



**TEXAS BOARD
OF
PARDONS AND PAROLES**

Number: BPP-POL.145.200

Date: August 24, 2011

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**Supersedes: BPP-POL. 145.200
Dated January 29, 2009**

BOARD POLICY

SUBJECT: EXTRAORDINARY VOTE (SB 45)

PURPOSE: To establish a policy statement for the Texas Board of Pardons and Paroles and provide procedures for the board members of the Texas Board of Pardons and Paroles to vote Extraordinary Vote (SB 45) cases.

AUTHORITY: Texas Government Code Sections 508.0441, 508.045, 508.046 and 508.221
Texas Administrative Code, Title 37, Part V, Chapter 145, Section 145.15

POLICY: It is the policy of the Texas Board of Pardons and Paroles (Board) to consider cases for Extraordinary Vote in accordance with Texas Administrative Code, title 37, Part V, Chapter 145 (Board Rules). The full Board will review and make release decisions and impose special conditions.

DISCUSSION: In accordance with Texas Government Code §508.046, a two-thirds majority vote of the Texas Board of Pardons and Paroles (Board) is necessary for parole decisions involving capital felons, who are eligible for parole, persons convicted of an offense under §20A.03 [Continuous Trafficking of Persons], §21.02 [Continuous Sexual Abuse of Young Child or Children], §21.11(a)(1) [Indecency with a Child] or §22.021 [Aggravated Sexual Assault] of the Penal Code, or persons required under Texas Government Code §508.145(c) to serve 35 calendar years before becoming eligible for release on parole.

Use of the full range of voting options is not conducive to determining whether two-thirds of the Board considers the offender ready for release. Simplifying the voting procedure to “FI-1,” “FI-4R (month/year),” “FI-9R (month/year),” “FI-18R (month/year),” “N/R,” or “S/A” will eliminate voting confusion. “S/A” will only be used in the event the minimum expiration date is less than 36 months. Board members will impose conditions of parole or release to mandatory supervision.

DEFINITIONS:

Two-thirds majority vote: 5 of the current 7 board votes.

FI-1: release when eligible. All conditions attached therewith apply.

FI-4R (month/year): the placement of sex offenders into four months of education prior to release.

FI-9R (month/year): the placement of sex offenders into nine months of education prior to release.

FI-18R (month/year): the placement of sex offenders into eighteen months of treatment prior to release.

N/R: denied favorable parole action and set for review in 36 months.

S/A: "serve-all," a decision to deny parole with no regular subsequent reviews, in the event the minimum expiration date is less than 36 months.

PROCEDURES:

- I. The voting options for the Board to consider cases for parole that are subject to §508.046, Government Code (SB 45), shall be FI-1, FI-4R, FI-9R, FI-18R, N/R or, in the event the minimum expiration date is less than thirty-six (36) months, S/A.
- II. Members of the Texas Board of Pardons and Paroles determine conditions of parole and mandatory supervision. Special conditions are conditions imposed in addition to the standard conditions of parole or mandatory supervision. Unless otherwise provided, any condition may be imposed before or after release and shall remain in effect until specifically removed by a parole panel.

ADOPTED BY MAJORITY VOTE OF THE BOARD ON THE 24TH DAY OF AUGUST, 2011.

RISSIE OWENS, PRESIDING OFFICER (CHAIR)

** Signature on file.*