 19.03</p> <ol style="list-style-type: none"> 1) Murder of a peace officer or fireman on official duty, 2) Intentionally murders a person in the course of committing or attempting to commit a kidnapping, burglary, robbery, aggravated sexual assault, arson, obstruction, or retaliation, or terroristic threat – 22.07(a)(1,3,4,5,or 6), 3) Murders for remuneration, 4) Murders while escaping or attempting to escape from a penal institution, 5) Murders an employee of a penal institution while incarcerated, 6) Murders with intent to establish or participate in an alliance of individuals, 7) A person convicted of murder who murders while incarcerated, 8) Murders while serving a sentence of Life or 99 years for Aggravated Kidnapping, Aggravated Sexual Assault, or Aggravated Robbery, 9) Murders more than one person during the same criminal transaction, or during different criminal transactions but the murders are committed pursuant to the same scheme, 10) Murders an individual under six years of age, 11) Murders in retaliation for/on account of service/status as judge or justice of courts. 	<p>*Not eligible for Parole or MS release.</p> <p>*Punishable by Death or Life without Parole only.</p> <p>*Prohibits anyone younger than 18yrs. of age to be punished by Death.</p>	<p>Gov’t Code 508.046</p> <p>Full Board vote + written report from Texas Department of Criminal Justice, regardless of date of offense: – Includes predecessor offense of Murder w/Malice Aforethought when characteristics of crime match definition of capital felony.</p> <p>SB45 Effective 09/01/1995 – Extraordinary Vote* Effective 09/01/2005</p>

79th LEGISLATURE (continued)

09/01/2005 - 08/31/2007

OFFENSES	PAROLE ELIGIBILITY	COMMENTS
<p>Offender is serving a Life Sentence for one of the following listed offenses:</p> <ul style="list-style-type: none"> - Aggravated Kidnapping (with intent to violate or abuse the victim sexually) - 20.04(a)(4) - Aggravated Sexual Assault – 22.021 - Burglary of Habitation with Intent to Commit any of the following listed sexual offenses: - 30.02 <ul style="list-style-type: none"> - Aggravated Sexual Assault – 22.021 - Indecency w/Child – 21.11 - Obscenity (images of child under the age of 18) - 43.23 - Poss. or Promotion of Child Pornography – 43.26 - Prohibited Sexual Conduct – 25.02 - Sexual Assault – 22.011 	<p>Calendar Time = 35 yrs.</p>	<p>Gov't Code 508.145 PC 12.42c</p>
<ul style="list-style-type: none"> - Sexual Performance by a Child – 43.25 - Sexual Assault – 22.011 AND has a previous conviction for one of the above listed offenses or one of the following offenses: - Burglary of Habitation with Intent to Commit any of the following listed sexual offenses: - 30.02 <ul style="list-style-type: none"> - Aggravated Kidnapping (with intent to violate or abuse the victim sexually) – 20.04(a)(4) - Indecency w/Child – 21.11(a)(1) - Possession or Promotion of Child Pornography – 43.26 - Prohibited Sexual Conduct – 25.02 - Sexual Assault – 22.011 - Sexual Performance by a Child – 43.25 <p>Offense in another state substantially similar to any of the above offenses.</p>		<p>* Effective 09/01/2005</p>

79th LEGISLATURE (continued)

09/01/2005 - 08/31/2007

OFFENSES	PAROLE ELIGIBILITY	COMMENTS
<p>3g Offenses:</p> <ul style="list-style-type: none"> - Aggravated Kidnapping – 20.04 - Aggravated Robbery – 29.03 - Aggravated Sexual Assault – 22.021 - Any offense with Affirmative finding of Deadly Weapon - Capital Murder – 19.03 - Indecency w/Child (Sexual Contact)2nd Degree – 21.11(a)(1) - Murder, 1st Degree – 19.02 - Sexual Assault, all subsections – 22.011 <p>A Felony Increased Under Health & Safety Code 481.134 (Drug-Free Zones). A Felony Increased Under Health & Safety Code 481.140 (Use of Child in Commission of Offense).</p>	<p>Calendar Time = ½ Minimum of 2 yrs. Maximum of 30 yrs.</p>	<p>CCP, Art. 42.12 Gov't Code 508.046 Full Board vote + written report from Texas Department of Criminal Justice, regardless of date of offense ONLY for the following offenses.</p> <ul style="list-style-type: none"> - Agg Sexual Assault – 22.021 (includes predecessor offenses for Agg Sexual Abuse and Agg Rape) - Indecency w/Child (Sexual Contact) -21.11(a)(1) <p>SB45 Effective 09/01/1995 – Extraordinary Vote</p>
<p>Medically Recommended Intensive Supervision (MRIS)</p> <p>Condition requiring long term care Elderly Mentally Ill Mentally Retarded Physically Handicapped Terminally Ill</p>	<p>3g offenses are eligible Sex offenders are excluded.</p> <ul style="list-style-type: none"> - Can be earlier than parole eligibility date. - Based on medical evaluation, offender is no longer a threat to society. <p>Sentence of death excluded. * Life without Parole excluded.</p>	<p>Gov't Code 508.146 as described in 508.145(f)</p> <p>Above criteria + approval by Texas Correctional Office on Offenders with Medical and Mental Impairments (TCOOMMI). * Effective 09/01/2005</p>
<p>All other 1st, 2nd, and 3rd degree felony offenses (a court may reduce the punishment of a 3rd degree felony by imposing the confinement of a Class A Misdemeanor).</p>	<p>Calendar Time + Good Time = 1/4, including work credits and bonus time. Maximum of 15 yrs.</p>	
<p>Drug-Free Zones</p>	<p>Calendar Time = 5 yrs. or maximum term, whichever is less.</p>	<p>Gov't code 508.145(e)</p>
<p>State Jail Felonies</p>	<p>Parole Eligibility is NOT applicable.</p>	<p>Confinement is to a state jail for any term of not more than two years or less than 180 days.</p>

79th LEGISLATURE (continued)

09/01/2005 - 08/31/2007

OFFENSES	PAROLE ELIGIBILITY	COMMENTS
<p>The offenses listed below are NOT eligible for Mandatory Supervision:</p> <ul style="list-style-type: none"> - Aggravated Assault, 1st or 2nd Degree – 22.02 - Aggravated Kidnapping, 1st or 2nd Degree – 20.04 - Aggravated Robbery – 29.03 - Aggravated Sexual Assault – 22.021 - Any offense with Affirmative finding of Deadly Weapon - Arson, 1st Degree – 28.02 - Burglary, 1st Degree – 30.02 - Capital Murder – 19.03 - Indecency w/Child 2nd Degree – 21.11 - Injury to a Child or Elderly or Disabled Individual, 1st Degree – 22.04 - Murder, 1st or 2nd Degree – 19.02 - Robbery, 2nd Degree – 29.02 - Sexual Assault, 2nd Degree – 22.011 <p>A Felony Increased Under Health & Safety Code 481.134 (Drug-Free Zones). A Felony Increased Under Health & Safety Code 481.140 (Use of Child in Commission of Offense). Any offense committed on or after 09/01/1996 with a prior conviction to include any above listed offenses.</p>	<p>Ineligible for Mandatory Supervision.</p>	<p>CCP, Art. 42.18 Gov't Code 508.149</p>

80th LEGISLATURE

09/01/2007 – 08/31/2009

OFFENSES	PAROLE ELIGIBILITY	COMMENTS
<p>Capital Murder (Capital Felony) Death or Life without Parole – 19.03</p> <ol style="list-style-type: none">1) Murder of a peace officer or fireman on official duty,2) Intentionally murders a person in the course of committing or attempting to commit a kidnapping, burglary, robbery, aggravated sexual assault, arson, obstruction, or retaliation, or terroristic threat – 22.07(a)(1, 3, 4, 5, or 6),3) Murders for remuneration,4) Murders while escaping or attempting to escape from a penal institution,5) Murders an employee of a penal institution while incarcerated,6) Murders with intent to establish or participate in an alliance of individuals,7) A person convicted of murder who murders while incarcerated,8) Murders while serving a sentence of Life or 99 years for Aggravated Kidnapping, Aggravated Sexual Assault, or Aggravated Robbery,9) Murders more than one person during the same criminal transaction, or during different criminal transactions but the murders are committed pursuant to the same scheme,10) Murders an individual under six years of age,11) Murders in retaliation for/on account of service/status as judge or justice of courts.	<p>Not eligible for Parole or MS release.</p> <p>Punishable by Death or Life without Parole only.</p> <p>Prohibits anyone younger than 18yrs. of age to be punished by Death.</p>	<p>Gov't Code 508.046</p> <p>Full Board vote + written report from Texas Department of Criminal Justice, regardless of date of offense:</p> <ul style="list-style-type: none">– Includes predecessor offense of Murder w/Malice Aforethought when characteristics of crime match definition of capital felony. <p>SB45 Effective 09/01/1995 – Extraordinary Vote Effective 09/01/2005</p>

80th LEGISLATURE (continued)

09/01/2007 – 08/31/2009

OFFENSES	PAROLE ELIGIBILITY	COMMENTS
<p>Offender is serving a Life Sentence for one of the following listed offenses:</p> <ul style="list-style-type: none"> -Aggravated Kidnapping (with intent to violate or abuse the victim sexually) - 20.04(a)(4) <ul style="list-style-type: none"> - Aggravated Sexual Assault – 22.021 - Burglary of Habitation with Intent to Commit any of the following listed sexual offenses: - 30.02 - Aggravated Sexual Assault – 22.021 - Indecency w/Child – 21.11 - Obscenity (images of child under the age of 18) - 43.23 - Poss. or Promotion of Child Pornography – 43.26 - Prohibited Sexual Conduct – 25.02 - Sexual Assault – 22.011 	<p>Calendar Time = 35 yrs.</p>	<p>Gov't Code 508.145 PC 12.42c</p>
<ul style="list-style-type: none"> -Sexual Performance by a Child – 43.25 - Sexual Assault – 22.011 AND has a previous conviction for one of the above listed offenses or one of the following offenses: - Burglary of Habitation with Intent to Commit any of the following listed sexual offenses: - 30.02 -Aggravated Kidnapping (with intent to violate or abuse the victim sexually) – 20.04(a)(4) - Indecency w/Child – 21.11(a)(1) - Possession or Promotion of Child Pornography – 43.26 - Prohibited Sexual Conduct – 25.02 - Sexual Assault – 22.011 - Sexual Performance by a Child – 43.25 <p>Offense in another state substantially similar to any of the above offenses.</p>		

80th LEGISLATURE (continued)

09/01/2007 – 08/31/2009

OFFENSES	PAROLE ELIGIBILITY	COMMENTS
<p>3g Offenses:</p> <ul style="list-style-type: none"> - Aggravated Kidnapping – 20.04 - Aggravated Robbery – 29.03 - Aggravated Sexual Assault – 22.021 - Any offense with Affirmative finding of Deadly Weapon - Capital Murder – 19.03 - Indecency w/Child (Sexual Contact)2nd Degree – 21.11(a)(1) - *Injury to a Child or Elderly or Disabled Individual, 1st Degree -22.04 (applies only to Child victim 14 or younger) - Murder, 1st Degree – 19.02 - *Sexual Performance by a Child -43.25, all subsections <p>A Felony Increased Under Health & Safety Code 481.134 (Drug-Free Zones). A Felony Increased Under Health & Safety Code 481.140 (Use of Child in Commission of Offense).</p>	<p>Calendar Time = ½ Minimum of 2 yrs. Maximum of 30 yrs.</p>	<p>CCP, Art. 42.12 Gov't Code 508.046</p> <p>Full Board vote + written report from Texas Department of Criminal Justice, regardless of date of offense ONLY for the following offenses:</p> <ul style="list-style-type: none"> - Agg Sexual Assault – 22.021 (includes predecessor offenses for Agg Sexual Abuse and Agg Rape) - Indecency w/Child (Sexual Contact) -21.11(a)(1) SB45 <p>Effective 09/01/1995 - Extraordinary Vote * Effective 09/01/2007</p>
<p>Medically Recommended Intensive Supervision (MRIS)</p> <p>Condition requiring long term care Elderly Mentally Ill Mentally Retarded Physically Handicapped Terminally Ill</p>	<p>3g offenses are eligible *Sex offenders are now eligible if:</p> <ul style="list-style-type: none"> - Persistent vegetative state, - Organic brain syndrome, or - Significant or total mobility impairment. <p>- Can be earlier than parole eligibility date. -Based on medical evaluation, offender is no longer a threat to society. Sentence of death excluded. Life without Parole excluded.</p>	<p>Gov't Code 508.146 as described in 508.145(f)</p> <p>Above criteria + approval by Texas Correctional Office on Offenders with Medical and Mental Impairments (TCOOMMI).</p> <p>* Effective 09/01/2007</p>
<p>All other 1st, 2nd, and 3rd degree felony offenses (a court may reduce the punishment of a 3rd degree felony by imposing the confinement of a Class A Misdemeanor).</p>	<p>Calendar Time + Good Time = 1/4, including work credits and bonus time. Maximum of 15 yrs.</p>	
<p>Drug-Free Zones</p>	<p>Calendar Time = 5 yrs. or maximum term, whichever is less.</p>	<p>Gov't code 508.145(e)</p>
<p>State Jail Felonies</p>	<p>Parole Eligibility is NOT applicable.</p>	<p>Confinement is to a state jail for any term of not more than two years or less than 180 days.</p>

80th LEGISLATURE (continued)

09/01/2007 – 08/31/2009

OFFENSES	PAROLE ELIGIBILITY	COMMENTS
<p>The offenses listed below are NOT eligible for Mandatory Supervision:</p> <ul style="list-style-type: none"> - Aggravated Assault, 1st or 2nd Degree – 22.02 - Aggravated Kidnapping, 1st or 2nd Degree – 20.04 - Aggravated Robbery – 29.03 - Aggravated Sexual Assault – 22.021 - Any offense with Affirmative finding of Deadly Weapon - Arson, 1st Degree – 28.02 - Burglary, 1st Degree – 30.02 - Capital Murder – 19.03 - Indecency w/Child – 21.11 - Injury to a Child or Elderly or Disabled Individual, 1st Degree – 22.04 - Murder, 1st or 2nd Degree – 19.02 - Robbery, 2nd Degree – 29.02 - Sexual Assault, 2nd Degree – 22.011 - Sexual Performance by a Child -43.25 <p>A Felony Increased Under Health & Safety Code 481.134 (Drug-Free Zones). A Felony Increased Under Health & Safety Code 481.140 (Use of Child in Commission of Offense). Any offense committed on or after 09/01/1996 with a prior conviction to include any above listed offenses.</p>	<p>Ineligible for Mandatory Supervision.</p>	<p>CCP, Art. 42.18 Gov't Code 508.149</p>
<p>* The offenses listed below are NOT eligible for Parole or Mandatory Supervision:</p> <ul style="list-style-type: none"> - Aggravated Sexual Assault - 22.021(f) - Continuous sexual abuse of a young child or children - 21.02 	<p>Ineligible for Parole. Ineligible for Mandatory Supervision.</p>	<p>Gov't Code 508.145(a) Gov't Code 508.149</p> <p>* Effective 09/01/2007</p>

81st LEGISLATURE

09/01/2009 – 08/31/2011

OFFENSES	PAROLE ELIGIBILITY	COMMENTS
<p>Capital Murder (Capital Felony) Death or Life without Parole – 19.03</p> <p>Capital Murder (Capital Felony) Life</p> <ol style="list-style-type: none"> 1) Murder of a peace officer or fireman on official duty, 2) Intentionally murders a person in the course of committing or attempting to commit a kidnapping, burglary, robbery, aggravated sexual assault, arson, obstruction, or retaliation, or terroristic threat – 22.07(a)(1, 3, 4, 5, or 6), 3) Murders for remuneration, 4) Murders while escaping or attempting to escape from a penal institution, 5) Murders an employee of a penal institution while incarcerated, 6) Murders with intent to establish or participate in an alliance of individuals, 7) A person convicted of murder who murders while incarcerated, 8) Murders while serving a sentence of Life or 99 years for Aggravated Kidnapping, Aggravated Sexual Assault, or Aggravated Robbery, 9) Murders more than one person during the same criminal transaction, or during different criminal transactions but the murders are committed pursuant to the same scheme, 10) Murders an individual under six years of age, 11) Murders in retaliation for/on account of service/status as judge or justice of courts. 	<p>Not eligible for Parole or MS release.</p> <p>Calendar Time = 40 actual years served without consideration of good time</p> <p>Punishable by Death or Life without Parole only.</p> <p>Prohibits anyone younger than 18yrs. of age to be punished by Death.</p>	<p>Gov't Code 508.046</p> <p>Gov't Code 508.145 (b) Effective 09/01/2009</p> <p>Full Board vote + written report from Texas Department of Criminal Justice, regardless of date of offense:</p> <ul style="list-style-type: none"> – Includes predecessor offense of Murder w/Malice Aforethought when characteristics of crime match definition of capital felony. <p>SB45 Effective 09/01/1995</p> <p>– Extraordinary Vote Effective 09/01/2005</p>

81st LEGISLATURE (continued)

09/01/2009 – 08/31/2011

OFFENSES	PAROLE ELIGIBILITY	COMMENTS
<p>Offender is serving a Life Sentence for one of the following listed offenses:</p> <ul style="list-style-type: none"> -Aggravated Kidnapping (with intent to violate or abuse the victim sexually) - 20.04(a)(4) - Aggravated Sexual Assault – 22.021 -Burglary of Habitation with Intent to Commit any of the following listed sexual offenses: - 30.02 <ul style="list-style-type: none"> - Aggravated Sexual Assault – 22.021 - Indecency w/Child – 21.11 - Obscenity (images of child under the age of 18) - 43.23 - Poss. or Promotion of Child Pornography – 43.26 - Prohibited Sexual Conduct – 25.02 - Sexual Assault – 22.011 	<p>Calendar Time = 35 yrs.</p>	<p>Gov't Code 508.145 PC 12.42c</p>
<ul style="list-style-type: none"> -Sexual Performance by a Child – 43.25 - Sexual Assault – 22.011 AND has a previous conviction for one of the above listed offenses or one of the following offenses:- Burglary of Habitation with Intent to Commit any of the following listed sexual offenses: - 30.02 -Aggravated Kidnapping (with intent to violate or abuse the victim sexually) – 20.04(a)(4) - Indecency w/Child – 21.11(a)(1) - Possession or Promotion of Child Pornography – 43.26 - Prohibited Sexual Conduct – 25.02 - Sexual Assault – 22.011 - Sexual Performance by a Child – 43.25 <p>Offense in another state substantially similar to any of the above offenses.</p>		

81st LEGISLATURE (continued)

09/01/2009 – 08/31/2011

OFFENSES	PAROLE ELIGIBILITY	COMMENTS
<p>3g Offenses:</p> <ul style="list-style-type: none"> - Aggravated Kidnapping – 20.04 - Aggravated Robbery – 29.03 - Aggravated Sexual Assault – 22.021 - Any offense with Affirmative finding of Deadly Weapon - Capital Murder – 19.03 - Indecency w/Child (Sexual Contact)2nd Degree – 21.11(a)(1) - *Injury to a Child or Elderly or Disabled Individual, 1st Degree -22.04 (applies only to Child victim 14 or younger) - Murder, 1st Degree – 19.02 - *Sexual Performance by a Child -43.25, all subsections <p>A Felony Increased Under Health & Safety Code 481.134 (Drug-Free Zones). A Felony Increased Under Health & Safety Code 481.140 (Use of Child in Commission of Offense).</p>	<p>Calendar Time = ½ Minimum of 2 yrs. Maximum of 30 years.</p> <p>Calendar Time = ½ Minimum of 3 years; 19.02, 22.011 or 22.021**</p>	<p>CCP, Art. 42.12 Gov't Code 508.046 Full Board vote + written report from Texas Department of Criminal Justice, regardless of date of offense ONLY for the following offenses:</p> <ul style="list-style-type: none"> - Agg Sexual Assault – 22.021 (includes predecessor offenses for Agg Sexual Abuse and Agg Rape) - Indecency w/Child (Sexual Contact) -21.11(a)(1) <p>SB45 Effective 09/01/1995 – Extraordinary Vote * Effective 09/01/2007 **Effective 09/01/2009</p>
<p>Medically Recommended Intensive Supervision (MRIS)</p> <p>Condition requiring long term care Elderly Mentally Ill Mentally Retarded Physically Handicapped Terminally Ill</p>	<p>3g offenses are eligible *Sex offenders are now eligible if:</p> <ul style="list-style-type: none"> - Persistent vegetative state, - Organic brain syndrome, or - Significant or total mobility impairment. <p>- Can be earlier than parole eligibility date -Based on medical evaluation, offender is no longer a threat to society. Sentence of death excluded. Life without Parole excluded.</p>	<p>Gov't Code 508.146 as described in 508.145(f) Above criteria + approval by Texas Correctional Office on Offenders with Medical and Mental Impairments (TCOOMMI).</p> <p>* Effective 09/01/2007</p>
<p>All other 1st, 2nd, and 3rd degree felony offenses (a court may reduce the punishment of a 3rd degree felony by imposing the confinement of a Class A Misdemeanor).</p>	<p>Calendar Time + Good Time = 1/4, including work credits and bonus time. Maximum of 15 yrs.</p>	
<p>Drug-Free Zones</p>	<p>Calendar Time = 5 yrs. or maximum term, whichever is less.</p>	<p>Gov't code 508.145(e)</p>
<p>State Jail Felonies</p>	<p>Parole Eligibility is NOT applicable.</p>	<p>Confinement is to a state jail for any term of not more than two years or less than 180 days.</p>

81st LEGISLATURE (continued)

09/01/2009 – 08/31/2011

OFFENSES	PAROLE ELIGIBILITY	COMMENTS
<p>The offenses listed below are NOT eligible for Mandatory Supervision:</p> <ul style="list-style-type: none"> - Aggravated Assault, 1st or 2nd Degree – 22.02 - Aggravated Kidnapping, 1st or 2nd Degree – 20.04 - Aggravated Robbery – 29.03 - Aggravated Sexual Assault – 22.021 - Any offense with Affirmative finding of Deadly Weapon - Arson, 1st Degree – 28.02 - Burglary, 1st Degree – 30.02 - Capital Murder – 19.03 - Indecency w/Child – 21.11 - Injury to a Child or Elderly or Disabled Individual, 1st Degree – 22.04 - Criminal Solicitation, 1st Degree—15.03 - Murder, 1st or 2nd Degree – 19.02 - Robbery, 2nd Degree – 29.02 - Sexual Assault, 2nd Degree – 22.011 - Sexual Performance by a Child -43.25 <p>A Felony Increased Under Health & Safety Code 481.134 (Drug-Free Zones). A Felony Increased Under Health & Safety Code 481.140 (Use of Child in Commission of Offense). Any offense committed on or after 09/01/1996 with a prior conviction to include any above listed offenses.</p>	<p>Ineligible for Mandatory Supervision.</p>	<p>CCP, Art. 42.18 Gov't Code 508.149</p>
<p>* The offenses listed below are NOT eligible for Parole or Mandatory Supervision:</p> <ul style="list-style-type: none"> - Aggravated Sexual Assault - 22.021(f) - Continuous sexual abuse of a young child or children - 21.02 	<p>Ineligible for Parole. Ineligible for Mandatory Supervision.</p>	<p>Gov't Code 508.145(a) Gov't Code 508.149</p> <p>* Effective 09/01/2007</p>

82nd LEGISLATURE

09/01/2011 – present

OFFENSES	PAROLE ELIGIBILITY	COMMENTS
<p>Capital Murder (Capital Felony) Death or Life without Parole – 19.03</p> <p>Capital Murder (Capital Felony) Life</p> <ol style="list-style-type: none"> 1) Murder of a peace officer or fireman on official duty, 2) Intentionally murders a person in the course of committing or attempting to commit a kidnapping, burglary, robbery, aggravated sexual assault, arson, obstruction, or retaliation, or terroristic threat – 22.07(a)(1, 3, 4, 5, or 6) 3) Murders for remuneration, 4) Murders while escaping or attempting to escape from a penal institution, 5) Murders an employee of a penal institution while incarcerated, 6) Murders with intent to establish or participate in an alliance of individuals, 7) A person convicted of murder who murders while incarcerated, 8) Murders while serving a sentence of Life or 99 years for Aggravated Kidnapping, Aggravated Sexual Assault, or Aggravated Robbery, 9) Murders more than one person during the same criminal transaction, or during different criminal transactions but the murders are committed pursuant to the same scheme, 10) Murders an individual under six years of age, 11) Murders in retaliation for/on account of service/status as judge or justice of courts. 	<p>Not eligible for Parole or MS release.</p> <p>Calendar Time = 40 actual years served without consideration of good time</p> <p>Punishable by Death or Life without Parole only.</p> <p>Prohibits anyone younger than 18yrs. of age to be punished by Death.</p>	<p>Gov't Code 508.046</p> <p>Gov't Code 508.145 (b) Effective 09/01/2009</p> <p>Full Board vote + written report from Texas Department of Criminal Justice, regardless of date of offense:</p> <ul style="list-style-type: none"> – Includes predecessor offense of Murder w/Malice Aforethought when characteristics of crime match definition of capital felony. <p>SB45 Effective 09/01/1995 – Extraordinary Vote Effective 09/01/2005</p>

82nd LEGISLATURE (continued)

09/01/2011 – present

OFFENSES	PAROLE ELIGIBILITY	COMMENTS
<p>Offender is serving a Life Sentence for one of the following listed offenses:</p> <ul style="list-style-type: none"> - Aggravated Kidnapping (with intent to violate or abuse the victim sexually) - 20.04(a)(4) - Aggravated Sexual Assault – 22.021 - Burglary of Habitation with Intent to Commit any of the following listed sexual offenses: - 30.02 - Aggravated Sexual Assault – 22.021 - Indecency w/Child – 21.11 - Obscenity (images of child under the age of 18) - 43.23– Poss. or Promotion of Child Pornography – 43.26 - Prohibited Sexual Conduct– 25.02 - Sexual Assault – 22.011 	<p>Calendar Time = 35 yrs.</p>	<p>Gov't Code 508.145 PC 12.42c</p>
<ul style="list-style-type: none"> - Sexual Performance by a Child – 43.25 - Sexual Assault – 22.011 AND has a previous conviction for one of the above listed offenses or one of the following offenses: - Burglary of Habitation with Intent to Commit any of the following listed sexual offenses: - 30.02 <ul style="list-style-type: none"> - Aggravated Kidnapping (with intent to violate or abuse the victim sexually) – 20.04(a)(4) - Indecency w/Child – 21.11(a)(1) - Possession or Promotion of Child Pornography – 43.26 - Prohibited Sexual Conduct – 25.02 - Sexual Assault – 22.011 - Sexual Performance by a Child – 43.25 <p>Offense in another state substantially similar to any of the above offenses.</p>		

82nd LEGISLATURE (continued)

09/01/2011 – present

OFFENSES	PAROLE ELIGIBILITY	COMMENTS
<p>3g Offenses: – Aggravated Kidnapping – 20.04 – Aggravated Robbery – 29.03 – Aggravated Sexual Assault – 22.021 – Any offense with Affirmative finding of Deadly Weapon – Capital Murder – 19.03 – Indecency w/Child (Sexual Contact)2nd Degree – 21.11(a)(1) – *Injury to a Child or Elderly or Disabled Individual, 1st Degree -22.04 (applies only to Child victim 14 or younger) – Murder, 1st Degree – 19.02 – *Sexual Performance by a Child -43.25, all subsections</p> <p>A Felony Increased Under Health & Safety Code 481.134 (Drug-Free Zones). A Felony Increased Under Health & Safety Code 481.140 (Use of Child in Commission of Offense). ***Continuing Trafficking of Persons— 20A.03</p>	<p>Calendar Time = ½ Minimum of 2 yrs. Maximum of 30 years.</p> <p>Calendar Time = ½ Minimum of 3 years; 19.02, 22.011 or 22.021**</p>	<p>CCP, Art. 42.12 Gov't Code 508.046 Full Board vote + written report from Texas Department of Criminal Justice, regardless of date of offense ONLY for the following offenses: – Agg Sexual Assault – 22.021 (includes predecessor offenses for Agg Sexual Abuse and Agg Rape) – Indecency w/Child (Sexual Contact) - 21.11(a)(1) SB45 Effective 09/01/1995</p> <p>– Extraordinary Vote * Effective 09/01/2007 **Effective 09/01/2009</p> <p>***Effective 09/01/2011</p>
<p>Medically Recommended Intensive Supervision (MRIS)</p> <p>Condition requiring long term care Elderly Mentally Ill Mentally Retarded Physically Handicapped Terminally Ill</p>	<p>3g offenses are eligible *Sex offenders are now eligible if: – Persistent vegetative state, – Organic brain syndrome, or – Significant or total mobility impairment – Can be earlier than parole eligibility date. – Based on medical evaluation, offender is no longer a threat to society. Sentence of death excluded. Life without Parole excluded.</p>	<p>Gov't Code 508.146 as described in 508.145(f) Above criteria + approval by Texas Correctional Office on Offenders with Medical and Mental Impairments (TCOOMMI).</p> <p>* Effective 09/01/2007</p>
<p>All other 1st, 2nd, and 3rd degree felony offenses (a court may reduce the punishment of a 3rd degree felony by imposing the confinement of a Class A Misdemeanor).</p>	<p>Calendar Time + Good Time = 1/4, including work credits and bonus time. Maximum of 15 yrs.</p>	
<p>Drug-Free Zones</p>	<p>Calendar Time = 5 yrs. or maximum term, whichever is less.</p>	<p>Gov't code 508.145(e)</p>
<p>State Jail Felonies</p>	<p>Parole Eligibility is NOT applicable.</p>	<p>Confinement is to a state jail for any term of not more than two years or less than 180 days.</p>

Decision-Making and the Parole Process

DECISION-MAKING AND THE PAROLE PROCESS

How does an offender learn when he or she becomes eligible for parole?

Soon after each offender's arrival, the Correctional Institutions Division Records Office will provide a time calculation sheet showing the initial parole eligibility date (although this date may be subsequently revised depending upon the amount of "good time" earned or lost). In addition, Institutional Parole Offices have parole officers on each unit to answer parole-related questions.

Can any offender be paroled?

No. Offenders who are sentenced to death are never eligible for parole. Offenders sentenced to life without parole are never eligible for parole.

If an offender is serving "stacked" (consecutive) sentences, how does this affect parole eligibility?

Offenders serving stacked sentences for offenses committed before September 1, 1987, become eligible for parole based on the total number of years of the various sentences. For example, two 15-year sentences running consecutively would be considered one 30-year sentence for eligibility purposes. Based on the requirement to be credited for one-third of one's sentence or 20 years (whichever is less) to become parole eligible, an offender with these stacked sentences would have an initial parole review after accruing 10 years of time credit. Under the same formula, any offender with very lengthy consecutive sentences would become eligible for parole after accruing 20 years of time credit, no matter whether he or she had six 10-year sentences or six 99-year sentences.

Offenders who are serving consecutive sentences committed after September 1, 1987, must complete each sentence in the series before the next sentence begins. The sentence can be completed only by serving the sentence day for day until the maximum expiration date or by receiving a favorable vote from a parole panel for the sentence to "cease to operate" on a specified date. Time earning for parole review purposes on the next sentence in the series will begin on the date specified by the parole panel. The phrase "cease to operate" only means that the next sentence in the sequence begins and does not mean that the sentence is totally discharged. All sentences in the series are totaled to calculate the maximum discharge date. Mandatory supervision, if applicable, applies only to the last sentence in the series.

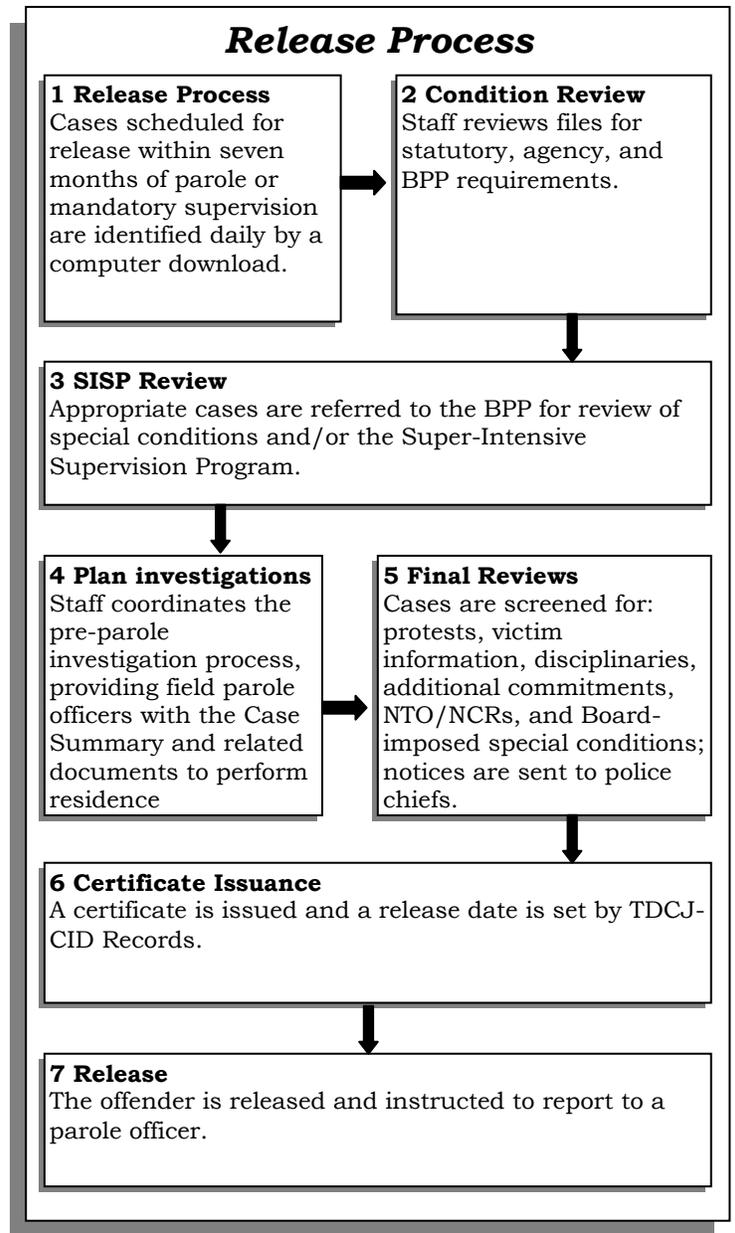
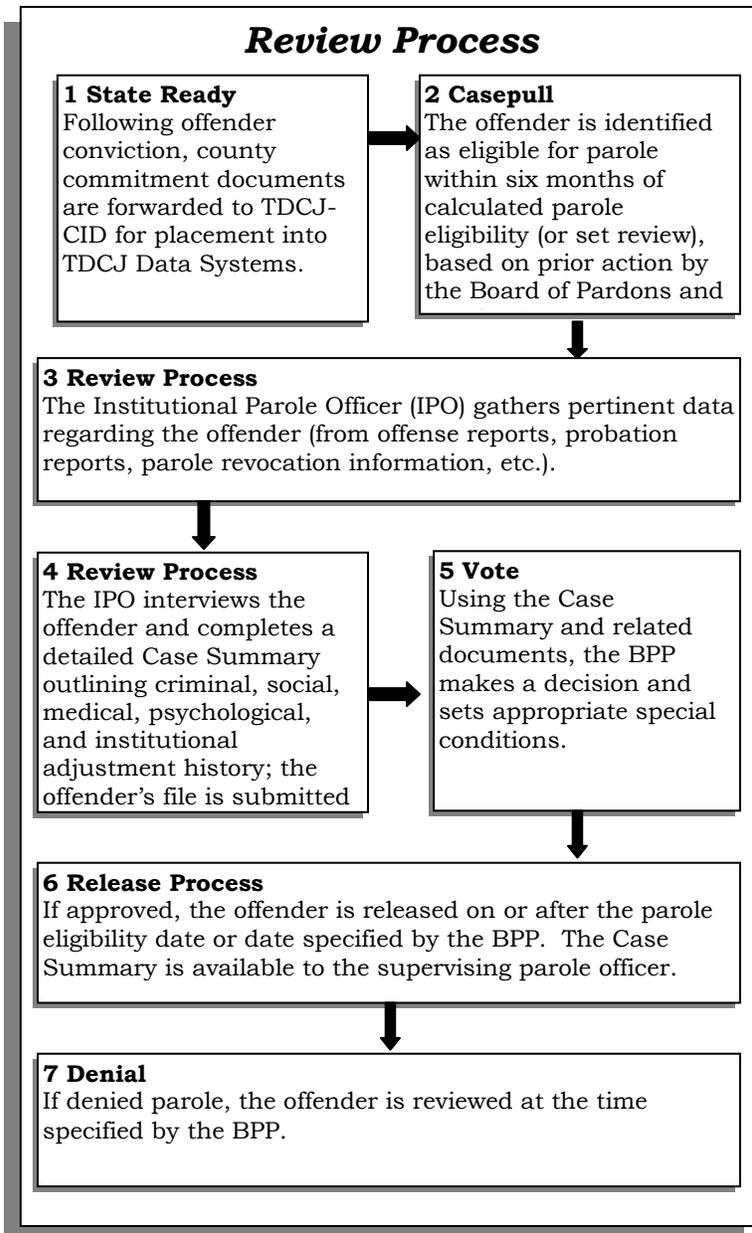
What is Discretionary Mandatory Supervision?

Offenders eligible for release on mandatory supervision who are incarcerated for an offense committed on or after September 1, 1996, must be approved for release by a parole panel. If the parole panel denies the offender's release on mandatory supervision, the offender shall be reviewed one year from the panel decision date, which will constitute the subsequent projected release date.

What is a Senate Bill 45 case?

In accordance with Section 508.046 of the Texas Government Code as amended by S.B. 45, 74th Legislature, a two-thirds majority vote of the entire board is necessary for parole decisions involving capital felons, persons convicted of an offense under 21.11(a)(1) (Indecency with a Child), 21.02 (Continuous Sexual Assault of a Child), 22.021 (Aggravated Sexual Assault) of the Penal Code, or persons required under Section 508.145 of the Texas Government Code to serve 35 calendar years before becoming eligible for release on parole.

Review and Release Process Chart



Release and Supervision

RELEASE AND SUPERVISION

What happens first in the process?

Several months before an offender's parole eligibility review date, an institutional parole officer interviews the offender. The parole officer prepares a case summary, which includes the facts of the offender's offense; other relevant information such as assaultive behavior or the use of narcotics; personal history; assignments, adjustment, and disciplinary record while in prison; physical and mental condition; and a summary of positive and negative factors are included.

Section 508.181 of the Texas Government Code states in part that a parole panel shall require as a condition of parole or mandatory supervision that an offender reside (1) in the county where the offender resided at the time of committing his or her offense or (2) in the county where the offender committed his or her offense if the offender was not a resident of the state at the time of committing the offense. In addition, a parole panel may require the offender to reside in a county other than the official county of residence to (1) protect the life and safety of a victim of the offense, the offender, a witness in the case or any other person, or (2) increase the likelihood of the offender's successful completion of parole or mandatory supervision.

Who makes the decision to grant parole?

As the offender's parole eligibility review date approaches, a parole panel (Board of Pardons and Parole) reviews the offender's case. The offender may be interviewed by one of the panel members before the final panel vote. The panel is composed of at least one board member and any combination of board members and parole commissioners, and two of the three panelists must vote for parole before it can be granted. A few categories of offenders may be paroled only upon a two-thirds majority vote of the entire seven-member board. (*See Senate Bill 45.*)

What do decision-makers consider before granting parole?

Parole panel members look at the circumstances and seriousness of the offense; prior prison commitments; relevant input from victims, family members, and trial officials; adjustment and attitude in prison; the offender's release plan; and factors such as alcohol or drug use, violent or assaultive behavior, deviant sexual behavior, use of a weapon in an offense, institutional adjustment, and emotional stability. Based on the entirety of the available information, the parole panel then determines whether the offender deserves the privilege of parole.

What are the Parole Guidelines?

Parole Guidelines consist of two major components that interact to provide an offender's probability of parole success. The first is a **Risk Assessment Instrument** that weighs both static and dynamic factors associated with the offender's record. Static factors include age at first admission to a juvenile or adult correctional facility, history of supervisory release

revocations for felony offenses, prior incarcerations, employment history, and the commitment offense. The Dynamic factors include the offender's current age, whether the offender is a confirmed member of a security threat group (gang), education, vocational, and certified on-the-job training programs completed during the present incarceration, prison disciplinary conduct, and current prison custody level. Based on the total of static and dynamic factor points, the risk level is assigned.

The second is the **Offense Severity Class**. Each felony offense in the Penal Code has been assigned an offense severity ranking. Offense severity classes range from Low for non-violent crimes such as illegal recruitment of an athlete, to Highest for capital murder. An offender's most serious active offense is assigned an offense severity class.

The two components of the guidelines are merged into a matrix. The parole guidelines level is located where his risk score intersects with the offense severity ranking for his offense. Parole guidelines levels range from 1 to 7. The higher the level into which an offender falls (7), the greater the probability the offender will receive a favorable parole recommendation from the parole panel.

The guidelines are not automatic nor are the parole guidelines score presumptive as to whether an inmate will be paroled. Board Members and Parole Commissioners retain the discretion to vote outside the guidelines when the circumstance of an individual case merits their doing so.

What is a release plan?

A parole or mandatory release plan includes (1) the name, address, and phone number(s) of the person with whom an offender plans to live; and (2) other special requirements such as treatment for drug or alcohol addiction. The offender should provide as many parole or mandatory release plans as available when interviewed by the parole officer and should tell the parole officer about any changes in the plan that occurs after the interview. A District parole officer must verify the plan before the offender can be released.

What can an offender do to prepare a good release plan?

An offender should call upon family, friends, and relatives to help arrange a place to live, a job, a means of transportation, and moral support. If the source of an offender's trouble is related to the environment to which the offender intends to return, he or she is advised to live elsewhere. If there are no resources in the community to help the offender, the Parole Division's Review and Release Processing Section can assist in making a halfway house placement. In this case, the offender should contact an institutional parole officer for assistance. Offenders whose crimes were alcohol or drug-related should look for a location where counseling is available for those problems. (Offenders can expedite their job searches by acquiring birth certificates and social security numbers before they are released by CID/or may be provided by the Reentry Integration Division.)

Does an offender need the services of an attorney or a "parole consultant" in order to be released to parole?

No, it is not required; however, offenders have the right to employ attorneys if they so desire. State law stipulates that anyone receiving a fee for representation of an offender

must be a licensed attorney.

What can family members do to help an offender gain parole?

Offenders' behavior and accomplishments in prison are factors that are considered in all parole decisions. Family members should encourage offenders to maintain a clear conduct disciplinary record and to participate in the educational, vocational, and character development programs offered at the prison. Also, in many instances, the offender must rely on family or friends in arranging a suitable parole plan, which includes a job and a place to live.

Do parole panel members meet with family members?

Parole panel members are not required to meet with an offender's family prior to a parole decision.

Are parole panel members required to interview offenders in person?

It is at the discretion of the individual parole panel member to determine which offenders are to be interviewed, with one exception: Board Directive 141.355 requires the lead voter to interview the offender if they have served 20 consecutive years or more, and have not been interviewed by a voting panel member during the last two parole interviews. This does not apply to offenders in disciplinary status, diagnosed by medical staff as mentally ill or impaired, housed in administrative segregation and considered by TDCJ-CID staff as violent or dangerous, or offenders incarcerated in federal correctional institutions or state prisons in another state.

Is parole "automatic" when an offender meets the time and program requirements?

No. Offenders will be considered for parole when the statutory time requirements are met and they have served sufficient time to be legally eligible to be released. However, it is up to parole panel members to decide, among other things, whether an offender has properly adjusted in prison, is no longer a threat to society, and is ready to accept the responsibilities of a law-abiding citizen.

Each offender is unique and will be evaluated on an individual basis. There are no compulsory release criteria that must be followed by the parole panel in every case.

Who can get a set-off of up to five years?

Effective January 1, 2004, based on Senate Bill 917, offenders eligible for mandatory and discretionary mandatory supervision serving time for offenses not listed under §508.149(a), Government Code, will either receive a form of parole approval or up to a one year set off when reviewed for parole.

Offenders not eligible for Mandatory Supervision, those serving a sentence for a violent offense as listed in Section 508.149(a) of the Texas Government Code, are subject to, up to

a five-year set off. See the following.

Government Code §508.149(a) offenses include:

- Injury to a Child or Elderly, Individual or Disabled Individual, 1st Degree
- Arson, 1st Degree
- Robbery, 2nd Degree
- Burglary- Resulting in Bodily Injury, 1st Degree
- A Felony Increased Under Health and Safety Code (Drug-Free Zones)
- Injury to Disabled Individual
- Indecency with a Child, 2nd Degree
- Murder, 2nd Degree
- Capital Murder
- Criminal Solicitation of Capital Murder or A felony of first degree
- Compelling Prostitution
- Continuous Sexual Abuse of Young Child or Children
- Aggravated Kidnapping
- Aggravated Sexual Assault
- Aggravated Robbery
- Any Offense with an Affirmative Finding of a
- Deadly Weapon
- Murder, 1st Degree
- Sexual Assault, 2nd Degree
- Aggravated Assault, 1st and 2nd Degree
- Continuous Sexual Abuse of Young Child
- Sexual Performance by a Child
- Continuous Trafficking of a Person
- Trafficking of Persons

What if parole is denied?

If an offender is denied parole, he or she is given either a Serve-All (SA) or a Next Review (NR) date.

NR vote means that the parole panel has decided the offender is not ready for parole but that a subsequent review should be conducted at a specified future date within one to five years for offenders serving a sentence listed in §508.149(a), Government Code, and one year for an offender not serving a sentence under §508.149(a) Government Code.

Serve-All vote means that the offender is not considered ready for parole and that no future parole reviews will be scheduled. A Serve-All may only be given to offenders who have less than five years until their discharge or scheduled release to mandatory supervision if serving a sentence listed in §508.149(a), Government Code and one year for offenders not serving sentences listed in §508.149(a), Government Code.

If reconsideration of an SA or NR decision is requested by an offender based on new information previously unavailable to the parole panel, then the offender's file and the new information may be presented for "Special Review" to the parole panel. The Special Review Panel will determine whether the new information is pertinent to the parole decision and whether the case should be returned to the original parole panel for a re-vote. Special Reviews are not commonly granted.

What voting options does the panel have in regard to conditional release?

The panel follows a list of voting options along with the Serve All (SA) or Next Review (NR)

options. When the parole panel vote sets a tentative future date for release (voting options FI 2, FI 3R, FI 4, FI 4R, FI 6R, FI 7R, FI 9R and FI 18R), that date cannot be more than three years from the initial parole eligibility date or from the date of the current panel decision date.

All Voting Options

- FI 1** The offender is to be released on parole as soon as he or she is eligible.
- FI 2** The offender is to be released on a specified future date.
- FI 3R** The offender is to be transferred to a TDCJ rehabilitation tier program of not less than three months in length and not earlier than the specified date, with release to parole upon program completion. Such TDCJ program may include the Changes Pre-Release Program.
- FI 4** The offender is to be transferred to a Pre-Parole Transfer facility prior to the presumptive parole date set by parole panel, with release to parole supervision on the presumptive parole date.
- FI 4R** The offender is to be transferred to a Sex Offender Education Program (SOEP), a TDCJ rehabilitation program, of not less than four months in length and not earlier than the specified date, with release to parole upon program completion.
- FI 5** The offender is to be transferred to In-Prison Therapeutic Community Program, with release to an aftercare component only after completion of IPTC program.
- FI 6** The offender is to be transferred to the DWI program, a TDCJ rehabilitation program, and after completion released to alcohol continuum of care program.
- FI 6R** The offender is to be transferred to a TDCJ rehabilitation tier program of not less than six months in length and not earlier than the specified date, with release to parole upon program completion. Such TDCJ program may include the Pre-Release Therapeutic Community (PRTC) or Pre-Release Substance Abuse Program (PRSAP).
- FI 7R** The offender is to be transferred to the Serious and Violent Offender Reentry Initiative (SVORI), a TDCJ rehabilitation program, less than 7 months in length and not earlier than the specified date, with release to parole upon completion.
- FI 9R** The offender is to be transferred to the Sex Offender Treatment Program (SOTP-9), a TDCJ rehabilitation program, not less than 9 months in length and not earlier than the specified date, with release to parole upon completion.
- FI 18R** The offender is to be transferred to the Sex Offender Treatment Program (SOTP-18), a TDCJ rehabilitation program, of not less than 18 months in length and not earlier than the specified date, with release to parole upon program

completion.

- NR** Deny favorable parole action and set for next review.
- SA** Deny parole with no regular subsequent reviews. Offender must serve balance of sentence.
- CU-FI** Designates the date on which an offender serving consecutive sentences would have been eligible for parole if the offender had been sentenced to serve a single sentence. The cause numbers that were approved will be indicated in the vote.
- CU-NR** A parole panel denial of favorable parole action in a consecutive sentence case, which sets the specified cause number for next review during a future specified month and year.
- CU-SA** Consecutive felony sentence vote to deny parole and not release the offender until the serve-all date.
- DMS** Deny Mandatory Supervision. Applicable to HB 1433 cases, i.e., offenders for whom mandatory supervision is “discretionary” because their mandatory release eligible offense was committed on or after September 1, 1996.
- RMS** Release to Mandatory Supervision. Applicable to HB 1433 “discretionary mandatory supervision” cases.

If released on parole, are offenders free to do as they please?

No. Offenders agree to abide by certain rules and conditions when they sign their release certificates.

Who is notified about an offender’s parole review and/or release?

When an offender enters the parole review process and prior to an offender’s scheduled release, the Parole Division notifies the trial officials (District judge, sheriff, and prosecuting attorney) of the county of conviction, the police chiefs of the county of conviction, the county in which the offense was committed (in cases with a change of venue), and the county to which the offender is to be released. Also notified are any victims or others who completed a victim impact statement at the time of trial or who requested notification by telephone or letter (see the Victim Services section of this handbook). These parties are notified in advance of the scheduled parole review in order to solicit their comments regarding the individual’s release.

All correspondence regarding an offender, whether written in support of or in opposition to parole, will be added to the offender’s permanent file and will be available to the parole panel at the time of parole deliberations. It is important for comments to be submitted in a timely fashion, but if protest letters received after a parole review appear to contain significant information previously unavailable to the parole panel, the case will be submitted to the parole panel for reconsideration in light of the objection. Each objection is carefully weighed on its own merits.

What are the rules of parole and mandatory supervision?

Persons released on parole and mandatory supervision must abide by certain rules while in the community and are subject to revocation or other sanctions for violations of the rules. Rules of release may include, but are not limited, to the following:

- Report as instructed to the supervising parole officer;
- Obey all municipal, county, state, and federal laws;
- Obtain the parole officer's written permission before changing residence;
- Obtain the parole officer's written permission before leaving the state;
- Do not own, possess, sell, or control any firearm, prohibited weapon, or illegal weapon as defined in the Texas Penal Code; do not unlawfully carry any weapon; and do not use or attempt or threaten to use any tool, implement, or object or threaten to cause any bodily injury;
- Avoid persons or places of disreputable or harmful character;
- Do not enter into any agreement to act as an "informer" or special agent for any law enforcement agency without specific written approval of the Parole Division; and
- Abide by any special conditions imposed by a parole panel, whether imposed upon release and listed on the release certificate or imposed at a later date.

Offenders also agree to abide by all rules of parole and laws relating to the revocation of parole and mandatory supervision, including appearing at any required hearings or proceedings.

Offenders are required to pay the Parole Division monthly supervision and administrative fees for each month they are required to report to their parole officers, payable as instructed by the officers. Offenders who are unemployed can seek permission from the parole panel through their parole officers to defer payment of these fees, but they must begin payments as soon as they find employment.

Offenders granted deferrals remain responsible for the month(s) deferred, and the amount deferred must be paid no later than two years after the date the deferral was approved and must be paid in full prior to discharge. Offenders also must make payments toward any outstanding fines, court costs, or fees adjudged against them at the time of sentencing. Such payments are to be made to the appropriate court clerk, with the offender providing documentation of the payments to the supervising parole officer.

What special conditions can the Parole Panel impose in addition to the rules stated previously?

A parole panel may add special release conditions for any offender. The most common special conditions include; sex offender requirements, intensive supervision, electronic monitoring, drug monitoring (urinalysis), or mandatory participation in drug/alcohol treatment, educational programs, or psychological counseling. A parole panel may also impose other conditions deemed appropriate to the individual and in the interest of society, including payment of court-ordered restitution to victims. A Super-Intensive Supervision

Program (SISP) special condition requires violent/assaultive offenders to be placed on an SISP caseload upon release from prison.

When does release become effective?

A parole release becomes effective when the offender signs his or her release certificate. The certificate orders the release and tells the offender in clear and understandable language where to report and to whom. The certificate lists the conditions of release and gives the date on which the offender will discharge his or her sentence and be free from supervision. The certificate also includes a waiver of extradition. The parole certificate must be signed by the offender.

Offenders released on mandatory supervision are given release certificates that provide parole office information and release conditions. Mandatory supervision offenders are not required to sign their release certificates, but they nevertheless must obey the rules and conditions of supervision and are subject to revocation if they violate the rules or conditions.

What is parole to a community-based facility (Residential Reentry Center/County Jail Work Release Program)?

Residential Reentry Center beds are designated for placement of parole and mandatory supervision offenders either immediately upon release from the Correctional Institutions Division (CID) or upon referral from field staff under specific circumstances. Specifically, some offenders who need closer supervision and special services or who lack family and community resources are released to these facilities to ease the transition from prison life to community life. Residential Reentry Centers may provide intensive job search assistance and require offender participation in the savings program, which is described below in the 'rules' section. County jail work release beds are contractually arranged by Texas counties and TDCJ-PD. The program was developed to return the parole or mandatory supervision offender to the offender's county of residence.

What are the rules of A Residential Reentry Center/County Jail Work Release Program?

Each community-based facility has its own rules, but residents must abide by the following general rules:

- Upon release, go directly to the assigned facility and remain there until permission to move is granted by authorized parole officials
- Obey all facility rules and attend required facility meetings
- Cooperate with facility officials in monitoring one's whereabouts
- Remain on the property at all times except for traveling to and from a job or as authorized by facility rules
- Pay 25% of gross salary toward upkeep in the facility and any specified obligations incurred while a resident
- Save 33.3% of gross salary to be utilized in developing a residential plan to transition out of the facility

Can probation violators be paroled?

Offenders imprisoned for probation violations are no longer probationers. They are therefore eligible for parole consideration or mandatory release in accordance with the same laws and policies that apply to all offenders.

What is “gate money”?

The Correctional Institutions Division provides \$50 and a bus ticket to offenders released on parole or mandatory supervision to help with transportation to the community to which they will be paroled and with other expenses involved in resettling in the community. They receive an additional \$50 upon reporting to their parole office. Offenders who are not required to report to a parole officer immediately after release or who are released to a detainer or to an out-of-state plan receive the full \$100 at time of release.

How often does an offender report to his Parole Officer?

The number of required visits with a parole officer depends on the level of supervision that has been imposed. Basic guidelines follow, but these do not apply to offenders on intensive, super intensive, or specialized caseloads.

Minimum level

- One contact with the offender each month
- Verification of employment and/or counseling monthly
- Collateral contacts (any significant contact with a person other than the offender) as appropriate
- Residence verification within 30 days of change in address

Medium level

- One office contact each month
- Offender contact at home or field every other month
- Verification of employment and/or counseling monthly
- Collateral contacts (any significant contact with a person other than the offender) as appropriate
- Residence verification within 30 days of change in address

Maximum level

- One office contact each month
- Offender contact at home or field each month
- Verification of employment and/or counseling monthly
- Collateral contacts (any significant contact with a person other than the offender) as appropriate
- Residence verification within 30 days of change in address

Quarterly Reporting

Offenders meeting the following criteria may be allowed to report in person for an office visit once each quarter as approved by the unit supervisor of their supervising parole officer. Offenders have to meet and maintain these criteria for Quarterly Report status. Offenders must:

- Have been on supervision a minimum of three years;
- Have an Instant offense(s) or prior conviction(s) that do not include a 3(g) or sex offense;
- Have a reassessment score of minimum supervision status for one year prior to request;
- Be current on fees, which continue to be due for payment each month unless paid in advance;
- Be current and remain current on restitution;
- Be in compliance with all special conditions; and
- Have had no warrant issued during the current period of supervision. This does not apply to a warrant issued for which a subsequent investigation or administrative review did not sustain a violation.

Annual Report Status

Offenders meeting the following criteria may be allowed to report in person for an office visit once per year:

- Have an Instant Offense(s) or prior conviction(s) that do not include a 3(g) or sex offense;
- Satisfactory completion of one year on Quarterly Report status;
- Court costs, and related fees are paid in full; and
- Current on supervision fees.

Early Release from Parole Supervision

With recommendation by a parole supervisor, an offender may be recommended for early release provided:

- Under supervision for at least one half of time required on sentence AFTER release
- No violations the previous two years
- Not revoked

Can offenders be supervised in other states upon release?

Yes. Texas has an agreement with other states, the District of Columbia, Puerto Rico and the Virgin Islands to send and receive offenders for supervision. It is called the "Interstate Compact for Adult Offender Supervision". The website is www.interstatecompact.org. Offenders sent to other states must obey the rules of both Texas and the supervising state. Upon a decision from the parole panel, they must be returned to Texas to continue serving their sentences and are subject to revocation of their release if they violate the rules. A Texas offender who has been accepted for supervision in another state must be retaken by

a warrant entered in the National Crime Information Center (NCIC) upon request from the receiving state if the offender receives a new felony conviction; is a violent offender who commits a significant violation; or is convicted of a violent crime. An offender who absconds supervision must also be retaken by NCIC warrant. Retaking is also required if an offender commits 3 significant violations in the receiving state; however, for offenders who commit 3 significant violations, the sending state shall order the return of an offender or retake. If the offender does not return as ordered, the sending state is required to issue an NCIC warrant to retake the offender. The decision of whether a violation is significant is determined by the receiving state and is a violation that if committed by an offender who was sentenced in the receiving state would result in a request for revocation of supervision.

Retaking is the process used to remove a transferred offender from a receiving state. Offenders transferred under the Interstate Compact waive extradition which is the process used to return a fugitive to a state by order of the governor. A governor's order is not required to return an offender whose supervision has been transferred to another state under the Interstate Compact.

The processing of Interstate Compact transfer requests may take several months, since a parole plan must be investigated and accepted by the receiving state. States have 45 days to reply to a transfer request once the request is received in the receiving state's compact office; however, the amount of time needed to finalize an interstate transfer tends to vary widely. Offenders should file timely requests for out-of-state placements and should be aware that they may encounter unanticipated delays. An incarcerated offender seeking to be supervised by another state after release should contact his Institutional parole officer. The IPO initiates the Interstate transfer process by having the offender execute an "Offender Application for Interstate Transfer". A transfer request for a paroling offender may not be submitted to the receiving state any earlier than 120 days prior to the offender's planned release date. An offender who has been paroled should contact his supervising parole officer to initiate the transfer request. No offender has a right to Interstate transfer.

What is Parole in Absentia (PIA)?

Some offenders serve their Texas sentences while in the custody of federal facilities, prisons in other states, or city and county jails. The parole panel may conduct parole in absentia reviews for such parole-eligible offenders who are incarcerated in non-TDCJ facilities. The institutional parole offices assist in tracking PIA reviews and in preparing the appropriate paperwork.

What happens if offenders violate the terms of release?

For minor administrative rule violations, the Parole Division may, at its discretion, decide to hold a conference with the offender or impose a low-level sanction such as writing a letter of reprimand. However, any offender who is alleged to have committed a new offense, absconded from supervision, or violated any rules, terms, or conditions may have a warrant issued for his or her arrest. Such warrants, which are sometimes referred to as "blue warrants," will be executed by law enforcement authorities.

An offender is entitled to a preliminary hearing if the offender is alleged to have committed a new offense; accused of a new offense and later “no-billed” or the charge is dismissed; has a new conviction for a traffic offense where punishment is punishable by a fine only, allegedly engaged in criminal behavior but has no formal charges pending; is arrested on a new criminal charge; does not sign any portion of the Rights of the Offender in the Revocation Process form; or is mentally incapable of understanding his rights. The purpose of a preliminary hearing is to determine whether probable cause or reasonable grounds exist to believe that the offender has committed an act that would constitute a violation of a condition of release. During the preliminary hearing, the hearing officer will determine whether enough evidence exists to render a proceed to revocation hearing decision.

An offender is entitled to a revocation hearing if they are alleged to have committed a technical violation(s) only; following a trial or a plea of guilty or nolo contendere for a felony or misdemeanor; or the offender is mentally incapable of understanding the revocation process. At a revocation hearing, testimony is heard, and the hearing officer will determine whether enough evidence exists to recommend revocation. Even if the offender has received a new felony conviction, a revocation hearing will be conducted to consider mitigating circumstances, unless the offender waives his or her right to the hearing. If the evidence shows a violation, the hearing officer may recommend that the parole panel revoke the offender’s parole or mandatory supervision. If supervision is not revoked, the parole panel may allow the offender to continue supervision under the same or modified conditions; or, they may order a transfer to an Intermediate Sanction Facility.

Specialized Programs

What is the role of Specialized Programs?

The Specialized Programs Section administers a wide range of rehabilitative, therapeutic, and resource programs. These programs were created to help the Parole Division accomplish its mission of enhancing public safety by successfully reintegrating offenders. The programs are designed for offenders at various points in the criminal justice process and for those with special needs. The PD contracts with private vendors for various therapeutic services. Programs are designed to assist pre-release and post-release offenders in adapting themselves to more productive experiences, environments, and opportunities for self-improvement.

District Reentry Centers (DRC)

The DRC is a comprehensive approach to reentry with services promoting personal growth, accountability and responsibility. DRC's target high-risk offenders unable to complete prior supervision periods. Offenders reporting as new arrivals, not already assigned to a specialized caseload, and those referred by the field as a graduated sanction, may be placed on a DRC caseload. After assessing the offenders' needs, referrals are made for appropriate programming found at the DRC. DRC's are assisted by staff, volunteers, contracted vendors, and community agencies to address needs in five (5) core areas: Anger Management, Cognitive Restructuring, Pre-employment, Substance Abuse, and Victim Empathy. Compliance is monitored through a Rapid Response System, which increases offender accountability. Unit supervisors designate rapid response staff responsible for face-to-face contacts with the offender within 24 hours of a reported problem.

The Serious and Violent Offender Reentry Initiative (SVORI) program is a component of the DRC. SVORI is a joint initiative between the Correctional Institutions Division (CID), Rehabilitation Programs Division, and the Parole Division (PD). The program is comprised of two (2) phases and is aimed at combating recidivism, promoting public safety, and reintegrating administrative segregation offenders into society. SVORI provides transitional services that begin in CID at the Estelle Unit (Phase I) and continue when the offender is released to supervision (Phase II). To be eligible for the program, the offender is to be released to a county serviced by a DRC (Bexar, Dallas, El Paso, Harris, Hidalgo, Jefferson, Lubbock, McLennan, Nueces, Tarrant and Travis) or to a county that borders one of the above listed counties.

What employment assistance is available for offenders?

Employment assistance is available to offenders through the Texas Workforce Commission (TWC) work-force development centers statewide. The services provided by TWC vary and are the same as those services provided to the general public in Texas including job search assistance, resume and application assistance, and vocation training when available.

What adult education assistance is available for offenders?

The primary program for providing educational assistance to offenders is **Project COPE** (Community Opportunity Programs in Education), a consortium of the TDCJ-Parole Division, Texas Juvenile Justice Department, TDCJ Windham Schools, Community Supervision and Corrections Departments, and community adult education providers. The goal of COPE is to deliver education services to offenders with education skills below the sixth grade level and to assist offenders in obtaining General Equivalency Diplomas. Parole officers refer offenders to education classes where available.

Does the Parole Division deliver cognitive intervention training?

Turning Point for Parole is a cognitive intervention program designed to help offenders develop the motivation and ability to change criminal behavior, thereby lessening the probability that they will recidivate. The goals of this program are to: (1) teach offenders to change and manage antisocial feelings and thinking; (2) increase offenders' self-control, self-management, and problem-solving skills; (3) demonstrate processes for replacing antisocial habits, such as lying, stealing, and aggression, with pro-social skills; and (4) enable offenders to recognize risky situations and use a concrete, well-rehearsed plan for dealing with these types of situations. Parole officers and/or community volunteers deliver this program.

Which offenders are placed on the sex offender caseload?

- Offenders with a current or prior sex offense conviction, adjudication, or deferred adjudication
- Offenders with a current non-sexual offense where criminal sexual behavior was exhibited

How is the supervision of the sex offender more specialized than with other offender populations?

Parole officers who supervise sex offenders attend specialized training schools to enhance their expertise in supervising this offender population. The caseload ratio is 30:1 with a range of contacts based on the offender's risk level. Officers work closely with the therapist and polygraph examiner, which constitutes the team concept of supervision. The team works together to identify the offender's risk to the community and needs for successful reintegration. The team discusses the offender's offense cycle in order to recognize if the offender is engaging in risky behavior such as alcohol use, contact with children, anger control problems, etc. Officers assess the offender's home and work environment to enhance compliance with parole supervision rules and special conditions. The behavior and a potential situation that may not be problematic with other offender populations could potentially be high risk to a sex offender; for instance, being in areas where children commonly gather, depression, isolation, etc. Therefore, these issues must be addressed to help the offender increase the likelihood of being successful and to protect public safety.

Are sex offenders required to attend counseling?

Some offenders are required by statute to attend sex offender treatment while others are required by a parole panel imposed special condition. The majority of sex offenders are attending counseling on a weekly basis.

How often do officers meet with the sex offender each month?

The offender's risk, as determined by risk assessment tool, determines the minimum number of contacts. Contacts range from two to four face-to-face contacts per month. Contacts are required in the office, home and field. Home and field visits are unscheduled in order for the officer to obtain an accurate picture of the offender's lifestyle and compliance with parole supervision rules and special conditions. In addition, two collateral contacts are required for each offender. Officers have contact with the offender's employer, therapist, and other significant persons in the offenders' life.

What if a sex offender cannot afford counseling?

Offenders who are indigent may receive assistance from the Parole Division for counseling costs. Sex offender treatment contracts are at selected sites statewide.

What type of treatment is most effective for sex offenders, and how long is a treatment program?

Many treatment modalities are used with sex offenders. The most widely used form of therapy is "cognitive restructuring," which employs group confrontation methods to expose an offender's thinking errors and deviant behavior patterns. This type of therapy is considered to be the most effective form of treatment for sex offenders. The group confrontation tends to break through denial issues more quickly than individual counseling. Offenders remain in treatment until released by the therapist, parole officer, and in some cases, the Board of Pardons and Paroles. Treatment is generally on a weekly basis and can last 2-5 years. Some offenders may need lifetime treatment.

How does sexual deviancy treatment differ from other forms of treatment?

More limits and boundaries are set with this type of offender than with other individuals who seek traditional therapy. For example, the therapist may play a role in monitoring the offender's employment regarding access to vulnerable individuals or in setting limitations on where and with whom the offender may live. In addition, a "duty to warn" permits a therapist to waive confidentiality—within very strict limits—in order to permit notification to significant others (including family, employers, potential victims, and parole officers) of treatment progress, goals, and problems.

Is a sex offender's treatment progress confidential?

By law, offenders must give written permission for treatment records to be released, with the exception of information covered by the "duty to warn" provision. In addition, the law allows sex offender treatment progress to be shared between the therapist and criminal justice agencies without the offender's written consent.

Are sex offenders ever “cured”?

Unfortunately, sex offenders cannot be “cured.” However, studies indicate that treatment does help to reduce the risk of reoffending.

Can sex offenders who are under the jurisdiction of the Parole Division ever visit or live with children?

Yes. However, consent for such living arrangements would be at the discretion of the Board of Pardons and Paroles, which is responsible for imposing the special conditions of supervision. The parole panel generally relies on the supervising parole officer and the sex offender therapist to assist in deciding whether an offender should be allowed to be around children.

How are offenders that are Mentally Impaired, Mentally Retarded, Terminally Ill or Physically Handicapped supervised?

The Special Needs Offender Program (SNOP) caseload supervises offenders that are Mentally Impaired, Mentally Retarded, Terminally Ill, or Physically Handicapped. One of the goals of SNOP is to provide a continuity of care for offenders with special needs. These offenders are assessed while in TDCJ-CID and are referred to appropriate community resources prior to release. SNOP officers identify, coordinate, and develop support systems that provide the offender with educational, vocational, financial, residential, and counseling support services in the community. The SNOP officers also facilitate resources for offenders that were not previously identified by Texas Correctional Office on Offenders with Medical or Mental Impairments (TCOOMMI).

The offenders that are placed on the SNOP caseload are supervised under one of the following categories:

Mentally Impaired (MI) The MI category of the SNOP caseload is designed to provide offenders with mental illness community based treatment alternatives when released to parole or mandatory supervision. The SNOP caseload provides appropriate supervision of offenders with documented mental health history of hospitalization or medication involving a severe and persistent mental disorder such as schizophrenia, bipolar disorder, major depression, or dementia.

Mentally Retarded (MR) The MR category of the SNOP caseload seeks to maximize the potential of offenders with mental retardation released from the TDCJ-CID to parole or mandatory supervision. Offenders must meet one of the following criteria to be eligible for the SNOP caseload:

Have an IQ of 70 or below, based on valid psychological testing and must have demonstrated, Adaptive Behavior; or deficits

before the age eighteen; or

Offender participated in the TDCJ-CID Developmental Disabilities Program (DDP) while incarcerated.

Terminally Ill/Physically Handicapped (TI/PH)

The TI/PH category of the SNOP caseload is designed to provide appropriate supervision to offenders with a documented terminal illness or a severely disabling physical handicap. The SNOP officer utilizes a network of community providers and support systems including, but not limited to; nursing homes, hospitals, intermediate care facilities, hospice agencies, advocacy groups, and the Texas Correctional Office on Offenders with Medical or Mental Impairment (TCOOMMI) Human Service Specialists.

What services are provided for those released on Medically Recommended Intensive Supervision (MRIS)?

Individuals released on MRIS are mentally ill, mentally retarded, elderly, terminally ill, long term care, or physically handicapped. The program was established in 1991 and allows for the early parole review of certain categories of offenders. For all potential MRIS offenders, the Texas Correctional Office on Offenders with Medical or Mental Impairments (TCOOMMI) ensures that the parole plan provides intensive case management, appropriate supervision by specialized parole officers, and suitable placement in the community. Services for this special population are provided via TCOOMMI contracts with the Texas Department of Health and Human Services and TCOOMMI/TDCJ contracts with local Mental Health/Mental Retardation (MHMR) centers and Department of Aging and Disability Services (DADS).

Are offenders on the SNOP caseload supervised by knowledgeable officers?

Specialized officers receive training related to mental retardation, mental illness, terminal illness, physical impairments, substance abuse, and community resources. These officers utilize a community network of services, make appropriate referrals, and ensure that there is intensive follow-up for the treatment needs of their caseload.

What services are available for SNOP caseload offenders?

The Parole Division and TCOOMMI fund programs in four of the largest counties in the state (Bexar, Travis, Harris, and Tarrant). These programs provide comprehensive case management and treatment services for offenders with special needs. Additionally, TCOOMMI funds programs in the remaining counties in the state for probation and parole offenders. The TCOOMMI website is located at: www.tdcj.state.tx.us.

What programs are available for offenders with substance abuse issues?

Offenders with substance abuse issues may obtain treatment while on parole or mandatory supervision through a wide range of programs, ranging from outpatient counseling to long-term participation in residential and/or outpatient treatment programs. One goal of these

programs is to ensure an automatic continuum of care for individuals who participated in intensive drug treatment programs while incarcerated (i.e., the IPTC/SAFPF program). Another goal is to ensure that the Parole Division's parole officers make appropriate treatment referrals for other offenders that have been identified in need of substance abuse services. The Parole Division's Substance Abuse Counseling Program (SACP) is an innovative and comprehensive program. SACP consists of education, counseling, and treatment services designed to reduce the recidivism rate of offenders who submit a positive urinalysis test, admit to drug use while on supervision or request help with drug or alcohol abuse. SACP provides a three tiered rehabilitative program for offenders.

What is a Therapeutic Community? What is an "In-Prison Therapeutic Community" (IPTC)?

In a Therapeutic Community, people with similar needs and problems (such as substance abuse) work together toward a common goal (positive behavior change). Members of the group provide mutual support and acceptance of responsibility and accountability. An integral part of this treatment modality is the integration of the Twelve Step principles, as commonly used in Alcoholics Anonymous and Narcotics Anonymous.

In-Prison Therapeutic Communities (IPTC) are operated in some TDCJ prison units and are available only for offenders. In an IPTC, offenders are placed in units where they receive long-term intensive chemical dependency treatment and rehabilitation, for six months. Successful participants are subsequently released to the community, where they participate in a continuum of care program while under supervision by the Parole Division. Upon successful completion of the IPTC program, an offender will be placed in the continuum of care at a residential Transitional Treatment Center or the Phase IB aftercare program for 90 days.

What is a Transitional Treatment Center (TTC)?

A Transitional Treatment Center (TTC) is a state contracted/licensed facility where offenders who have completed the IPTC/SAFPF program are placed for up to 90 days to participate in Phase I of the continuum of care. Offenders are placed in these facilities based on their Legal County of Residence (LCOR). If a facility is not available in an offender's LCOR, the offender is typically placed in a facility as close as possible to their LCOR. Once offenders have successfully completed Phase I Residential, they are transitioned to Phase II, Supportive Outpatient treatment, of the continuum of care program. Therapeutic Community (TC) offenders released to supervision are assigned to the TC caseload and supervised by specialized trained officers.

What is Phase I-B

Phase I-B is an alternative to residential placement for offenders who meet specific criteria. Phase I-B allows offenders to release to an approved home plan with a supportive sponsor, who must acknowledge verifiable offender transportation to treatment programming. The home plan must also be within a reasonable distance to a Phase I-B vendor and the offender must agree to the terms and conditions of treatment. Offenders participating in

this aftercare program receive the same amount of treatment as offenders released to Phase I Residential; however, they are residing in their home instead of in a residential facility. During their 90 days of treatment, offenders in this program will complete six hours of chemical dependency counseling/education weekly. Offenders will also have monthly urinalysis testing while in this program and must attend weekly peer support groups and AA/NA meetings. Once offenders have successfully completed Phase I-B, they are transitioned to Phase II, Supportive Outpatient treatment, of the continuum of care.

Therapeutic Community (TC) offenders released to supervision are assigned to the TC caseload and supervised by specialized trained officers.

What is a Substance Abuse Felony Punishment Facility (SAFPF)? How does it differ from an In-Prison Therapeutic Community (IPTC)?

Like the IPTC program, Substance Abuse Felony Punishment Facilities (SAFPF) are designed to allow residents with substance abuse problems work together in a Therapeutic Community. These facilities offer chemical dependency treatment delivered in a secure setting.

However, SAFPF participants are either probationers sentenced as a condition of their probation or certain types of parole/mandatory supervision offenders. Specifically, offenders who have violated conditions of release and who have been designated by the parole panel for treatment instead of revocation, may be placed in a SAFPF.

The offender sentenced to the SAFPF must remain incarcerated in a county jail until bed space is arranged at the SAFPF. A SAFPF placement may also be given to parole or mandatory supervision offenders who received a probated sentence for a new offense committed while under supervision. Such offenders having crime-related substance abuse problems can receive indeterminate sentences of 6-9 months and receive substance abuse treatment in SAFPF facilities. Offenders who complete the program will continue with the aftercare continuum of care component upon release to the community.

How does a parole or mandatory supervision offender get into a SAFPF?

The Board of Pardons and Paroles must modify the conditions of parole or mandatory supervision in order to assign an offender to a SAFPF. Those who are sent to a SAFPF are often in pre-revocation status due to technical violations or adjudicated misdemeanors. Participants must meet the following criteria:

- The offender has been screened as chemically dependent;
- The offender has not committed a sex offense;
- No felony charges are pending against the offender;
- The offender's parole or mandatory supervision has not been formally revoked by a parole panel; and
- The offender's discharge date exceeds 18 months from the date of the parole panel's decision.

What is the Substance Abuse Counseling Program (SACP)?

There are many parole and mandatory supervision offenders who have not been in IPTC or

SAFPF programs, but who nevertheless have needs related to substance abuse problems. For such individuals, the Parole Division's Substance Abuse Counseling Program includes education, relapse prevention planning, counseling, and treatment for offenders.

The SACP program is comprised of three intervention levels to ensure that the most appropriate rehabilitative strategy will be available for offenders who have substance abuse histories and/or who are actively using illegal drugs or alcohol. Level I is a four-hour substance abuse education and relapse prevention planning class, which is provided to all newly released offenders with the appropriate special condition imposed within approximately one week of release. Level II is up to ninety (90) days of outpatient counseling and treatment services. Level III is up to ninety (90) days of inpatient substance abuse treatment at an Intermediate Sanction Facility (ISF). SACP-ISF offenders who successfully complete the ISF program receive up to ninety (90) days of Level II outpatient counseling and treatment services after release to provide structure, support, and aftercare to promote drug and alcohol abstinence.

How long are the above substance abuse programs?

The IPTC is designed to be a six-nine month program in the prison setting, with an aftercare component. The length of the program is based on offender progress and needs.

The SAFPF program for offenders whose release conditions were modified is designed to be a six-month program in the secure facility setting with an aftercare component. Again, the length of the program is based on offender progress and needs.

The SACP Level II and Level III program may provide up to six months of counseling and treatment services to offenders, with Division approval.

What is the Parole Officer's role in substance abuse program aftercare?

Parole Division specialized Therapeutic Community (TC) parole officers are actively involved in each offender's post-IPTC or SAFPF transition from incarceration to society. Specialized parole officers are trained to work with program participants in a three-phase Continuum of care plan, which begins upon release from an IPTC or SAFPF. The specialized parole officers can also facilitate access to further treatment and to a variety of support services.

Parole officers who supervise non-TC offenders, monitor the offender's risk and use of illegal drugs and alcohol, participation in SACP Level II services, and required attendance in community-based twelve step recovery groups.

Which offenders are selected for drug testing?

Tests will be administered to a randomly selected sample of all offenders under supervision. In addition, an offender may receive "targeted" testing if evidence indicates possible current use of illicit substances, or an abuse of drugs, or if the offender falls into one of the following categories:

- Graduates of an In-Prison Therapeutic Community Facility or a Substance Abuse Felony Punishment Facility
- Offenders with a Special Condition requiring urinalysis imposed by the Board of Pardons and Paroles
- Offenders with a record of conviction for an offense involving illicit substance or drug abuse (SACP Level II are to receive monthly UA's)
- Offenders whose criminal history reveals that use of illicit substances or drug abuse was associated with the commission of any offense
- Offenders with a history of addiction and/or dependency to illicit drugs

How often does an offender have to submit to drug tests?

All offenders receive an initial drug test upon release. The frequency of subsequent testing will be determined based on the results of the initial test, and whether the officer suspects drug use and agency policy. Additional testing may occur from a computer-generated random selection of all offenders under supervision.

Is an offender's treatment progress confidential?

Yes. Substance abuse treatment programs must conform to Federal Regulation 42 CFR Part 2.) (1987) on the Confidentiality of Alcohol and Drug Abuse Records. Accordingly, they must protect the confidentiality of client records and must specify conditions and procedures for the release of information. A signed consent by the offender is a prerequisite for release of any treatment records or information.

Are drug tests confidential?

Yes. The following exceptions apply, however:

- Drug test results may be used as evidence of a violation in an administrative hearing conducted by the Board of Pardons and Paroles;
- If the offender signs a Consent for Disclosure form and specifically consents to release, drug test results may be released to a substance abuse treatment provider being used by an offender or to specified individuals or organizations.
- A court order is issued due to civil or criminal charges.

What happens if an offender relapses?

The Parole Division utilizes graduated interventions for offenders, some of which require parole panel actions. The following are options available for offenders who relapse:

- Modify treatment modality
- Increase the supervision level
- Utilize SACP Level II
- Place the offender in a community-based treatment facility
- Place the offender in a more intensive treatment modality
- Place the offender in an Intermediate Sanction Facility (ISF)
- Place the offender in a Substance Abuse Felony Punishment Facility (SAFPF)
- Request a Pre-Revocation Warrant

- Revoke supervision

How is the family involved in the Therapeutic Community (TC) continuum of care for offenders with substance abuse problems?

Families and significant others will be contacted and asked to join a treatment team which consists of the offender, a specialized parole officer, and a primary counselor. The specialized parole officer will maintain contact with interested families in order to attempt to build support for and interest in the offender's recovery.

Do families have to participate in a Substance Abuse Treatment Team?

No. The specialized parole officer or primary counselor will contact families once the offender signs the proper consent forms. If the family chooses to be part of the team, participation is immediate upon the individual's release. However, it is not a requirement that all families of offenders be involved in the treatment process.

Warrants Section

What is the Warrants Section?

The Warrants Section is responsible for functions related to the processing of parole violations, including warrant issuance, publication of the warrant on the NCIC/TCIC system, the extradition of offenders back to Texas, and processing offenders that have returned to a prison unit and have not been subjected to the revocation process. In addition, the Warrants Section administers the Super Intensive Supervision Program (SISP) and the Electronic Monitoring (EM) Program.

What is the Super-Intensive Supervision Program?

The Super-Intensive Supervision Program (SISP) was created by the 75th Legislature to provide the level of supervision and monitoring for potentially dangerous offenders that will best protect public safety. SISP is the highest level of supervision provided by the Parole Division. All offenders on SISP are monitored with Global Positioning System (GPS) technology and are required to comply with 24 hour-a-day schedules, which must be pre-approved in writing by their parole officer.

Who decides which offenders are supervised on SISP caseloads?

Before being released on parole or mandatory supervision, offenders who meet one or more of the following criteria are referred to a panel of Board of Pardons and Paroles members for consideration for placement:

- Current or past conviction for an offense that involved an act of violence;
- Current or past conviction for an attempted version of any offense that involved an act of violence resulting in bodily injury; or
- Current or past conviction, including juvenile convictions, for any offense involving the threat of an act of violence that could result in bodily injury.
- Gang affiliation

If an offender has already been released on supervision but otherwise meets one of the above criteria, the offender may be referred to the parole panel for consideration for placement on SISP if the Director of the Parole Division and the Presiding Officer of the Board of Pardons and Paroles both recommend the referral. The parole panel makes the final decision on SISP placement.

Are sex offenders supervised on SISP?

Yes, in some cases. Sex offenders on SISP are required to participate in sex offender treatment programs and comply with all other aspects of sex offender supervision as well as the components of the Super-Intensive Supervision Program. All sex offenders with a special condition for monitoring (SISP or EM, which is discussed below) are monitored with GPS technology.

How is SISP different than the supervision of other caseloads?

Offenders on SISP are supervised by specially trained parole officers with caseload ratios of 14 SISP offenders per officer. Officers are required to complete six face-to-face contacts per month and review the offenders' GPS location information each business day. Technical violations committed by offenders supervised on SISP are not subject to the Division's policy regarding the enforcement of graduated sanctions.

SISP parole officers respond to all violations that are generated during normal business hours and can request parole violation warrants 24 hours a day, seven days a week. Alerts that are generated during non-business hours (weekends, holidays and hours between 5 pm and 8 am) are processed by the Command Center.

How long are offenders required to remain on SISP?

Offenders remain on SISP until they discharge their term of supervision or until the designated parole panel votes to remove the SISP special condition and allow the offender to be placed on a different type of caseload. All SISP offenders are referred to the designated parole panel annually for consideration for removal of the SISP special condition.

What is Electronic Monitoring?

Electronic Monitoring (EM) is a technology that supplements the ability of the parole officer to supervise offenders, as well as to provide an additional surveillance tool to the parole officer. The technology is used to monitor an offender's pre-approved curfew and can be used as a sanction for offenders requiring a higher level of supervision than normal supervision provides.

Hearing Process

HEARING PROCESS

Prior to the U.S. Supreme Court decision in *Morrissey v. Brewer*, 408 U.S. 471, 33 L. Ed2d 484, 494 (1972), there were no due process requirements governing parole revocation. The supervising parole officer generally determined when an offender's administrative release status was revoked. The *Morrissey* decision provided for the establishment of an administrative hearing process by which hearings were conducted by both parole officers and supervisory personnel from the Parole Division. Hearing Operations (formerly Hearing Section) was created as a separate entity on October 1, 1980.

The reasons for the establishment of a separate section were threefold.

First, the number of hearings administered on a monthly basis increased to the point that there was interference with the primary job of the Parole Division personnel.

Second, the ever-increasing due process legal requirements necessitated specialized hearing officers who would possess the requisite body of specialized knowledge.

Finally, the *Morrissey* decision required that the hearing officer be neutral and detached.

In 1989, the Board of Pardons and Paroles became a separate agency from the Texas Department of Criminal Justice. The board does not supervise parole officers in the Parole Division.

What is the role of Hearing Operations within the Board of Pardons and Paroles?

The role of Hearing Operations is to facilitate the administration of the parole revocation hearing process. This includes: 1) scheduling hearings; 2) reviewing and acting on attorney determination requests, with appointment of attorneys as necessary; 3) conducting preliminary, revocation and erroneous release hearings; 4) reviewing/processing hearing reports and waiver packets (for those who have chosen to forego hearings) and making recommendations for case dispositions; 5) conducting hearings and extradition matters with respect to out-of-state cases being supervised by Texas under the Interstate Compact; and 6) providing a process for reconsideration of a revocation decision.

What are the legal authorities and requirements for the administration of parole revocation matters?

The legal authorities and requirements for the administration of parole revocation matters are contained within: 1) Texas Code of Criminal Procedure, Article 42.11 (Uniform Act for Out of State Parolee Supervision; 2) Texas Government Code, Chapter 508 (Parole and Mandatory Supervision Law); 3) Rules of the Texas Board of Pardons and Paroles; and 4) applicable court rulings.

Additional authorities and requirements are mandated as a result of rulings made by the Texas Court of Criminal Appeals, the Supreme Court of Texas, the United States Fifth Circuit Court of Appeals, and the United States Supreme Court. The activities of Hearing Operations are the means by which the due process requirements, as outlined in *Morrissey v. Brewer*, 408 U.S. 471, 33 L.Ed.2d 484, 494 (1972), are administered. The

Supreme Court's decision in *Gagnon v. Scarpelli*, 411 U.S. 778, 36 L.Ed.2d 656, 666 (1973), provided further clarification regarding due process requirements as they relate to the offender's conditional right to be represented by an attorney.

What types of administrative revocation hearings may be conducted?

Some alleged parole violators are legally entitled to both a preliminary hearing and a revocation hearing, others to only a revocation hearing. The purpose of a preliminary hearing is to determine whether probable cause exists when an unadjudicated law violation is alleged. In a preliminary hearing, if probable cause is found, then a second hearing called a revocation hearing may be conducted. In order for a parole panel to revoke an offender's parole or mandatory supervision as a result of a revocation hearing, there must be a finding, based on a preponderance of credible evidence, that one or more conditions of release have been violated.

The preliminary and revocation hearings are both bifurcated (two-part) hearings. The first part is the allegation phase, which is restricted to presenting evidence concerning the alleged violations. The hearing does not proceed to the second part, the adjustment phase, unless a sufficient level of proof has been established for at least one of the violations. The adjustment phase, also referred to as the "mitigation phase or hearing," provides an opportunity to consider evidence concerning an offender's adjustment while on this period of supervision, including, but not limited to, work history, compliance with prescribed drug treatment programs, adherence to conditions of administrative release and previous violations of parole or mandatory supervision.

How does the parole panel decision-making process work?

Three-member parole panels consisting of board members and parole commissioners typically review waivers and hearing reports generated from the hearing process. There are six panel locations throughout the state. The panel location where a case is considered is generally determined by the geographic location where the hearing or waiver originated. Board analysts, located at each panel location, are responsible for reviewing hearings and waivers for presentation to the panel. The exception is the Super Intensive Supervision Program (SISP) panel. The SISP panel meets weekly in Austin and includes board members and parole commissioners from several board offices.

What actions may the parole panel take?

The parole panel has the discretion to take the following actions in the revocation process:

- proceed to a revocation hearing (in cases where there was a preliminary hearing or waiver of the same);
- transfer to an Intermediate Sanction Facility (ISF);
- transfer to a Substance Abuse Felony Punishment Facility (SAFPF);
- do not revoke, but allow to continue on supervision, either with or without modification of conditions of release;
- do not revoke and allow to discharge if the offender is past his or her discharge

- date; revoke release;
- reopen hearing, with or without reconvening the hearing for additional information as specified; and
- reversal of previous revocation action.

What role does the TDCJ - Parole Division play in the process?

The TDCJ-Parole Division is responsible for the supervision of offenders on parole or mandatory supervision. The Parole Division is also responsible for initiating the violation process whereby warrants may be issued for offenders who are alleged to have violated a condition of parole or mandatory supervision. The Parole Division issues all such warrants and tracks all offenders arrested under their authority. When appropriate, such as may be the case with a first-time administrative violator who has a valid release plan and no additional criminal law violations, the Parole Division may withdraw its warrant and continue supervision of the offender, possibly with the imposition of local sanctions, such as increased reporting. The Parole Division may also choose to proceed with the pre-revocation process and schedule a hearing. In that event, the alleged violation will be considered by the parole panel.

What are the responsibilities of the hearing participants?

Offender The offender is under no obligation to answer questions or provide any information concerning the alleged violation(s). The offender, or the offender's attorney, has the right to request witnesses and should direct such requests to the parole officer. The offender, or the offender's attorney, may ask direct and cross-examination questions of the witnesses. An offender may testify on his or her own behalf and present testimony or documentary evidence in support of his or her position. An offender, or the offender's attorney, may make objections, motions, or may raise concerns regarding procedures or evidence.

Hearing Officer The hearing officer is an employee of the Board of Pardons and Paroles and is responsible for conducting administrative and erroneous release hearings on behalf of the board. Authority to convene hearings is derived from Chapter 508 of the Texas Government Code and the Rules of the Texas Board of Pardons and Paroles (published in Title 37 of the Texas Administrative Code). The hearing officer is a neutral and detached fact finder who determines the relevant facts of a case. Hearing officers are also skilled examiners who are trained to identify pertinent information and objectively summarize that information in a report for presentation to the parole panel for a final decision.

Parole Officer The parole officer is an employee of the Texas Department of Criminal Justice - Parole Division, and is responsible for bringing forth information to support the alleged violations. The parole officer also has a duty to present exculpatory evidence that may demonstrate that a violation did not occur. The parole officer is responsible for obtaining subpoenas for all of the offender's witnesses and adverse witnesses for the state. All requests for witnesses should be submitted to the parole

officer as expeditiously as possible. The parole officer notifies all parties of witnesses who are expected to testify, serves subpoenas, and provides the offender and hearing officer copies of all documents to be presented at the hearing.

Attorney

Offenders may hire an attorney, at their own expense, or they may have a conditional right to be represented by a state-appointed attorney at the preliminary and/or revocation hearing. Factors used in determining whether an offender is to be appointed an attorney are: 1) whether the offender is indigent; 2) whether the offender lacks the ability to articulate or present a defense, or mitigation evidence, in response to the allegations; or 3) the allegations are complex in nature; and/or 4) whether the offender admits the alleged violations. The attorney will serve as the offender's advocate during the proceeding and will examine adverse witnesses, present friendly witnesses, and address each allegation in defense of the offender.

Witnesses

It is the duty of witnesses to attend hearings as requested and to tell the truth by responding to relevant questions presented by the affected parties while under oath.

Observers

Observers are not allowed to participate in the administrative hearing process. The attendance of observers is subject to access restrictions imposed by local jails or other confinement facilities. If permitted to attend, observers are simply there to watch the proceeding and have no standing in the hearing. They may not interrupt or interject during the proceeding.

How does the warrant issuance process work?

The supervising parole officer submits a violation report when an offender on parole or mandatory release status is believed to have violated terms or conditions of supervised release. A supervisor then reviews the violation report and enters a recommendation for further action. Personnel within the Parole Division will review the violation report and determine if there is probable cause to believe a violation of parole or mandatory supervision conditions has occurred. If such a finding is made, and no other suitable sanctions appear appropriate, a warrant is issued to detain the offender pending an administrative hearing. The warrant is typically published in the National Crime Information Center (NCIC) and/or the Texas Crime Information Center (TCIC) fugitives warrant database.

Once an offender is detained on a parole warrant and the sheriff having custody has notified the Parole Division of the arrest, the Parole Division determines whether or not to initiate the hearing process. If the violations are administrative only (no criminal law violations pending disposition) or include adjudicated charges (a conviction), and the offender has discharged any imposed sentence, a request is made for a hearing to be scheduled. The sheriff having custody is required to notify the Parole Division when

criminal charges have been adjudicated. In instances where there are criminal charges pending adjudication, the Parole Division will request a preliminary hearing be scheduled.

What happens after the warrant is executed?

Once a warrant has been executed and the Parole Division determines to proceed with an administrative hearing, the offender is interviewed by a TDCJ employee. At that time, the offender is advised of his or her rights in the revocation hearing process. The following reflects the list of rights on the Rights of the Offender in the Revocation Process form. The right to be personally served with written notice of the rules and conditions alleged to have been violated.

The right to a preliminary hearing unless the offender has been alleged to have committed only administrative violations, or has been convicted of a new criminal offense. The hearing will be at or near the place of the alleged parole or mandatory supervision violation. The purpose of the preliminary hearing is to determine whether there is probable cause or reasonable grounds to believe a condition of release has been violated. In some circumstances the offender may choose to waive his or her right to a preliminary hearing.

- The right to a revocation hearing if the offender is alleged to have committed administrative violations or has been found guilty in a criminal case.
- The right to full disclosure of all the evidence to be used against the offender. The offender will be allowed to see everything before the hearing.
- The right to hire an attorney and, under certain circumstances, the conditional right to a state-appointed attorney.
- The right to be heard in person by telling the hearing officer what happened and to present evidence, affidavits, letters, and documents in support of the offender's position. This includes the right to subpoena witnesses through the parole officer.
- The right to confront and cross-examine adverse witnesses (unless the hearing officer finds good cause to deny confrontation) by asking questions at the hearing.
- The right to be heard on the violations by someone designated by the board.

If parole or mandatory supervision is revoked as a result of the hearing, the offender will receive a written report by the hearing officer that sets forth the evidence relied upon in support of the finding of a violation of one or more conditions of parole or mandatory supervision. In some circumstances the offender may request that the board reopen the revocation hearing.

How does the administrative hearing process work?

Generally, there are two categories of offenders arrested under a warrant issued by the Parole Division: 1) those entitled to both preliminary and revocation hearings, and 2) those entitled to a revocation or mitigation hearing only. At the initial interview, offenders are required to choose whether they want to have their administrative hearing(s) or waive their rights to one or both hearings. Those entitled to do so, may waive either or both hearings.

The following procedures are used for those offenders entitled to a preliminary and/or revocation hearing:

I. When the preliminary hearing is requested:

- A. After a pre-revocation interview, if the offender is so entitled, the parole officer will schedule a preliminary hearing and notify the offender of the scheduled date, time, and location of the preliminary hearing.
- B. A hearing officer will conduct the preliminary hearing and review all the information and evidence presented at the hearing. A determination will be made as to whether there is probable cause to believe a violation has occurred. The probable cause finding will determine how the case will be processed.
- C. If probable cause is found for at least one allegation, the hearing officer will initiate the following actions:
 - (1) Decide if the case should proceed to a revocation hearing and afford the offender an opportunity either to be heard at the revocation hearing or to waive the hearing. If the offender decides to have the revocation hearing, a date may be scheduled at the conclusion of the preliminary hearing and all parties will be notified of the date, time, and location of the revocation hearing; or the Parole Division may decide to defer the revocation hearing pending the final adjudication of the pending charges; or
 - (2) If the offender decides to waive the hearing, or the hearing officer determines the case should not proceed to a revocation hearing, the hearing officer will forward the waiver and/or the preliminary hearing report to a parole panel for disposition. The parole panel will generally respond by taking one of the following actions:
 - a) Continue the parole or mandatory supervision in a manner warranted by the evidence, which may include transferring the offender to a treatment facility or halfway house;
 - b) Direct the case to proceed to a revocation hearing; or
 - c) Revoke the offender's administrative release status (only when the revocation hearing has been waived).

II. When the preliminary hearing is waived:

- A. If the preliminary hearing is waived at the time the initial interview is conducted, the parole officer will forward the waiver with attachments to the parole panel for disposition. The waiver will be reviewed by an analyst. If there is probable cause to believe a violation has occurred, the board analyst may refer the case to a parole officer to schedule a revocation hearing; or may present the case to a parole panel for disposition.
- B. When a parole panel receives a preliminary hearing waiver packet, the panel will generally take one of the following actions:

- (1) Continue the parole or mandatory supervision in a manner warranted by the evidence, which may include transferring the offender to a treatment facility or halfway house;
- (2) Direct the case to proceed to a revocation hearing; or
- (3) revoke the offender's administrative release status (only in cases where the revocation - hearing also has been waived).

The following procedures are used for those offenders entitled to a revocation hearing only:

I. When the revocation hearing is requested:

- A. After the initial pre-revocation interview, the parole officer will schedule a revocation hearing if the offender is so entitled. In the event the offender was entitled to a preliminary hearing, there must be a "proceed to revocation hearing" decision by a board designee or parole panel. The parole officer will notify the offender of the scheduled date, time, and location of the hearing.
- B. A hearing officer who acts as the board's representative will conduct the revocation hearing.
- C. The hearing officer will review all testimony and evidence presented at the hearing to determine if there is a preponderance of credible evidence to believe a violation has occurred. If it is determined that such evidence exists regarding at least one condition of parole or mandatory supervision, the hearing officer will proceed to the adjustment phase of the hearing.
- D. Within a reasonable time following the close of the hearing, the hearing officer will forward a report summarizing the evidence, all documents and information received at the hearing to the parole panel for final disposition. The hearing officer and parole officer will each make a recommendation concerning the disposition of the case. An analyst will also make a recommendation and will present the case to the parole panel. The parole panel will dispose of the case by taking one of the following actions:
 - (1) Continue the parole or mandatory supervision in a manner warranted by the evidence; which may include transferring the offender to a treatment facility, halfway house, Substance Abuse Felony Punishment Facility, or an Intermediate Sanction Facility;
 - (2) Direct the case to proceed to a revocation hearing (only when considering a waiver of the revocation hearing);
 - (3) Revoke the offender's administrative release status; or
 - (4) Refer the case back to the hearing officer for further development of factual or legal issues.
- E. If revoked, the supervising parole officer will provide the offender a copy of the hearing report and notice of the right to submit a petition to reopen the hearing.

II. When the revocation hearing is waived:

- A. If the revocation hearing is waived at the time the initial interview is conducted, the parole officer will forward the waiver with attachments to the parole panel for disposition. A board analyst will review the waiver and attachments to determine if there is a preponderance of evidence that a condition of parole or mandatory supervision has been violated.
- B. The analyst will present the case to a parole panel for final disposition. Waivers of revocation hearings sent to the parole panel result in one of the disposition options set forth above regarding revocation hearing cases.

Under what circumstances can a hearing be reopened?

When an offender receives notice that the parole panel's decision is revocation, he or she will have 60 days from the date of the decision to request the hearing be reopened. Such a request will be granted under the following circumstances and/or on the following grounds:

- for any substantial error in the revocation process; or
- upon newly discovered information.

Upon receipt of any request for reopening, a parole panel will dispose of such request by taking one of the following actions:

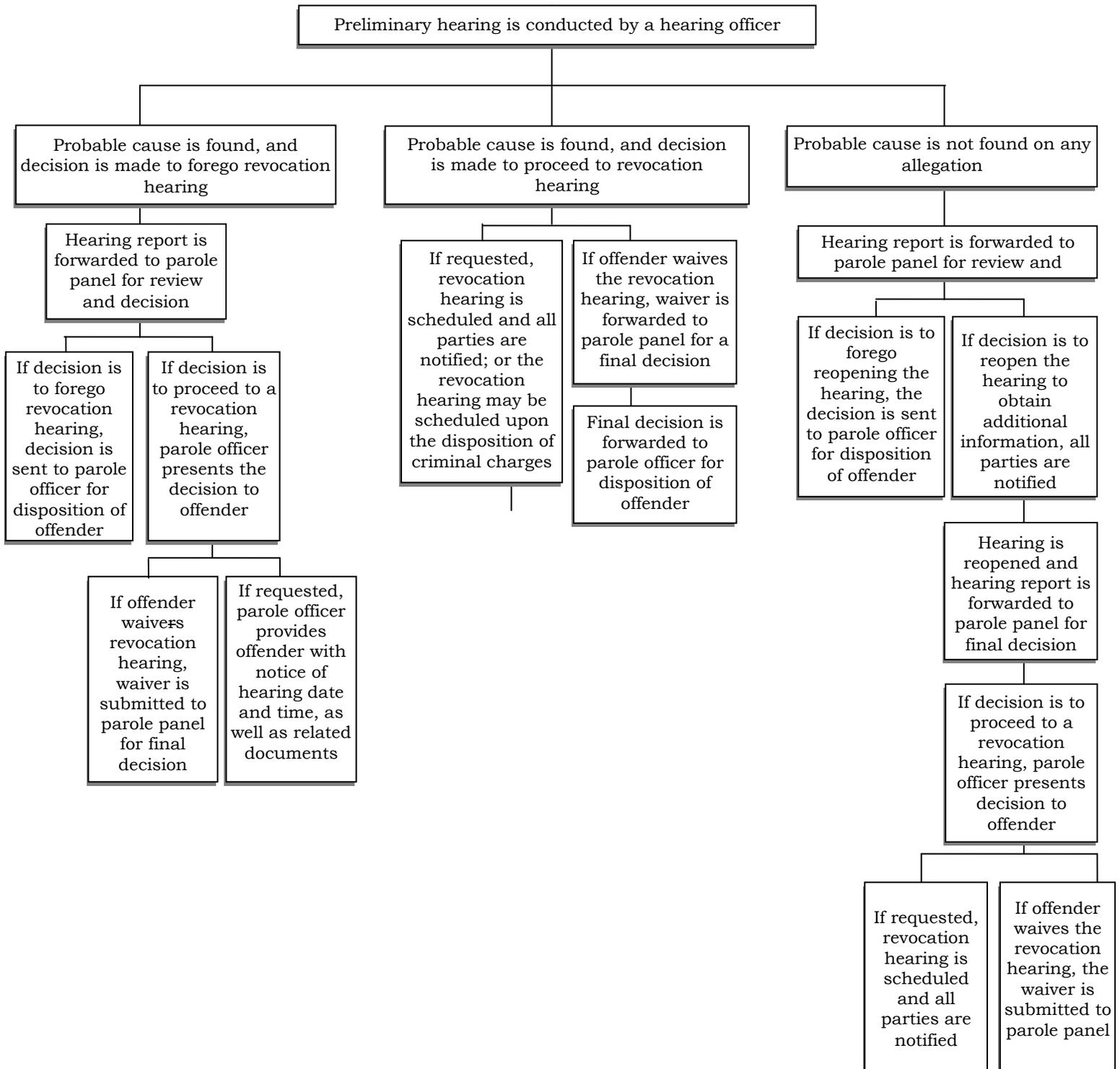
- grant the motion and order the hearing to be reopened for a stated, specific and
- limited purpose; deny the motion; or
- reverse the panel decision previously entered and withdraw the board's revocation warrant, under the same terms and provisions as provided in TAC §146.10 (relating to final parole panel disposition).

At the conclusion of the motion to reopen process, the parole panel will dispose of the case by taking one of the following actions:

- continue the revocation action;
- rescind the revocation action and reinstate supervision, under the previous or modified conditions;
- rescind the revocation action and reinstate supervision, imposing confinement in an ISF or SAFPF; or
- if the offender received a conditional pardon, recommend to the governor that the revocation action be continued, modified, or rescinded.

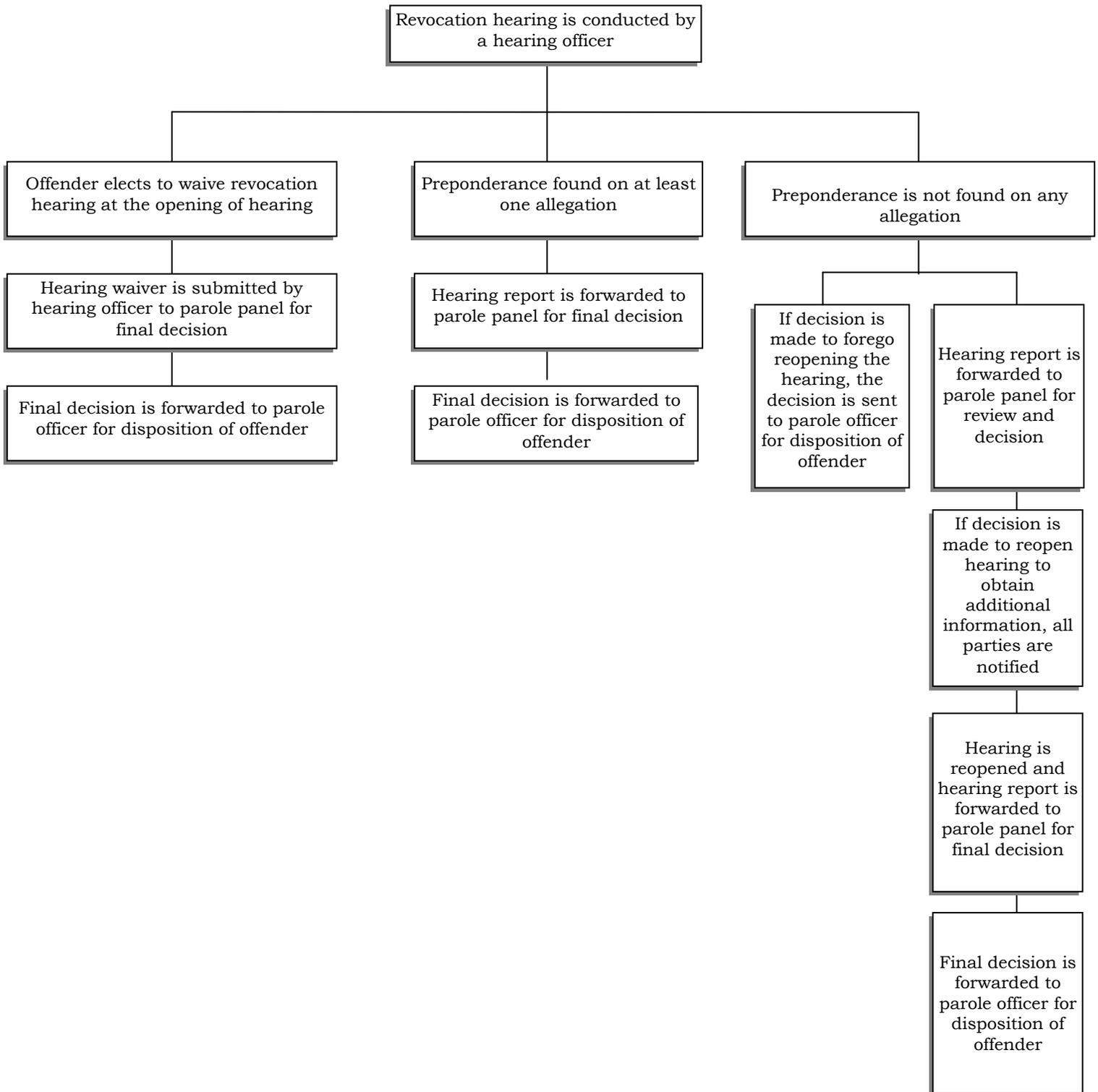
Preliminary Hearing Procedures Chart

Preliminary Hearing Procedures



Revocation Hearing Procedures Chart

Revocation Hearing Procedures



Clemency

CLEMENCY

What is Clemency?

The governor has the authority to grant clemency upon the written recommendation of a majority of the Board of Pardons and Paroles. Clemency includes full pardons, conditional pardons, pardons based on innocence, commutations of sentence, and emergency medical reprieves. In capital cases, the Board considers applications for commutation of sentence to life in prison and for a reprieve of execution. If the Board recommends clemency in a death penalty case, the governor may grant commutation or reprieve. The governor can also grant a one-time thirty-day reprieve of execution in these cases.

What is the application process?

Clemency requests may be directed to the Clemency Section at (512) 406-5852 from 8:00 a.m. to 5:00 p.m. Monday through Friday. The section provides consistent, professional services in a timely manner including mailing clemency applications to requesters. Once a completed application is submitted, the staff promptly reviews and prepares cases for board consideration that meet the criteria outlined in the board rules and submits all required documents as set out in the instructions.

What is a Full Pardon?

A full pardon restores certain citizenship rights forfeited by law as the result of a criminal conviction, such as the right to serve on a jury, the right to hold public office, and the right to serve as executor or administrator of an estate. In Texas, voting rights are automatically restored when one discharges a felony sentence.

A full pardon will not be considered for an offender while in prison except when exceptional circumstances exist. A full pardon will remove barriers to some, but not all, types of employment and professional licensing. However, licenses are granted at the discretion of the state licensing boards of each profession, and it is advisable to contact those boards directly to learn whether a pardon is necessary or sufficient to restore licensing eligibility in a particular field. A pardon will not restore eligibility to become a licensed peace officer in Texas.

A person who is convicted and who receives a full pardon is entitled under Article 55.01(a)(1)(B) to an expunction of all arrest records relating to the conviction. The arrest is not automatically expunged upon a grant of a full pardon. This can only be accomplished by petitioning a court in the county of conviction.

What is a Conditional Pardon?

A person with a conditional pardon remains subject to conditions of release. A conditional pardon does not restore civil rights or rights of citizenship, and the governor can revoke the pardon if a person does not comply with the conditions of release. A conditional pardon will

only be considered after minimum statutory parole eligibility has been attained.

What is a Pardon Based on Innocence?

A pardon based on actual innocence exonerates an individual of the crime and erases the conviction. In order to consider a pardon for innocence, the Board requires either evidence of actual innocence from at least two trial officials; or the findings of fact and conclusions of law from the district judge in a state habeas action indicating actual innocence.

What is a Commutation of Sentence?

Commutation of sentence results in a reduction of the sentence to a lesser time period. A commutation can be granted for time served. Commutations of sentence will be granted only upon the written recommendation of a majority of the applicant's trial officials in the county of conviction, stating that the penalty now appears to be excessive, recommending a definite term, based on new information not before the judge or jury at trial, or a statutory change in the penalty.

What is a Reprieve for Emergency Medical, Family, or Civil Court Proceedings?

A reprieve is a delay or temporary suspension of punishment. Offenders who are terminally ill (six months or less to live), totally disabled, require medical treatment not available within the Texas Department of Criminal Justice-Correctional Institutions Division System, or who have been denied Medically Recommended Intensive Supervision (MRIS) may seek an emergency medical reprieve. Offenders also may seek a reprieve to attend civil court proceedings. As with other forms of clemency, the governor may grant the reprieve upon a written recommendation of a majority of the Board members.

A request for a reprieve for family emergency to attend funerals or to visit critically ill relatives may be made through application to the Clemency Section.

Applications for Reprieve of Execution and Commutation to Life in Prison in Capital Cases.

In capital cases, the Board considers an application for commutation of sentence to life in prison and for a reprieve of a scheduled execution. If a majority of the Board members make a written recommendation for clemency in a death penalty case, the governor may grant commutation or a reprieve. The length of the reprieve can be 30 days or longer, in increments of 30 days. The governor also has the power to grant a one-time thirty-day reprieve of execution in capital cases.

Victim Services

VICTIM SERVICES

The Victim Services Division is dedicated to providing a central mechanism for victims to participate in the Criminal Justice System and reduce victimization through education and awareness. The primary contact information for Victim Services is as follows:

Victim Services Division

P. O. Box 13401

Austin, Texas 78711

Phone (512) 406-5900

Fax: (512) 452-0825

Victim Hot Line: 1-800-848-4284

E-mail address: victim.svc@tdcj.state.tx.us

Who is a victim?

A “victim” means a person who is the victim of the offense of sexual assault, kidnapping, aggravated robbery, 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. A close relative of a deceased victim or legal guardian of a victim may also be considered victims of crime.

The Victim Services Division will provide services to any concerned citizen upon request, regardless of whether they are a victim in the narrow sense of the law. Some of the services available through the Victim Services Division are:

- Assistance in determining offender status;
- Information and referral;
- Explanation of parole and mandatory law;
- Victim notification throughout the parole review process and in situations where there are escapes, recapture and offender deaths during incarceration or while under supervision;
- Automated telephone system available to victims 24 hours a day providing limited offender information;
- Prison tours for victims, concerned citizens and criminal justice professionals;
- Referrals to community assistance organizations and/or victim groups;
- Training of criminal justice staff on victim sensitivity issues (parole, community supervision and corrections and Correctional Institutions Division);
Public presentations;
- Victim Impact Panel presentations to community supervision and parole offenders, offenders and criminal justice professionals;
- Victim witness screening and preparation prior to viewing an execution;
- Victim Offender Mediation/Dialogue Program;
- Texas Crime Victim Clearinghouse; and
- Parole Board Accompaniment

What is a Victim Impact Statement and where can one be obtained?

A Victim Impact Statement (VIS) is a form used by law enforcement agencies, prosecutors

and other participants in the Criminal Justice System to record the impact of a crime on the victim, the guardian of a victim or a close relative of a deceased victim. Contact information requested in the VIS is used to provide notification to the victim throughout the criminal justice process.

Victims may obtain a VIS form from county attorneys, criminal district attorneys and Victim Assistance Coordinators (VAC) throughout the state. The forms are also available through the Texas Crime Victim Clearinghouse as well as the Texas Department of Criminal Justice website.

What rights do I have as a victim or victim survivor?

The rights of crime victims within the Criminal Justice System are described in Chapter 56 of the Texas Code of Criminal Procedure. A brochure listing these rights may be obtained from the Texas Crime Victim Clearinghouse and the Texas Department of Criminal Justice website.

I'm afraid to file a Victim Impact Statement or furnish information to the Victim Services Division because I fear the offender who victimized me might find out. What protection do I have?

The VIS and any additional information submitted to the Victim Services Division are considered privileged and confidential information and not subject to disclosure under the Open Records Act.

How can I be notified of a pending parole review or release? If I did not fill out a Victim Impact Statement at the time of the offense, can I send one to the Victim Services Division?

Notification may be requested by contacting the Victim Services Division at the address or telephone numbers listed above. A VIS form may be forwarded to the Victim Services Division at any time. Ensure that the offender's name and TDCJ-CID or State Identification number are included. If the offender's TDCJ-CID or SID numbers are unavailable, contact the Victim Services Division for assistance.

If I am not the victim of the offense for which the offender is in prison; but have been threatened by the offender, will I be notified if I request notification?

The individual in question should contact the Victim Services Division either via telephone or correspondence and request to be notified. The request must contain the victim's name, address and telephone number as well as the offender's name and TDCJ-CID or SID number.

What if I move or change my telephone number? Can I request to be notified at an address other than my own?

Notify the Victim Services Division as soon as possible of any change of address or

telephone number.

What information about an offender is available to the public?

- Offender information (name, TDCJ-CID or SID number and parole status)
- Demographic data (birth date, race, gender, unit of assignment and last known address of offender under supervision)
- Offense information (offense, sentence length, county of offense)
- Release information (release date, county of release, parole officer's name, special conditions imposed with the exception of drug related or substance abuse information or other information which is not considered confidential by law)

Can a Parole Panel forbid the offender who victimized me from having any contact with my family and me?

The victim(s) and/or family member(s) may submit a written request to the Victim Services Division petitioning the Parole Board for consideration of no contact between the offender and those individuals. The Victim Services Division will forward this written request to a parole panel at the appropriate time for their consideration. The board members and parole commissioners may impose special conditions prohibiting the offender upon his/her release from contacting the victim(s) and their family.

What is restitution?

Restitution is money an offender is ordered to pay to compensate for losses sustained by the victim of an offense. Restitution can be ordered only by the sentencing judge in the case and should not be confused with fines, court costs or attorney fees. Offenders pay restitution to the Parole Division, which in turn forwards the funds to the Comptroller's Releasee Restitution Fund for distribution to the victim. This ensures that the victim and offender have no contact with each other. Questions concerning Restitution can be answered by calling 866-464-4137.

Can I meet with board members and parole commissioner before they vote on the offender's case?

Under Government Code Section 508.153, voting members are not required to speak with the individual if they are not a "victim" as defined in Section 508.117 and/or the offender is not currently serving time for the offense committed against that victim. However, voting members do have the discretion to contact individuals that do not meet the required criteria and may attempt to contact those individuals by telephone before a final decision is made regarding the offender's possible release. The Victim Services Division should be contacted initially by the victim(s) and/or family member(s) and arrangements shall be made to contact the victim(s) and/or family member(s) at the appropriate time.

If I travel to Austin to present my concerns, will Victim Services personnel be available to talk with me?

A Victim Services representative shall be available to discuss any concerns and answer questions Monday through Friday business days, during normal business hours (7:30 a.m. to 5:30 p.m.). However, it is recommended that an appointment be made with a Victim

Services representative.

Does the Victim Services Division provide training to parole officers on how to assist victims?

The Victim Services Division has staff that trains not only parole officers, but also criminal justice professionals, victim advocates and others who assist victims. The training focuses on victim impact panels, victim's rights, victimology, crisis intervention and victim resources.

What is the Victim-Offender Mediation/Dialogue Program (VOM/D)?

The Victim-Offender Mediation/Dialogue (VOM/D) Program provides victims of violent crimes the opportunity to have a structured face-to-face meeting with their offenders in a secure, safe environment in order to facilitate the recovery process. At the request of a victim and upon approval and preparation by the Victim Services Division, an attempt will be made to arrange mediation between the victim and the offender. Such meetings will not always be possible.

What is the Texas Crime Victim Clearinghouse Program (TxCVC)?

The Texas Crime Victim Clearinghouse (TxCVC) serves as a central source of information and referral services for victims and victim service providers. The TxCVC conducts a training conference and regional workshops for victim service providers, in addition to providing technical assistance and a victim resource directory.

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