

## **Parole**

### *Victim Notification – Government Code § 508.117*

Using the name and address provided on the Victim Impact Statement (CCP art. 56.03), the division is required to make a reasonable effort to notify the victim, legal guardian of the victim, or close relative of a deceased victim (as defined by Government Code § 508.117(g)) before a parole panel considers an inmate, who is serving a sentence for an offense in which a person was a victim, for release to supervision. If the victim, guardian of the victim, or close relative of a deceased victim did not provide a VIS, they may provide a written request for notifications.

### *Meeting with the Board of Pardons and Paroles Government Code § 508.153(a)(1)-(2)*

The victim, legal guardian of the victim, or close relative of a deceased victim (as defined by Government Code § 508.117) has the right to provide a written statement or to appear in person before a voting member of the Board of Pardons and Paroles to present a statement of the person's view about the offense, the offender, and the effect of the offense on the victim when the board is considering the offender for release on parole or mandatory supervision for the current sentence being served for an offense.

### *Meeting with the Board of Pardons and Paroles – Other Relatives – Government Code § 508.117(g)(1)(D)*

In the event that the close relative (as defined by Government Code § 508.117) of a deceased victim is deceased or incapacitated due to physical or mental illness or infirmity, the nearest relative of the deceased victim by "consanguinity" (relationship by descent from a common ancestor; kinship) may have a right to

provide a written statement or to appear in person before a voting member of the Texas Board of Pardons and Paroles. Other representatives of the victim, victim's guardian and victim's close relative can provide a written statement to voting members of the Board of Pardons and Paroles.

### *Avoiding Victim of Stalking Offense – Government Code § 508.190*

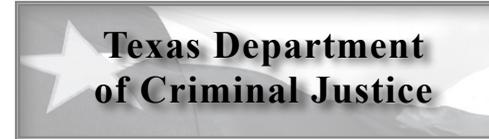
A parole panel is required to impose a condition that requires a releasee serving a sentence for stalking to not: communicate directly or indirectly with the victim; go to or near the residence, place of employment, or business of the victim; or go to or near a school, day-care facility, or similar facility where a dependent child of the victim is in attendance.

### *No Contact with a Victim – Government Code § 508.191*

If a parole panel releases a defendant on parole or to mandatory supervision, the panel is required to impose a condition that the defendant not intentionally or knowingly communicate directly or indirectly with a victim of the offense or intentionally or knowingly go near a residence, school, place of employment, or business of a victim.

### *Protective Order Extensions – Texas Family Code § 85.025(c) and CCP art. 7A.07(c)*

If an offender is the subject of a protective order issued on or after September 1, 1999, and is confined or imprisoned on the date the protective order expires or if the protective order would expire not later than the first anniversary of the date the person is released from confinement or imprisonment, Texas statutes mandate that the protective order be extended.



## **Victim Services Division**

### **Mailing Address:**

**8712 Shoal Creek Blvd.  
Suite 265  
Austin, Texas 78757-6899**

### **Toll-Free Hotline:**

**800-848-4284**

### **Fax:**

**512-452-0825**

### **E-mail:**

**[victim.svc@tdcj.texas.gov](mailto:victim.svc@tdcj.texas.gov)**

### **Website:**

**[www.tdcj.texas.gov](http://www.tdcj.texas.gov)**

The mission of the Victim Services Division is to provide a central mechanism for crime victims to participate in the Criminal Justice System.

The crime victim rights listed in this brochure are current through the Regular Session of the 84th Legislature.

Revised 09/2015

# **Do You Know Your ADDITIONAL RIGHTS As A Crime Victim?**



# CRIME VICTIMS' ADDITIONAL RIGHTS

*Crime victims have rights in addition to those found in the Texas Code of Criminal Procedure (CCP) arts. 56.02 and 56.021.*

*The additional rights listed in this brochure are relevant when the offender is either confined, incarcerated, on community supervision (probation), in the parole review process or on parole or mandatory supervision. These additional rights have been summarized for your convenience. Please refer to the specific legislation noted for more detailed information.*

*The Crime Victims' Rights (CCP arts. 56.02-56.021) are listed in the Texas Department of Criminal Justice (TDCJ) Victim Services Division's Crime Victims' Rights brochure, on the TDCJ website, and in the Victim Impact Statement (VIS) form.*

*In order to exercise your rights as a crime victim it is necessary to contact crime victim service providers to discuss and request, if applicable, your rights and available services. Your local law enforcement agency, district or county attorney's office, or supervising agency (probation or prison) have crime victim service providers and staff available to assist you.*

*If you have any questions regarding these rights and how to exercise them, please contact the TDCJ Victim Services Division at 800-848-4284 or [victim.svc@tdcj.texas.gov](mailto:victim.svc@tdcj.texas.gov).*

## **Notification of Escape, Release or Transfer**

*Notification to Victim or Witness of Release or Escape of Defendant – CCP art. 56.11*

A victim of the offense or a witness who testified against a defendant at the trial for the offense has the right to be notified when: a defendant completes the sentence and is released; escapes from a correctional facility; or, when the defendant - who has been released on parole or to mandatory supervision or is supervised by a community supervision and corrections department (CSCD) - is subject to electronic monitoring as a condition of release, ceases to be electronically monitored.

A reasonable attempt must be made by the TDCJ, sheriff or CSCD to provide notice to the victim or witness not later than the 30th day before the date the offender is released or ceases to be electronically monitored, and immediately if the defendant escapes from the correctional facility.

It is the responsibility of the victim or witness desiring notification to provide the TDCJ, sheriff, or the CSCD with contact information and any change of address or telephone number. The information obtained and maintained by the TDCJ, sheriff or CSCD is privileged and confidential.

*Notification of Escape or Transfer – CCP art. 56.12*

If the TDCJ received notice from the victim of the offense, the victim's guardian, or the victim's close relative, the TDCJ is required to immediately notify the individual if the defendant escapes from a facility operated by the TDCJ or if the defendant is transferred from the custody of a TDCJ facility to the custody of a peace officer

under a writ of attachment or a bench warrant. These notifications apply to defendants convicted of felonies other than state jail felonies.

It is the responsibility of the victim, witness, victim's guardian, or the deceased victim's close relative to notify the TDCJ of their desire for notification and any change of address.

## **Prohibited and Improper Contact**

*Prohibiting Contact with Victim – CCP art. 42.24*

If a defendant's sentence includes a term of confinement or imprisonment, the convicting court may, as part of the sentence, prohibit the defendant from contacting, during the term of the defendant's confinement or imprisonment, the victim of the offense of which the defendant is convicted or a member of the victim's family.

*Forfeiture for Contacting Victims – Government Code § 498.0042*

The TDCJ is required to adopt policies that prohibit an inmate in a correctional facility from contacting by letter, telephone, or any other means, either directly or indirectly, a victim of the offense for which the offender is serving a sentence, if the victim was younger than 17 years old at the time of the offense, or a member of the victim's family.

The parent of the victim or the member of the victim's family, other than the inmate; a legal guardian of the victim or the member of the victim's family; or the victim or the member of the victim's family, if the victim is 17 years of age or older at the time of giving consent, can

provide the TDCJ with a written consent to the contact.

The offender cannot make contact prior to receiving a copy of the consent that was provided to the TDCJ. If the inmate violates the TDCJ policy or an order under CCP art. 42.24, the TDCJ shall forfeit all or any part of the inmate's accrued good conduct time.

*Improper Contact with Victim – Penal Code § 38.111*

A person commits an offense if the person, while confined in a correctional facility after being charged with or convicted of an offense listed in CCP art. 62.001(5), contacts by letter, telephone, or any other means, either directly or through a third party, a victim of the offense or a member of the victim's family, if the victim was younger than 17 years of age at the time of the offense.

The parent of the victim; a legal guardian of the victim; the victim, if the victim is 17 years of age or older at the time of giving consent; or a member of the victim's family who is 17 years of age or older can provide the director of the correctional facility with a written and dated consent to the contact.

The person confined cannot provide the consent and has to be provided with a copy of the consent prior to the contact. An offense under this section is a Class A misdemeanor unless the actor is confined in a correctional facility after being convicted of a felony listed in CCP art. 62.001(5), in which event the offense is a third degree felony.