

**TEXAS BOARD OF PARDONS AND PAROLES**  
**Self-Evaluation Report**



**Submitted to the  
Sunset Advisory Commission**

**September 2011**



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## Texas Board of Pardons and Paroles Self-Evaluation Report

### I. Agency Contact Information

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### II. Key Functions and Performance

The Texas Board of Pardons and Paroles (the board) is the state agency responsible for determining: (1) which eligible offenders are to be released on parole; (2) conditions of parole or mandatory supervision; (3) the revocation of parole or mandatory supervision; and (4) executive clemency recommendations to the Governor.

#### A. Agency Overview

##### Agency Mission

The mission of the Texas Board of Pardons and Paroles is to perform its duties as imposed by Article IV, Section 11, of the Texas Constitution and:

- Determine which prisoners are to be released on parole or discretionary mandatory supervision;
- Determine conditions of parole and mandatory supervision;
- Determine revocation of parole and mandatory supervision; and,
- Recommend the resolution of clemency matters to the Governor.

##### Agency Vision

The Texas Board of Pardons and Paroles, guided by sound application of the discretionary authority vested by the Constitution of the State of Texas, shall:

- Render just determination in regard to parole release and revocations, thereby maximizing the restoration of human potential while restraining the growth of prison and jail populations;
- Impose reasonable and prudent conditions of release consistent with the goal of structured reintegration of the offender into the community; and,

- Resolutely administer the clemency process with recommendation to the Governor fully commensurate with public safety and due consideration.

## **B. Key Functions**

Board members are responsible for making recommendations to the Governor for all clemency related matters. The clemency section staff compiles all appropriate documents for the board members to review when making a recommendation to the Governor.

Except for cases requiring the full board to vote, the board, acting in panels of three, one board member and two parole commissioners, determines which offenders are to be released on parole or mandatory supervision; determines, and if appropriate, modifies conditions of parole or mandatory supervision; and, when an offender is alleged to have violated one or more terms, rules or conditions of release, determines which offender's supervision status will be continued, modified or revoked.

The institutional parole operations staff compiles information for the board members and parole panels to consider when making parole and mandatory release decisions. The institutional parole officer conducts an interview and prepares a case summary on all offenders who are eligible for parole and discretionary mandatory review.

The hearings operations staff compiles information for parole panels to consider when making decisions after a revocation hearing is held. When a parole officer alleges an offender has violated one or more of the terms, rules or conditions of release, the hearing officer, as the board's designee, conducts a preliminary and/or revocation hearing and prepares a report for all offenders who request a hearing.

The board is a constitutionally created agency responsible for assisting the Governor in making clemency decisions and making final decisions to release offenders from prison to parole or mandatory supervision. The board is the only state agency authorized by the Texas Constitution to fulfill these primary key functions. If the board no longer performed its key functions, it would adversely impact the Governor's Office and the prison population.

## **C. Agency Performance**

The board considered 78,575 offenders for parole and 18,938 offenders for discretionary mandatory supervision for a total of 97,513 release decisions.

**Parole Considerations and Approval Rates History  
FY 2006 - FY 2010**

	<b>FY 2006</b>	<b>FY 2007</b>	<b>FY 2008</b>	<b>FY 2009</b>	<b>FY 2010</b>
Cases Considered	72,583	74,488	74,895	76,607	78,575
Cases Approved	19,061	22,209	23,025	23,182	24,368
Approval Rate	26.26%	29.82%	30.74%	30.26%	31.01%

**Discretionary Mandatory Supervision Considerations and Approval Rates History  
FY 2006 - FY 2010**

	<b>FY 2006</b>	<b>FY 2007</b>	<b>FY 2008</b>	<b>FY 2009</b>	<b>FY 2010</b>
Cases Considered	17,025	18,131	17,811	18,554	18,938
Cases Approved	8,876	9,437	8,900	8,957	9,409
Approval Rate	52.14%	52.05%	49.97%	48.28%	49.68%

The board considered 85,899 transmittals that were submitted by the Parole Division to a parole panel for the imposition, modification or withdrawal of special conditions.

For cases presented to a parole panel for an offender's alleged violations of the terms, rules and conditions of release or erroneous release, the board made 28,969 decisions.

**Allegations Presented for Administrative Decisions  
by Allegation (Hearings and Waivers)**

<b>Allegation</b>	<b>Number</b>
New Conviction	12,122
Law Violation No New Conviction	4,230
Technical Only	12,573
Erroneous Release	44
<b>Total</b>	<b>28,969</b>

The board received a total of 706 clemency applications and/or requests, 662 non-capital and 44 capital cases.

#### **Clemency Actions on Non-Capital Cases by the Board**

<b>By Type</b>	<b>Applications Received</b>	<b>Sent to the Board</b>	<b>Clemency Recommended</b>	<b>Clemency Not Recommended</b>
Commutation of Sentence	96	5	3	0
Conditional Pardons	37	9	1	10
Emergency Reprieves	27	11	0	10
Family Medical Reprieve	30	16	0	16
Full Pardons	430	183	33	101
Pardon for Innocence	21	1	2	0
Restoration of Civil Rights	1	1	0	0
Restoration of Driver's License	6	0	0	0
Restoration of Firearm Rights	14	11	2	7
<b>Total Non-Capital Case Actions</b>	<b>662</b>	<b>237</b>	<b>41</b>	<b>144</b>

#### **Clemency Actions on Capital Cases by the Board**

<b>By Type</b>	<b>Cases Received</b>	<b>Cases Recommended</b>	<b>Cases Not Recommended</b>
Commutation of Sentence	24	2	22
Reprieves of Execution	19	0	19
Conditional Pardons	1	0	1
<b>Total Capital Case Actions</b>	<b>44</b>	<b>2</b>	<b>42</b>

For detailed information concerning each of the above programs refer to Section VII Guide to Agency Programs.

#### **D. Agency Enabling Statute**

In addition to the mission and vision statements, the board is required by statute to release an offender from prison if a parole panel determines that the offender's release will not increase the likelihood of harm to the public, the offender is able and willing to fulfill the obligations of a law-abiding citizen, and for the best interest of society. The board accomplishes the mission, vision and statutory requirements by ensuring offenders receive programs and services while in prison by utilizing the rehabilitation parole voting options and while on supervision by imposing special conditions of release.

However, since parole officers, who are required to provide instructions, monitor and enforce special conditions imposed by a parole panel, work for a separate agency, it makes it difficult for the board to ensure the intent of the special conditions imposed on an offender are administered appropriately. As shown in Section III, History and Major Events, prior to 1990, parole officers were employees of the board. The board provided clear direction to the parole officers who had an incentive to follow those directions since they were employees of the board.

## **E. Agency Functions and Other State or Federal Agencies' Functions**

The key functions of the board are complimented by a close working relationship with the Texas Department of Criminal Justice (TDCJ).

- Texas Board of Criminal Justice (TBCJ) - The board's presiding officer makes presentations at TBCJ board meetings, and both chairs of the board and TBCJ jointly review rules, policies, and procedures related to parole operations.
- TDCJ Correctional Institutions Division
  - Prison Units - provides facilities for the board members, parole commissioners, and Institutional Parole Officer to conduct interviews with offenders; provides facilities for the Hearing Officers to conduct hearings.
  - Classification and Records - identifies offenders eligible for parole.
- TDCJ Parole Division
  - Support Services (Review and Release Processing) - coordinates release activities for offenders approved for parole or released to mandatory supervision, e.g., issues release certificates, sends notices to trial officials, approves release residence plans, identifies county of residence, special needs, mandatory special conditions, other special conditions, and releases offenders from prison units to the community.
  - Central File Coordination Unit - coordinates the movement and maintenance of the case files of offenders to the board offices for the parole panel's review and consideration.
  - Field Operations - employs parole officers who supervise offenders released on parole and mandatory supervision; enforce terms, rules and conditions of release imposed upon offender; request imposition of modification of conditions of release; issue warrants or summons based upon an offender's violations of terms, rules and conditions of release; and makes recommendations when appropriate.
  - Specialized Programs - develops and administers a range of therapeutic, residential and resource programs.
  - Warrants Section - issues warrants, assists law enforcement in the apprehension of offenders, arranges the extradition of offenders arrested in other states, and ensures offenders receive the proper time credits when they are in custody on a warrant.

- Texas Interstate Compact - coordinates the transfer of the offender's released on parole or mandatory supervision from the state of Texas to another state including the District of Columbia, Puerto Rico, and the Virgin Islands.
- TDCJ Rehabilitation Programs Division - coordinates activities between the divisions of TDCJ to ensure rehabilitation programs ordered by a parole panel for an offender to successfully complete prior to release on parole are administered efficiently and with consistency, and ensures the offender is placed in the program.
- TDCJ Information Technology Division - provides and maintains access to the Offender Management Information Systems utilized by the board and parole panels to review and make release decisions; hearing officers to process hearing reports and analyst to review waivers of hearing; and, provides and maintains access to all information technology systems.
- TDCJ Internal Audit Division - assists the board by furnishing independent analyses, appraisals, and recommendations concerning the adequacy and effectiveness of the board's systems of internal controls, policies and procedures and the quality of performance in carrying out assigned responsibilities.
- Texas Correctional Office for Offenders with Medical or Mental Impairments (TCOOMMI) - reviews and submits recommendations to the board for the Continuity of Care and Medically Recommended intensive Supervision (MRIS) programs.
- TDCJ Victim Services Division - interacts with the board in the parole review process, e.g., receiving and processing protest letters from victims and concerned citizens, forwarding protest letters to the board for review and consideration, and facilitating the board's interaction with crime victims, victim service providers, and other state agencies by having a board member or parole commissioner represent the board on the Victim Advisory Council.
- Other Support Services - the board utilizes several TDCJ divisions for administrative services, e.g., Human Resource, Finance (Accounts Receivable/Payable, Contracts and Procurement, Payroll, Travel, etc.), and Manufacturing and Logistics (state vehicles).

The board is authorized to access and retrieve information from the Texas Department of Public Safety criminal history information database operated by the Federal Bureau of Investigations.

## **F. Other State Paroling Authorities**

Most states have staff that performs the same functions as the board's staff, i.e., institutional parole officers who prepare case summaries for the board to review, hearing officers who conduct administrative hearings for alleged parole violations on behalf of the board, etc. The number and makeup of the other state boards, how they are selected and length of terms may differ; but, the basic decision making regarding releases from prison, supervision in the community, revocation of supervised release and clemency matters are the same.

There are some differences between other state boards and the board such as institutional parole officers making recommendations to their board, and other boards conducting face-to-face hearings with offenders prior to making a release decision and the governor making the release decision after a recommendation from the state board. But, the biggest difference between states performing the same functions as the board is in the oversight of parole supervision staff. Many state boards have direct supervision over the staff that supervises offenders released by their board. A few states have, as we have in Texas, releasing authority with no oversight of the staff responsible for carrying out the conditions of supervision imposed by the board.

## **G. Obstacles and Impact on Key Functions**

In 2009, the Legislature transferred the institutional parole operations from the TDCJ to the board primarily because the majority of the institutional parole officer's duties and responsibilities supported the board's statutory authority to release an offender on parole or mandatory supervision and constitutional authority to make clemency recommendations to the Governor for capital cases. Since the transfer, the quality of the case summaries has dramatically improved as has the work performance of the staff and overall efficiency of the operations. This transfer removed one obstacle that hindered the effectiveness and efficiency of the parole review process.

The parole officers authorized to supervise offenders released by the board were not transferred and continue to work for TDCJ. This obstacle, most recently noted by a federal judge, has resulted in continuing liability and litigation defense expenditures because supervising staff misinterprets the board's intent or incorrectly applies conditions of release the board imposes. The board and TDCJ have appeared jointly as defendants in state and federal courts and in some cases, monetary damages and attorney fees were awarded to the Plaintiff and their attorneys.

## **H. Impact on Key Functions**

*Pending Court Litigation* - There are two current pending cases which may have an impact on key functions of the board. One court case may require the board to provide due process prior to the imposition of sex offender conditions when the sex conviction is more than 25 years old. The opinion of the Office of the Attorney General, the agency that represents the board in litigation, is that this is an ongoing trend of litigation being pursued by Plaintiff's attorney in an effort to require the board to provide due process prior to the imposition of any sex offender condition of release and ultimately, all special conditions of release.

There is another pending case challenging the law which requires the entire board to vote on certain cases. Since this law was applied retroactively, the argument is that the law violates the Ex Post Facto Clause of the Texas and United States Constitution and has an adverse impact on the offender's ability to be approved and released on parole.

*Recent Court Decisions - Ex parte Michael Wayne Bohannon*, No. AP-76,363, Texas Court of Criminal Appeals, On Application for a Writ of Habeas Corpus from Tarrant County, Texas (May 5, 2011), is having a significant impact on a key function of the board, hearing operations and central administration. The case requires the Parole Division to schedule and the board to conduct a preliminary hearing for releasees incarcerated on a pre-revocation warrant where there are pending criminal charges. Prior to June 2011, the numbers of preliminary hearings scheduled from March - May 2011 were 187, 147 and 151, respectively. The numbers in June and July, 2011 were 305 and 532 and the projected numbers for August are 850.

*Ex parte Johnathan Evans*, Cause No. AP-76,445, Texas Court of Criminal Appeals, On Application for a Writ of Habeas Corpus from Tom Green, Texas, is having an impact on a key function of the board, parole and mandatory supervision reviews. The case requires the Parole Division to schedule and the board to conduct a sex offender condition hearing for releasees who are not convicted of a sex offense. These hearings must be conducted by a parole panel member since there is no statutory provision which authorizes the board to designate an agent to conduct these hearings on its behalf as is authorized for preliminary, revocation and erroneous release hearings.

*New State Law* - As a result of legislation which was passed in the 82nd Legislature, effective September 1, 2011, there are more opportunities for persons to obtain an expunction after an arrest for a criminal offense or where a court has found the person innocent. Since the law was enacted for an arrest or offense that occurred before, on or after the effective date, the estimated number of expunctions the agency will be required to process is 12,000 per year which is a significant increase in the number of expunction orders processed in FY 2010, 398.

*Potential New State Law* - The 82nd Legislature passed a bill authorizing the governor to grant a pardon for persons sentenced to deferred adjudication 10 years after the person successfully completes their community supervision requirements. Before this bill can become law, the constitutional amendment that will be placed on the November ballot must be approved by a majority of the citizens of the state of Texas. If approved, the law will become effective January 1, 2012 for persons who successfully completed their deferred adjudication community supervision for offenses that occurred before, on or after the effective date of the bill. The estimated number of pardon applications for the first year is 47,000 which is a significant increase in the number of pardon applications received in FY 2010, 430.

### I. Agency's Opportunities for Improvement

The board could benefit from any new technology that will enhance all aspects of the key functions.

### J. Agency's Key Performance Measures for FY 2010

**Texas Board of Pardons and Paroles  
Key Performance Measure for Fiscal Year 2010**

Key Performance Measures	FY 2010 Target	FY 2010 Actual Performance	FY 2010 % of Annual Target
Number of Parole Cases Considered	92,000	97,513	105.99%

### III. History and Major Events

- 1929 Board of Pardons and Paroles (the board) created by Legislature. Three members appointed by the Governor and one designated as Supervisor of Paroles.
- 1935 Texas Constitution, Article IV, Section 11 was amended creating the board as a member of the Executive Branch with constitutional authority and making the Governor's clemency authority subject to board's recommendation.
- 1947 The Adult Probation and Parole Law were enacted by the Legislature. This law authorized the board, with the approval of the Governor, to release prisoners for parole or probation, with the exception of those with a death sentence.
- 1957 A Division of Parole Supervision was established as part of the board, to open up district offices across the state to monitor offenders.
- 1983 Constitution was amended and the board was increased to six members, appointed by the Governor with advice and consent of Senate. The Governor's authority to release and revoke offenders was transferred to the board.
- 1989 The board which included the Parole Division (District Parole Officers [DPO], Institutional Parole Officers [IPO], Specialized Supervision, Hearings) and Support Divisions (Data Services, Human Resources, etc.) were placed under the Texas Department of Criminal Justice (TDCJ) as a division of TDCJ to consolidate the various criminal justice functions in state government into one agency.
- 1990 The board again becomes a separate agency from TDCJ with primary role to have the discretionary release authority over offenders of the Correctional

Institutions Division of TDCJ. The Parole Division (DPOs and IPOs) are removed from the board oversight and made a separate Division under TDCJ.

- 1995 HB 1433, 74th Legislature, made mandatory supervision discretionary for any offender with an offense committed on or after September 1, 1996, by granting the Board of Pardons and Paroles the authority to block a scheduled mandatory supervision release based on factors such as an assessment of risk to the public.
- 1997 HB 2918 required the TDCJ Parole Division to create a Super-Intensive Supervision Parole (SISP) category for violent mandatory supervision releasees and parolees who need a very high degree of supervision, as determined by the Board of Pardons and Paroles. Under SISP, releasees who pose a significant threat to public safety face supervision measures whose scope is "construed in the broadest possible manner consistent with constitutional constraints."
- 1998 The 76th Legislature enacted other Sunset legislation affecting the Board of Pardons and Paroles (SB 352) and the Correctional Managed Health Care Committee (SB 371).
- 2003 In the 3rd Called Special Session of the 78th Legislative Session, the Board of Pardons and Paroles was reorganized in HB 7 (Article 11). TDCJ streamlined the agency's organizational structure, combining four separate divisions, the Institutional, State Jail, Operations and Private Facilities Divisions, into a single Correctional Institutions Division.
- 2007 The Board of Pardon sand Paroles in accordance with the rules and procedures of the Legislative Budget Board was charged with preparing, approving and submitting a Legislative Appropriations Request (LAR). The board's LAR and budget structure were to be maintained separately from the Texas Department of Criminal Justice (TDCJ).
- 2009 During the 81st legislative session, the legislature returned oversight authority of the Institutional Parole Officers to the board from the TDCJ-Parole Division.

#### **IV. Policymaking Structure**

##### **A. Policymaking Board Members**

The board is the policymaking body for the Texas Board of Pardons and Paroles. The board consists of seven members appointed by the Governor with the advice and consent of the senate. Board members hold office for staggered six-year terms, must be representative of the general public, and must have resided in this state for the two years before appointment.

**The seven member board consists of:**

<b>Name</b>	<b>Appointment Date</b>	<b>City</b>
Conrith Davis	2007-2013	Angleton
Juanita Gonzales	2009-2015	San Antonio
David Gutierrez	2009-2015	Gatesville
James Lafaver	2011-2017	Amarillo
Rissie Owens	2009-2015	Austin
Thomas Leeper	2009-2013	Huntsville
Michelle Skyrme	2011-2017	Palestine

**B. Roles and Responsibilities of the Board**

The primary roles and responsibilities of the board are to determine which offenders are to be released on parole or discretionary mandatory supervision, determine conditions of parole and mandatory supervision, determine revocation of parole and mandatory supervision, and recommend the resolution of clemency matters to the Governor.

**C. Chair**

The board's authority to perform the primary duties and responsibilities of the board is located under Texas Government Code, Section 508.036 General Administrative Duties. The Governor has the authority to designate one member of the board as the presiding officer. Texas Government Code, Section 508.035, defines the presiding officer's duties. The board meets at least once in each quarter as required under Texas Government Code, Section 508.047 to ensure the effectiveness and efficiency of its functions and duties.

**D. Unique Features of the Board**

The board is the only state agency in Texas that makes decisions in parole and mandatory supervision matters.

**E. Board Meetings Held in FY 2010 - FY 2011**

In FY 2010 (Sept. 1, 2009 - Aug. 31, 2010) the board convened five times in board meetings.

10/27/2009 - **Location:** 8610 Shoal Creek Blvd., Building 7W, Room 111, Austin, TX  
**Present:** Board members only

11/18/2009 - **Location:** First National Bank of Huntsville, 1300 11th St., Gibbs Room, Huntsville, TX  
**Present:** Full Board (includes Commissioners in attendance)

02/04/2010 - **Location:** 8610 Shoal Creek Blvd., Building 7W, Room 112, Austin, TX  
**Present:** Full Board (includes Commissioners in attendance)

- 04/15/2010 - **Location:** First National Bank of Huntsville, 1300 11th Street, Blalock Room, 6th Floor, Huntsville, TX  
**Present:** Full Board (includes Commissioners in attendance)
- 08/25/2010 - **Location:** First National Bank of Huntsville, 1300 11th Street, Blalock Room, 6th Floor, Huntsville, TX  
**Present:** Full Board (includes Commissioners in attendance)

In FY 2011 (Sept. 1, 2010 - Aug. 31, 2011) the board convened four times in board meetings.

- 11/04/2010 - **Location:** 8610 Shoal Creek Blvd., Bldg. 7-W, Room 112, Austin, TX  
**Present:** Board members only
- 12/20/2010 - **Location:** 8610 Shoal Creek Blvd., Bldg. 7-W, Room 112, Austin, TX  
**Present:** Board members only
- 02/16/2011 - **Location:** Texas Facilities Commission, 1711 San Jacinto, Austin-Central Services (Commission Room 402), Austin, TX  
**Present:** Board members only
- 06/08/2011 - **Location:** Texas Prison Museum, 491 State Highway 75 N, Huntsville, TX  
**Present:** Full Board (includes Commissioners in attendance)
- 08/24/2011 - **Location:** 8610 Shoal Creek Blvd., Bldg. 7-W, Room 112, Austin, TX  
**Present:** Full Board (includes Commissioners in attendance)

## **F. Training**

A board member or parole commissioner cannot perform the primary roles and responsibilities of the board or participate in a board meeting until he or she has completed training as outlined in Texas Government Code, Section 508.0362. Each board member or parole commissioner is provided comprehensive training and a manual to be maintained in his or her office.

The presiding officer is the administrative head of the agency and employs and supervises parole commissioners, a general counsel, a board administrator, hearing officers, institutional parole officers, personnel to assist in clemency and hearing matters, and secretarial or clerical personnel.

## **G. Policies and Directives Describing the Responsibilities of the Board**

Board members are responsible for all policymaking. The board administrator reports directly to the chair and is responsible for the day-to-day administration and management activities related to the board. The general counsel reports directly to the chair and gives independent legal advice to the board. BPP-DIR.141.300 clearly separates the policymaking responsibilities of the board and the management responsibilities of the board administrator, parole commissioners, the general counsel, and the staff.

## H. Regular Performance Reports

Annual and quarterly reports are regularly presented to the board to keep them informed of the agency's performance. The Texas Department of Criminal Justice, Executive Services, provides a summary of the board's monthly board actions.

## I. Input from the Public

It is the policy of the board to provide the public with a reasonable opportunity to appear before the board and to speak on any issue under the jurisdiction of the board, with the exception of an individual parole determination or clemency recommendation. Once a year at a regularly called board meeting, the board will afford the public an opportunity to present comments that are not on the posted agenda. BPP-POL.141.202 outlines the procedures to follow for persons not employed by or under contract with the board who wish to have items placed on the board's posted agenda.

## J. Advisory Committees

Advisory committees consider the board's rules and parole guidelines and make recommendations to the board for a final decision. Committee members are assigned by the presiding officer.

Name of Committee	Size/Composition	Purpose/Duties	Legal Basis for Committee
Rules Committee	Consists of six members: one member from each board office; chair of the committee is a board member; one other board member; and four parole commissioners.	Reviews and makes recommendations to the board for adoption of rules relating to the decision-making processes used by the board and parole panels.	Texas Government Code, Section 508.036(b)(1)
Parole Guidelines Committee	Consists of six members: one member from each board office; chair of the committee is a board member; one other board member; and four parole commissioners.	Reviews and makes recommendations to the board for the adoption of new offense severity rankings and approving recommendation to update or modify the parole guidelines based upon acceptable research methodology.	Texas Government Code, Section, Section 508.144

## V. Funding

### A. Funding

General Fund 1, is the only funding source for the board with no significant collected revenue.

### B. Significant Riders

The riders that significantly impact the board's budget are as follows:

- Rider to Transfer Institutional Parole Operations to the BPP.
- Rider to authorize Hazardous Duty Pay.
- Salary Adjustment to provide pay increase to Hearing and Institutional Parole Officers.

### C. Expenditures by Strategy for FY 2010

Goal/Strategy	Total Amount	Contract Expenditures Included in Total Amount
E.1.1, Board of Pardons and Paroles	\$17,922,266	\$0
E.1.2, Hearings and Revocations	\$7,237,802	\$1,381,083
<b>GRAND TOTAL:</b>	\$25,160,068	\$1,381,083

### D. Objects of Expense by Category for FY 2010

Object-of-Expense	Board of Pardons and Paroles	Clemency	Institutional Parole Operations	Hearings and Revocations
Salaries and Wages	\$3,023,922	\$288,871	\$12,036,155	\$4,588,174
Other Personnel Costs	\$125,064	\$8,076	\$480,940	\$253,843
Professional Fees and Services	\$70,122	\$0	\$0	\$1,381,083
Consumable Supplies	\$16,155	\$1,300	\$154,911	\$37,235
Utilities	\$30,607	\$576	\$35,872	\$22,933
Travel	\$101,044	\$13	\$340,388	\$303,254
Rent - Buildings	\$136,393	\$0	\$654,781	\$436,837
Rent - Machine and Other	\$21,753	\$6,954	\$103,979	\$64,553
Other Operating Expense	\$57,263	\$2,686	\$48,066	\$85,784
Capital Expense	\$0	\$0	\$176,375	\$64,106
<b>Total</b>	\$3,582,323	\$308,476	\$14,031,467	\$7,237,802

**E. Sources of Revenue for FY 2010**

Source	Amount
Fund 1, General Revenue	\$25,159,696
Collected Revenue	\$372
<b>TOTAL</b>	<b>\$25,160,068</b>

**F. Funds from Multiple Federal Programs for FY 2010**

Not applicable.

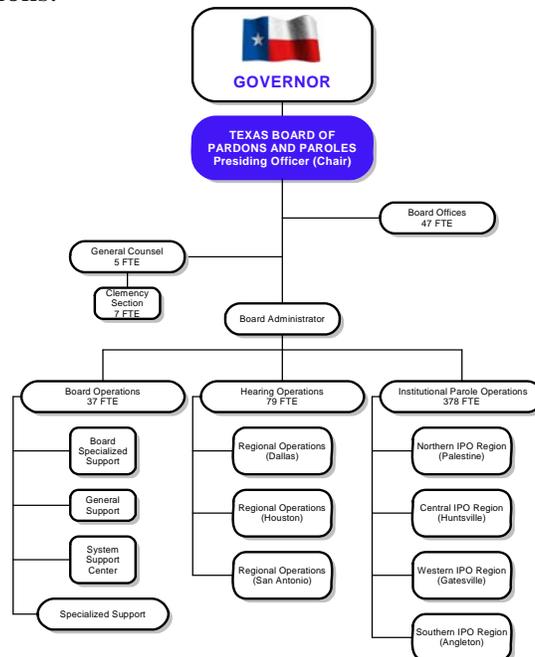
**G. Fees Collected for FY 2010**

Fee Description/Program/Statutory Citation	Current Fee/Statutory maximum	Number of persons or entities paying fee	Fee Revenue	Where Fee Revenue is Deposited (e.g., General Revenue Fund)
Collected Revenue from copies of Offender Files requested.		193	372	General Revenue Fund

**VI. Organization**

**A. Organizational Chart**

The board’s organizational structure is divided into four major categories, which include the board members, the staff at the board offices, general counsel’s office, and central board administration. The central board administration is further divided into the board, hearing, and institutional parole operations.



## B. Field and Regional Offices for FY 2010

The board has seven board offices, a general counsel's office, clemency section, and central board administration. In addition, there are 20 hearing offices and nine institutional parole offices. All the board's offices are located throughout Texas to better serve the citizens of Texas.

Headquarters, Region, or Field Office	Location	Number of Budgeted FTEs FY 2010	Number of Actual FTEs as of August 31, 2010
Board Office	Austin	1	1
Board Office	Huntsville	12	11
Board Office	Amarillo	7	7
Board Office	Palestine	7	7
Board Office	Gatesville	7	7
Board Office	San Antonio	7	7
Board Office	Angleton	7	6
General Counsel	Austin	6	6
Clemency	Austin	7	7
Board Administration	Austin	46	38
Regional Hearing Office	Houston	13	12
Hearing Office	Port Arthur	4	4
Hearing Office	Angleton	3	3
Hearing Office	Tyler	7	5
Hearing Office	Huntsville	4	3
Hearing Office	Waco	3	3
Regional Hearing Office	Dallas	25	20
Hearing Office	Palestine	1	0
Hearing Office	Gatesville	1	0
Regional Hearing Office	Lubbock	5	5
Hearing Office	San Angelo	1	0
Hearing Office	San Antonio	7	7
Hearing Office	Austin	6	5
Hearing Office	Corpus Christi	2	2
Hearing Office	Harlingen	2	2
Hearing Office	Abilene	2	2
Hearing Office	Amarillo	2	1
Hearing Office	El Paso	1	1
Hearing Office	Odessa	1	1
Hearing Office	Wichita Falls	1	1
Institutional Parole	Huntsville	112	105
Institutional Parole	Angleton	101	94
Institutional Parole	Gatesville	96	89
Institutional Parole	Palestine	97	90
TOTAL		604	552

**C. FTEs for FY 2010 - FY 2013**

The FTE caps for FY 2010 were 561.5, FY 2011 were 574.1, FY 2012 are 569.1, and FY 2013 are 569.1.

**D. Temporary or Contract Employees for FY 2010**

The board does not employ temporary or contract employees, as of August 31, 2010.

**E. Key Programs for FY 2010**

<b>Program</b>	<b>FTEs as of August 31, 2010</b>	<b>Actual Expenditures</b>
Board Operations	52	\$3,582,323
Clemency	7	\$308,476
Institutional Parole Operations	378	\$14,031,467
Hearing Operations	115	\$7,237,802
<b>TOTAL</b>	<b>552</b>	<b>\$25,160,068</b>

**VII. Guide to Agency Programs**

<b>Name of Program or Function</b>	Board Operations
<b>Location/Division</b>	Austin Huntsville
<b>Contact Name</b>	Rissie Owens, Chairman
<b>Actual Expenditures, FY 2010</b>	3,244,414
<b>Number of FTEs as of August 31, 2010</b>	47

The board consists of seven public members appointed by the Governor and confirmed by the Senate to staggered six-year terms. The Governor designates a presiding officer. The presiding officer hires a board administrator to manage the day-to-day activities of the board, as well as 12 parole commissioners to serve on parole panels with board members and make decisions regarding offender parole/mandatory supervision approval or denial. The presiding officer assigns one board member and two commissioners to each of the six board offices who serve as the parole panel for a designated geographical area. The parole panel is charged with determining which offenders will be released on parole or discretionary mandatory supervision, under which specific conditions, and when the offender's release should be revoked for violation of the terms, rules or conditions of their release. In addition to parole panels, board members develop board policy, serve as the office administrator, recommend the resolution of clemency matters to the Governor, and conduct parole reviews for certain violent offenders (Extraordinary Vote).

Key performance measures for this function include the number of parole cases considered by the board members and parole commissioners. In FY 2010, the targeted performance objective was 92,000 cases and the actual number of cases considered was 97,513. This was 105.84 % of the targeted figure.

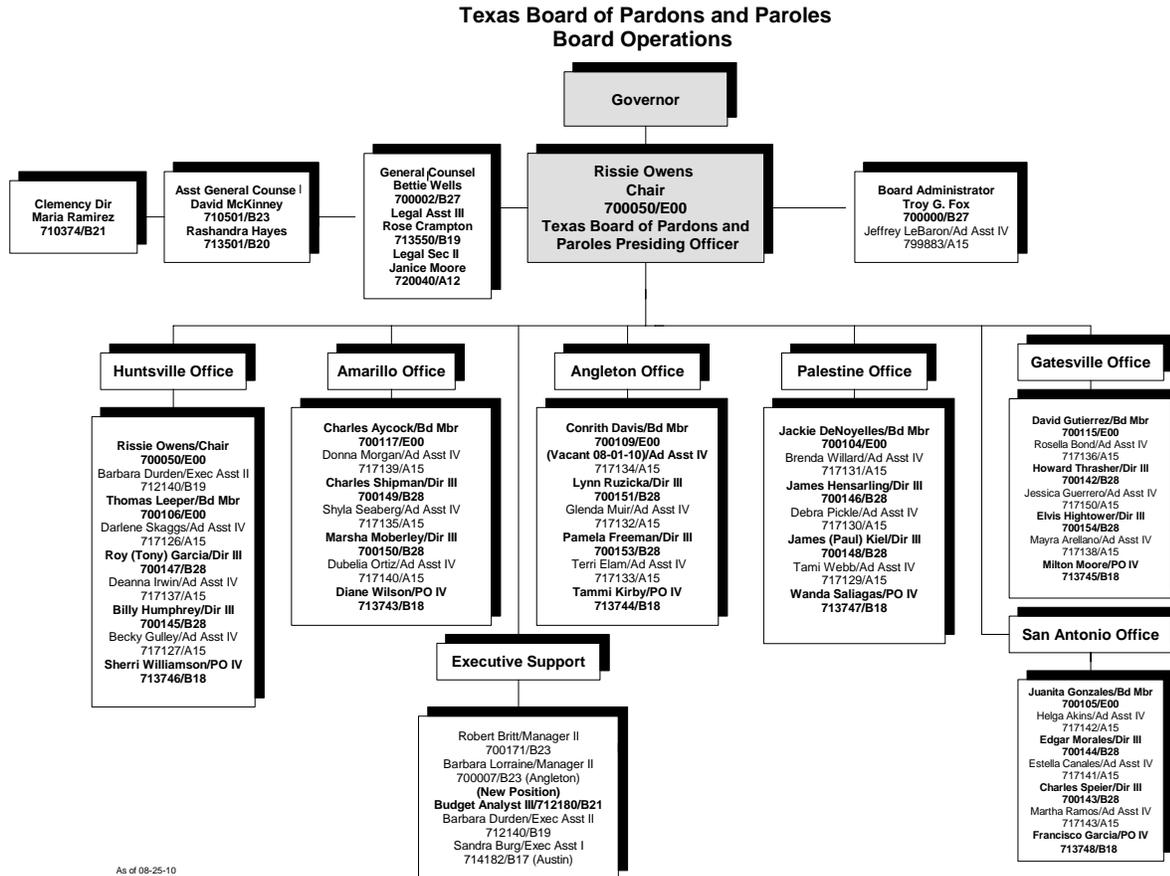
The most significant aspect of this function's history, the transition to a separate agency from the Texas Department of Criminal Justice, is described in the general agency history Section III.

The board makes release determinations, parole or discretionary mandatory supervision, on offenders incarcerated in the Texas Department of Criminal Justice-Correctional Institutional Division (CID). The board also makes release determinations on offenders sentenced to confinement in the TDCJ-CID who are incarcerated in a county jail, a facility in another state, or a federal facility when they become eligible for parole or discretionary mandatory supervision, Parole in Abstentia (PIA). In FY 2010, the board conducted 97,513 discretionary mandatory supervision and parole considerations. Additionally, the board determines revocation matters on offenders who have alleged to have violated the terms, rules or conditions of their release. In FY 2010, the board considered 28,969 such cases.

The board is responsible for making discretionary parole release determinations on offenders that have been determined eligible for parole. Offenders become eligible for parole consideration after they serve a portion of their sentence as required by statute. The amount of time required to be served varies based on the specific offense and the statute in effect at the time of conviction. Approximately six months prior to initial parole eligibility the offender is identified as eligible for review and a "casepull" occurs. The institutional parole officer (IPO) then gathers pertinent data regarding the offender, interviews the offender, and completes a case summary. Upon completion of the case summary, the entire offender file is sent to the parole panel for voting. If the file is a "paper" file, it is sent via truck-mail to the applicable board office for voting. In the event it is an electronic file in the Offender Information Management System (OIMS), it is sent to the voting panel electronically for voting. Upon a consensus decision being reached, the IPO notifies the offender, in writing, of the parole panel's decision. . *(More detailed information concerning the Institutional Parole Operations will be described later in this section.)*

The board also renders decisions regarding revocation matters on offenders who have violated the terms, rules and conditions of their release. Upon arrest, an offender is offered the opportunity to have a preliminary and/or revocation hearing on the allegations. In the event a hearing is held, it is conducted by a hearing officer who is a designee of the board. After the hearing, a report is then sent to the parole panel for voting. The parole panel may make final disposition of the case by taking one of the following actions: (1) continue supervision with the same or modified rules or conditions; (2) place in an intermediate sanction facility (ISF) or substance abuse felony punishment facility (SAFP); or, (3) revoke the parole status and return the offender to the TDCJ-CID. *(More detailed information concerning the Hearing Operations will be described later in this section.)*

The board recommends the resolution of clemency matters to the Governor. Clemency matters include full pardons, conditional pardons, pardons based on innocence, and commutations of sentence. In capital cases, the board considers applications for commutation of sentence to life in prison and for a reprieve from execution. In FY 2010, the board considered 686 cases for clemency. *(More detailed information concerning the Clemency Section will be described later in this section.)*



The funding source for the board is the General Fund 1. It is the only funding source for the board and all its programs. There are no other programs that provide identical or similar services performed by the board.

The TDCJ and the board have maintained a longstanding collaborative partnership to ensure offender information sharing. Electronic data and paper files are accessible by both agencies. Through a strong partnership between agencies, continuity of programming and services for offenders occur in a timely manner.

The board works closely with the TDCJ-CID. The TDCJ-CID is responsible for housing offenders, identifying when an offender is eligible for parole consideration, ensuring that an offender is placed in and complete any designated program(s) prior to release and the actual release of an offender. The Parole Division has the responsibility of supervising offenders

released on supervision, ensuring compliance of the rules and conditions the board has imposed and bringing to the attention of the board any alleged violations of release.

The amount of expenditures for hearings held in FY 2010 was \$1,381,083. The total number of attorney contracts accounting for those expenditures were 288. Attorneys sign a contract with the board to represent offenders who have violated the terms and conditions of their release and who have been determined to have met the criteria for appointment of counsel. The criteria involves that established by *Gagnon v Scarpelli*, 411 U.S. 778 (1973) and it generally is based on the offender's IQ, complexities of the issues, and whether the offender is able to understand the proceedings and articulate a defense. Funding for the Professional Fees is appropriated from the Legislature from the General Funding 1. Performance is monitored by each invoice being audited for contract compliance prior to payment.

No statutory changes relating to this function are recommended at this time. Please see Section IX for a list of all statutory changes recommended by the agency.

<b>Name of Program or Function</b>	Legal
<b>Location/Division</b>	General Counsel's Office
<b>Contact Name</b>	Bettie L. Wells
<b>Actual Expenditures, FY 2010</b>	\$337,909
<b>Number of FTEs as of August 31, 2010</b>	6

The general counsel has statutory obligations outlined in Texas Government Code Section 508.034(d). The general counsel's office major activities are to provide legal advice to the board as necessary on questions of law, litigation, and policy matters in the areas of board parole decisions, revocations of parole and mandatory supervision, clemency, ethics, rulemaking under the Administrative Procedures Act, the Open Meetings Law, and the Public Information Act, the legislature and any other law or policy affecting the board; supervise of assistant general counsels and administrative staff; and notify the presiding officer that a potential ground for removal of a board member exists, and to notify the governor and the attorney general that a potential ground for removal of the presiding officer exists.

The general counsel's office is responsible for providing in-house legal advice to the presiding officer, board members, parole commissioners and managers and assists the Office of the Attorney General in defending the agency, board members and employees in civil litigation matters as well as writs of habeas corpus litigation. The general counsel's office is also responsible for providing technical support for the Parole Guidelines and Rules Committees which includes coordinating meetings in compliance with the Open Meetings Act; publishes rules in the Texas Register; and maintains and distributes rules, policies and directives.

The chart below identifies specific quantifiable activities performed by the general counsel's office for FY 2010.

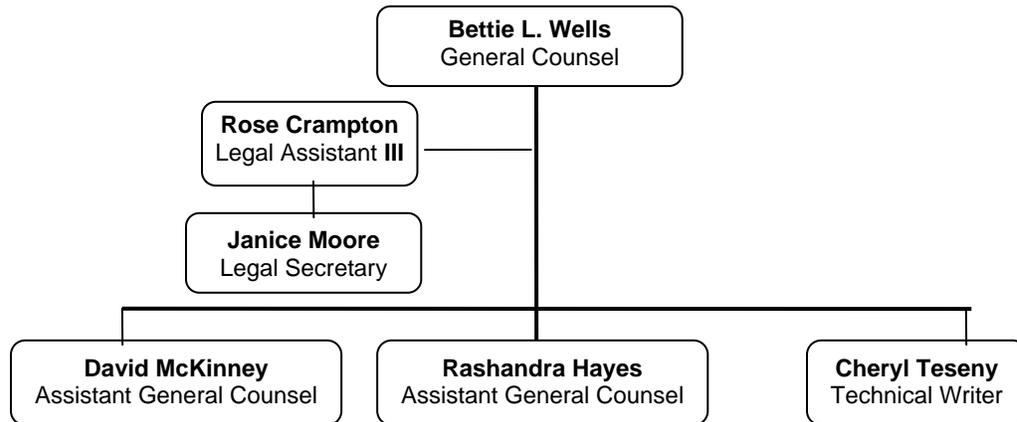
<b>ACTIVITY</b>	<b>SEP</b>	<b>OCT</b>	<b>NOV</b>	<b>DEC</b>	<b>JAN</b>	<b>FEB</b>	<b>MAR</b>	<b>APR</b>	<b>MAY</b>	<b>JUN</b>	<b>JUL</b>	<b>AUG</b>	<b>TOTAL</b>
<b>MOTION TO REOPEN (MTR)</b>													
Received	40	47	36	40	32	24	51	73	65	63	69	52	592
Sent to Board	40	12	19	46	25	27	33	48	29	27	13	29	348
<b>MTR DECISION</b>													
Grant	1	2	0	3	3	2	6	1	2	0	1	1	22
Deny	37	10	11	42	30	24	26	42	26	27	12	27	314
Reverse	1	0	1	1	0	1	0	0	0	0	0	2	6
<b>WRITS</b>													
Received	0	0	0	0	3	11	1	3	9	3	8	5	43
Open*	0	0	0	0	56	67	68	77	84	87	94	95	95
Closed	0	0	0	0	80	122	0	0	2	0	1	4	209
<b>LITIGATION</b>													
Received	3	2	2	2	69	9	6	0	4	4	6	2	109
Open*	73	72	74	67	104	110	117	45	47	50	56	41	41
Closed	1	1	1	9	24	6	0	1	2	1	0	17	63
<b>NCIC DISCREPANCIES</b>													
Received	50	27	61	35	49	53	160	106	69	84	92	71	857
Processed	50	27	61	35	49	53	160	106	69	84	92	71	857
<b>EXPUNCTIONS</b>													
Petition	14	7	12	2	11	10	9	14	7	4	5	14	109
Hearing	7	4	3	1	2	5	12	6	5	3	2	13	63
Order (grant & deny)	22	26	35	23	22	41	39	14	57	27	40	52	398

\*Total will not reflect a true number since cases are carried over from month to month.

Prior to 2007, the TDCJ reviewed and corrected judgment and sentence information maintained in the TDCJ's database, commitment screen. With the development of the new parole guidelines, the commitment information became an integral component of the overall parole guideline score. If the parole guideline score was inaccurate, it may have an impact on the parole panel's decision. In an effort to ensure the accuracy of the parole guideline score, all potential discrepancies in the NCIC code, which is the basis for the offense severity ranking component of the parole guideline score, are reviewed and changes approved by an attorney with the general counsel's office.

Prior to January of 2009, all expunction orders received by the board were processed by the clemency section since the board is custodian of all clemency records. However, there are several documents prepared by the board's staff which are maintained in the TDCJ Parole Division's electronic and paper filing system. Currently, the board's staff reviews and properly redacts, if necessary, all documents prepared by the board which are maintained in the TDCJ Parole Division's files.

Board Directive 141.310, General Counsel's Office Policy, provides guidance and instructions to the board members, parole commissioners and agency staff concerning legal support and services provided by the general counsel's office. Board Directive 146.300, Motion to Reopen Hearings, provides procedures to the staff to respond to a motion to reopen a hearing request submitted in response to a revocation decision after a revocation hearing.



General Fund 1, is the only funding source for the board, and there are no other programs that provide identical functions to general counsel's office.

The Office of the Attorney General is responsible for defending litigation, civil and habeas, where the presiding officer, board member or board employee is a named defendant or the issue relates to a parole panel or full board decision. The general counsel's office provides litigation support, e.g., preparing affidavits; drafting responses for discovery, interrogatories, request for production/admissions; coordinating meetings with witness for deposition and trial; and obtain approval and process payment for attorney fees and settlements.

The general counsel participates in the 40 hour statutorily required training program for new board members and parole commissioners. While the board member and parole commissioner participate in a structured on the job training program after the initial 40 hour training program is complete, there is no statutory requirement for annual training for board members and parole commissioners.

There is a statutory requirement for annual training for employees designated by the board to conduct hearings on issues and procedures relating to the revocation process. Since there have been several significant changes in the parole process in the past few years, most of which are as a result of litigation, it would be very beneficial to the board members and parole commissioners for the general counsel to present an annual training program on legal issues related to the parole process. This training would require all board members to be present but should not be considered a meeting under the Open Meetings Act since the information being presented would be considered attorney client privileged communication. (Reference OR2004-3078 - information presented to the hearing officers, board designees, by the general counsel during annual training were deemed attorney client privileged communication.)

No statutory changes relating to this function are recommended at this time. Please see Section IX for a list of all statutory changes recommended by the agency.

<b>Name of Program or Function</b>	Central Administration
<b>Location/Division</b>	Austin
<b>Contact Name</b>	Timothy McDonnell
<b>Actual Expenditures, FY 2010</b>	1,688,214
<b>Number of FTEs as of August 31, 2010</b>	38

The board employs a central administrative staff to support agency operations as well as promoting and ensuring compliance with applicable legislation. The director of board operations oversees the central administration staff. Specific areas of support include:

- **General Support:** This section consists of board action which is responsible for collecting hearing and waiver decisions from voting panels, entering the information into a database to assist in creating statistical records and also entering each decision into the offender file; and distributing weekly the super intensive supervision program (SISP) decisions. A scheduling department is responsible for scheduling preliminary, revocation, and erroneous release hearings on offenders alleged to have violated the terms and conditions of their release. In the event an offender qualifies for state appointed counsel, an attorney is appointed from an approved list to represent the offender in the hearing.
- **Board Support:** This section handles all incoming calls and mail; receives, evaluates and processes requests for special parole review; collects, maintains and distributes statistical information on the board's activities; reviews and processes attorney voucher's for payment; helps coordinate meetings in compliance with the Open Meetings Act; prepares and coordinates publishing of the board annual report and guidelines report; and scans information into the Offender Information Management System (OIMS) as required.
- **Information Systems:** This section provides technical support for all computers, associated applications and associated network connections assigned to staff throughout the state.
- **Procurement and Inventory Control:** This section provides procurement support for the purchase of the board consumables, leasing of office equipment, as well as inventory tracking and control of equipment.
- **Central Analysts:** This section provides support by investigating and responding to complex inquires from attorneys, the general public, and offenders regarding the board decisions pertaining to release approvals/denials, special conditions, revocation matters, special review requests; coordinates motions to reopen (MTR's) with the Parole Division and hearing staff; reviews and processes SISP's cases for presentation to a SISP panel in matters involving revocation; provides support to board analysts; and works on special projects as assigned.

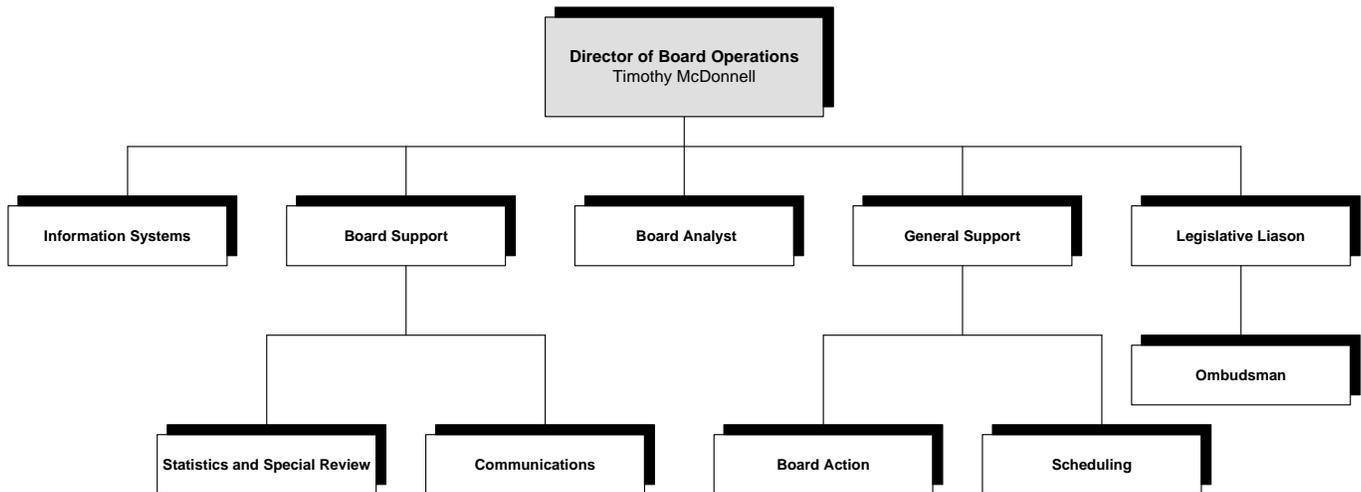
- **Ombudsman:** The ombudsman responds to complaints concerning the board and operations of the board, responds to open records requests and inquiries from the general public that are requested via phone, mail or our internet email address.

In FY 2010:

- 17,740 hearings were scheduled and conducted. Additionally, approximately 29,000 hearing and waiver decisions were entered into the disposition database and offender file.
- Approximately 3,100 requests for special review were evaluated and a response to the requestor was provided.
- There were 5,062 attorney appointments made to represent offenders in the revocation process and their payment vouchers upon submission were reviewed for accuracy and submitted for payment.
- Five board meetings were coordinated, posted, held and minutes prepared, approved and submitted.
- The ombudsman responded to nearly 7,300 inquiries from offender family members, offenders, legislative offices and the public.
- An annual report (including a parole guidelines annual report) was prepared submitted to the board members for approval, published and distributed.
- 11,491 pieces of correspondence were received and processed and 19,446 phone inquiries.

This program provides the administrative support to the other programs within the board, e.g., institutional parole operations, board and hearing operations.

The below organizational chart of the board operations details the structure of the central administration. Specific flowcharts and timelines of the specific programs that the central administration supports can be found in that particular program.



General Fund 1, is the only funding source for the board, and there are no other programs that provide identical functions to central administration.

The board central administration works closely with the Texas Department of Criminal Justice-Parole Division and Information Technology. The Texas Department of Criminal Justice is the custodian of record for all offender files and coordination is critical in terms of file movement.

No statutory changes relating to this function are recommended at this time. Please see Section IX for a list of all statutory changes recommended by the agency.

<b>Name of Program or Function</b>	Institutional Parole Operations
<b>Location/Division</b>	1300 11th Street, Suite 520 Huntsville, TX 77340
<b>Contact Name</b>	Janice Willett, IPO Director
<b>Actual Expenditures, FY 2010</b>	\$14,031,467
<b>Number of FTEs as of August 31, 2010</b>	378 filled / 29 vacant = 406 FTEs

The primary objective of the institutional parole operations (IPO) is to initiate the parole review process for offenders eligible for discretionary release from prison determined by a parole panel decision. Offenders become eligible for review when they have served a required percentage of their sentence according to the nature of offense, legislature, and offense date. Another type of release, discretionary mandatory supervision (DMS) is also determined by a

parole panel for non-violent offenders whose offenses were committed on or after 9/1/96. Offenders become eligible for DMS review once their actual time served and good time equals their sentence length.

The functions of institutional parole is to process the names of parole or DMS eligible offenders appearing on computer-generated casepull listings in order to access or create a parole file on each offender. The file is forwarded to the regional IPO office that covers the prison where the offender is located. When the file is assigned, a parole officer interviews the offender to create a parole case summary report that provides detailed and pertinent information about the offender's arrest history, periods of incarceration, classification and housing assignments, medical and psychological information, institutional behaviors and any self-reported problems and/or addictions. The parole case summaries are used by the board when making release decisions and to impose conditions of release. In addition to these reports, the board also relies on a parole guideline score prepared by IPOs that measures the offender's risk of re-offending. The IPO officers represent the board on 119 prison units and 254 counties.

IPO officers also perform orientations for new arrival offenders on prison units; screen offenders for treatment program eligibility; respond to inquiries from offenders families, general public, victims, and law enforcement agencies; and deliver status letters that explain the board's decisions regarding the parole or discretionary mandatory review. They also assist with tasks associated with the physical release of offenders from custody. The release certificate, release date, and coordination of release are the responsibility of the TDCJ Parole Division Review and Release Section and the TDCJ Classification and Records office.

There are two key performance indicators for institutional parole operations:

- The number of parole reports prepared and submitted to the board to facilitate the parole decision-making process. During FY 2010, there were 92,962 summaries completed with 80,167 submitted for a decision.
- The number of parole-in-absentia (PIA) reports prepared and submitted to the board to facilitate the release decision-making process. During FY 2010, there were 1,879 PIA cases prepared and submitted for a decision.

Additional statistics related to the IPO functions include:

- Releases: 8,132 (note that with the implementation of regional releasing that began 5/2010, this total will reflect a marked increase for FY 2011, estimated at over 13,000 releases)
- Offender Notifications (status letters, notice of discretionary mandatory supervision, legally recognized parent notices): 104,867
- Sex Offender Risk Assessments (Static 99): 7,161

- Offender Recontacts: 29,394
- Offender Requests + Other Telephone and Written Correspondence: 227,285

When the Texas Department of Criminal Justice (TDCJ) was created in 1989 and designed to integrate all adult criminal justice agencies (probation, prisons and parole) into one ‘umbrella’ agency, the institutional parole operations was moved from the authority of the board to the TDCJ-Institutional Division. Institutional parole operations became the Transitional Planning Department and IPO officers became Transitional case managers, whose focus was not only to provide a summary for parole decision-makers, but also to assist with the new agency’s mission to ‘...reintegrate offenders into society...’ A new type of case summary was created for several purposes - to classify and assign offenders upon arrival to prison (security-based); to document the offender’s proposed treatment and program participation plan to be accessed by educational and treatment staff in the prison setting as well as by parole supervision when the offender was released (continuum of care); and the last phase of the report was designed to be utilized by parole panels for release decisions (release and supervision conditions). The new Community Transition Case Summary was short-lived (approximately 1991 to 1994) due to departmental complaints that the report was too broad and ineffective, and did not meet the specific needs of the user.

During September, 1995, the Transitional Planning Department was moved from the Institutional Division to the Parole Division. The focus of work was redirected toward serving the needs of the parole decision-makers and parole supervision. Transitional Case managers were renamed IPO officers and the Transition Case Summary was revised to a similar version of the original Parole Case Summary.

On September 1, 2009, the IPO was transferred back to the authority of the board as a result of the 81st Legislature. This transfer revived the original intent of the IPO to meet the needs of the parole decision-makers and offenders eligible for parole and discretionary mandatory supervision review.

The IPO primarily affects incarcerated offenders, offender families, crime victims, and the general public. Public safety is the overarching mission and within that context, the general public is impacted by the IPO functions, although not the direct recipients of our services.

**Offenders:** To receive a review by the board, offenders must be sentenced to the TDCJ-CID. Offenders who were sentenced to confinement in the TDCJ-CID but serve their sentences in a county jail, a facility in another state, or a federal facility, are also considered for PIA release. The review process begins only after the offender has served enough of their sentence by law to be eligible for release. During FY 2010, there were 74,118 case summaries completed for parole consideration and 2,046 case summaries completed for PIA

Offenders eligible for review of DMS release (for offenses committed on or after 9/1/96) must accrue enough “calendar time” and “good time” to qualify by law for release prior to completion of their entire sentence. Discretionary mandatory offenders, like parolees, are

subject to review by the board to determine whether an offender's accrued good conduct time is an accurate reflection of the offender's potential for rehabilitation and whether the offender's release would endanger the public. During FY 2010, there were 18,654 cases completed for DMS review. Prior to DMS, certain offenders were released to Mandatory Supervision according to the statutory requirements without a parole panel vote.

The IPOs also complete case summaries for a clemency decision on death penalty cases. There were 23 case summaries prepared for offenders sentenced to death.

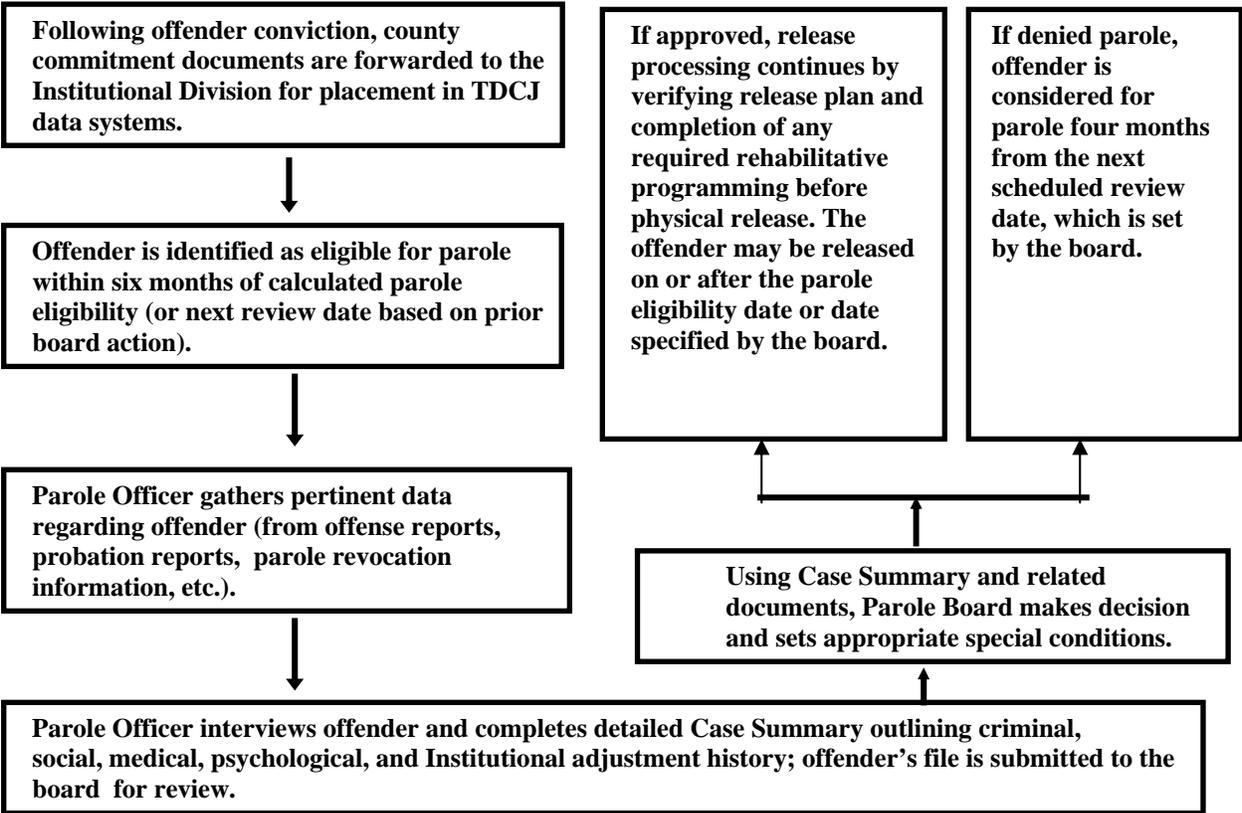
Victims: Victims and victims' family members contact IPO locations frequently regarding release review processing information and inquiries regarding offender status. IPOs also notify Victim Services, TDCJ, when an offender's file is ready to be voted so a victim or victim family member has an opportunity to speak with a parole panel if they have requested to do so.

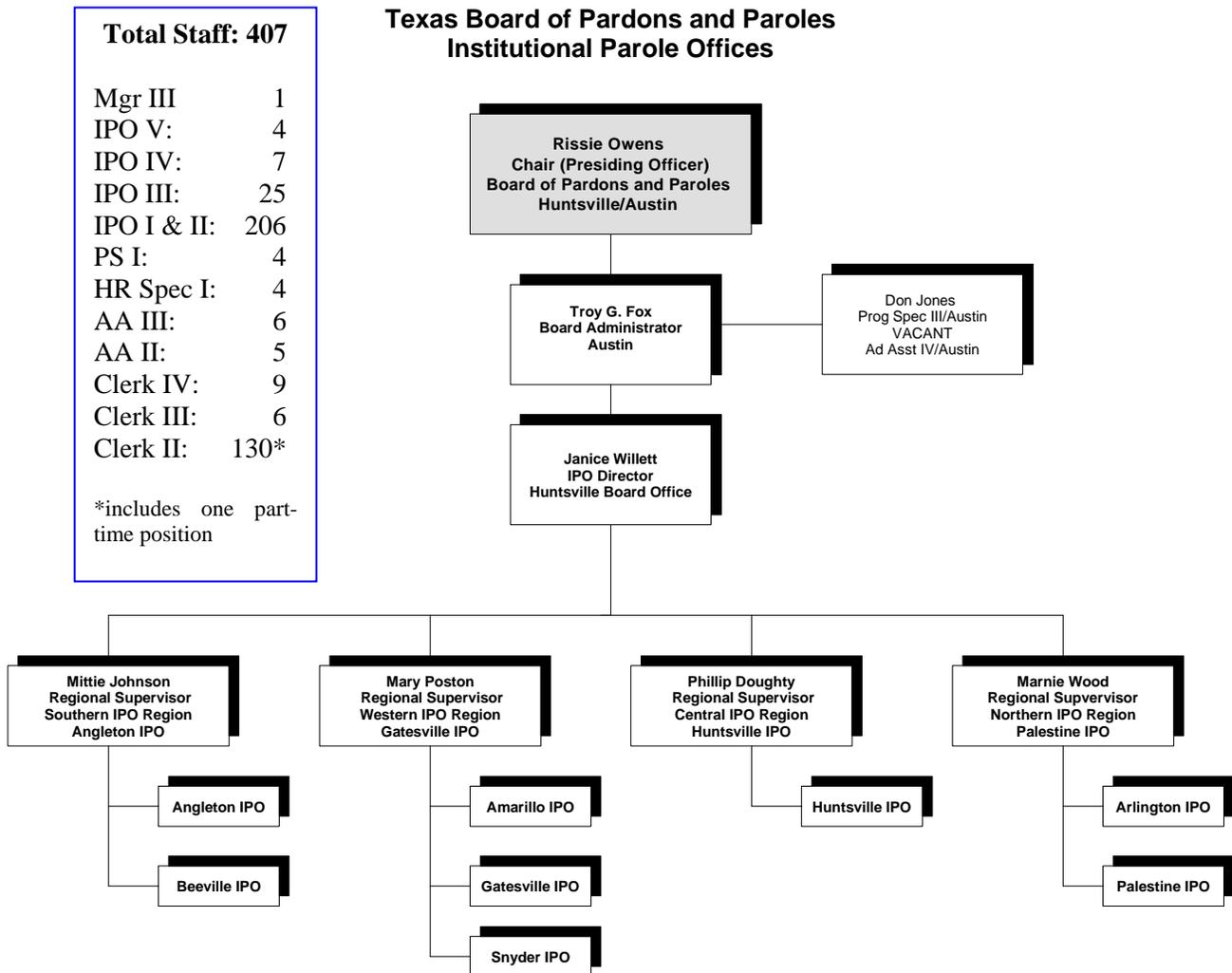
Offender Families: Offenders' family members and supporters contact IPO locations frequently regarding release review processing information and inquiries regarding offender status.

TDCJ: TDCJ (prisons and parole supervision) are dependent upon the board to make release decisions on eligible offenders in a timely manner so that release approved offenders are released expeditiously (also allowing counties to transfer in newly convicted inmates) and under the terms, rules and conditions of supervision imposed by the board. It also ensures the parole officers in the state's communities can supervise and monitor releasees effectively and efficiently to achieve public safety.

The board's policies and directives apply to the IPO as well as the statutory requirements in Chapter 508 of the Texas Government Code. There are also administrative directives which give instructions to the IPO. A detailed parole case summary instructions manual is primarily used by IPO officers for offender interviews and case summary report writing. Operations manuals with all policies and procedures are accessed electronically via intranet as well as hard copy format.

The following chart is a summary of the parole review process.





As of 03/08/2010

General Fund 1, is the only funding source for the board, and there are no other programs that provide identical functions to the institutional parole operations.

The source documents included in the parole file and used by the IPO to prepare the parole case summary are originated by the courts and maintained by the TDCJ Classification and Records Department. The source documents include the Judgment, Sentence, Offense Reports, Arrest History, Victim Impact Statements, Pre-Sentence Investigation, etc. Upon TDCJ entry, the offender receives an intake interview by TDCJ staff that comprises the ‘TDCJ Admission Summary, along with a battery of diagnostic assessments including IQ tests, medical and psychological screenings and educational assessments. All of these documents are also included in the offender’s classification file. When an offender becomes parole eligible, this file material is collected and copied or scanned for the creation of a parole file. The parole file is utilized by the IPO officer to interview the offender, compare, contrast and consolidate all pertinent

information to create the parole case summary, complete the parole guidelines risk assessment, Static 99 assessment for sex offenders, and screen offenders for eligibility for the in-prison therapeutic community (IPTC) treatment program. The file is then forwarded to parole panels for a decision.

The TDCJ Admission Summary prepared at intake contains some of the same information as the parole case summary; however, the focus of the interview and format of the report is quite different. The TDCJ Admission Summary provides information to assist in the appropriate classification and unit assignment of offenders for security purposes. The parole interview does not occur at intake but when the offender becomes parole eligible, which in some cases, could be years later. The Admission Summary is used by the IPO officer to compare and contrast information, however, the Admission Summary may be dated. Information in the parole case summary includes not only detailed information about the offense(s) of conviction, criminal history and jail behavior, but also provides the offender's institutional adjustment since TDCJ intake, along with parole release plans, victim information, restitution, detainers, program participation and completions, employment history, physical and mental evaluations, diagnoses, medical treatment, in-depth substance problems and/or addictions. The timing and purposes of these reports are the key differences.

The TDCJ and the board have maintained a longstanding collaborative partnership to ensure offender information sharing for timely parole processing, program participation and release of offenders. Electronic data and paper files are accessible by both agencies and if duplication or conflict of information is noted by one entity, the other is notified. Through a strong partnership between agencies, continuity of programming and services for offenders occur in a timely manner.

The IPO officer works closely with TDCJ as previously described, specifically in the areas of information sharing, release processing, and the fact that IPO officers work on prison units requires daily contact with unit-based TDCJ staff. The IPO officer's day-to-day functions depend on prison staff for safety and security, along with assistance in scheduling offender interviews, obtaining offender information, and occasional interpreter services. When offenders are released to the community, a coordination of effort occurs among multiple TDCJ departments and unit-based staff assistance.

The local district court system initiates the prison packet of information to the TDCJ and the board when an individual is sentenced to prison. Sometimes it is necessary to contact the district courts to clarify sentencing information or request additional information on an offender but most information exchange occurs when an offender is transferred from the county jail to prison.

The IPO works with federal prisons only when offenders are serving a federal sentence concurrently with a Texas prison sentence and the offender becomes parole eligible on the Texas conviction. Coordination with federal officials is necessary to initiate the parole review process. Other government entities may be contacted when information gathering or clarification is needed.

No statutory changes relating to this function are recommended at this time. Please see Section IX for a list of all statutory changes recommended by the agency.

<b>Name of Program or Function</b>	Hearing Operations
<b>Location/Division</b>	20 Offices Statewide
<b>Contact Name</b>	Michael Billings
<b>Actual Expenditures, FY 2010</b>	\$7,237,802
<b>Number of FTEs as of August 31, 2010</b>	115

The mission of the board is to perform its duties as imposed by Article IV, Section 11, of the Texas Constitution and Government Code §508 Subchapter I, in part, to determine if a released inmate is in violation of the imposed conditions and to vote whether to return the inmate to the prison population or impose a less severe sanction. When TDCJ discovers that an offender has allegedly committed a new offense or technical parole violation, it may issue a warrant for arrest or a summons for a hearing. Eligible offenders may choose to waive the preliminary or revocation hearing if so entitled. Those waivers are forwarded by TDCJ to a board analyst for presentation to a parole panel for disposition. An offender may choose to have a hearing. Hearing operations provides the hearing officers who conduct the preliminary and revocation hearings as designees for the board as provided for by statute. Hearing officers ensure offenders are afforded their due process rights; digitally record and upload copies of the hearing; hear offender, state, and witness testimony; take in exhibits; write reports and summaries; and make recommendations regarding the final dispositions of hearing matters. The hearing officers conduct hearings in county jails, prison units, and federal facilities statewide.

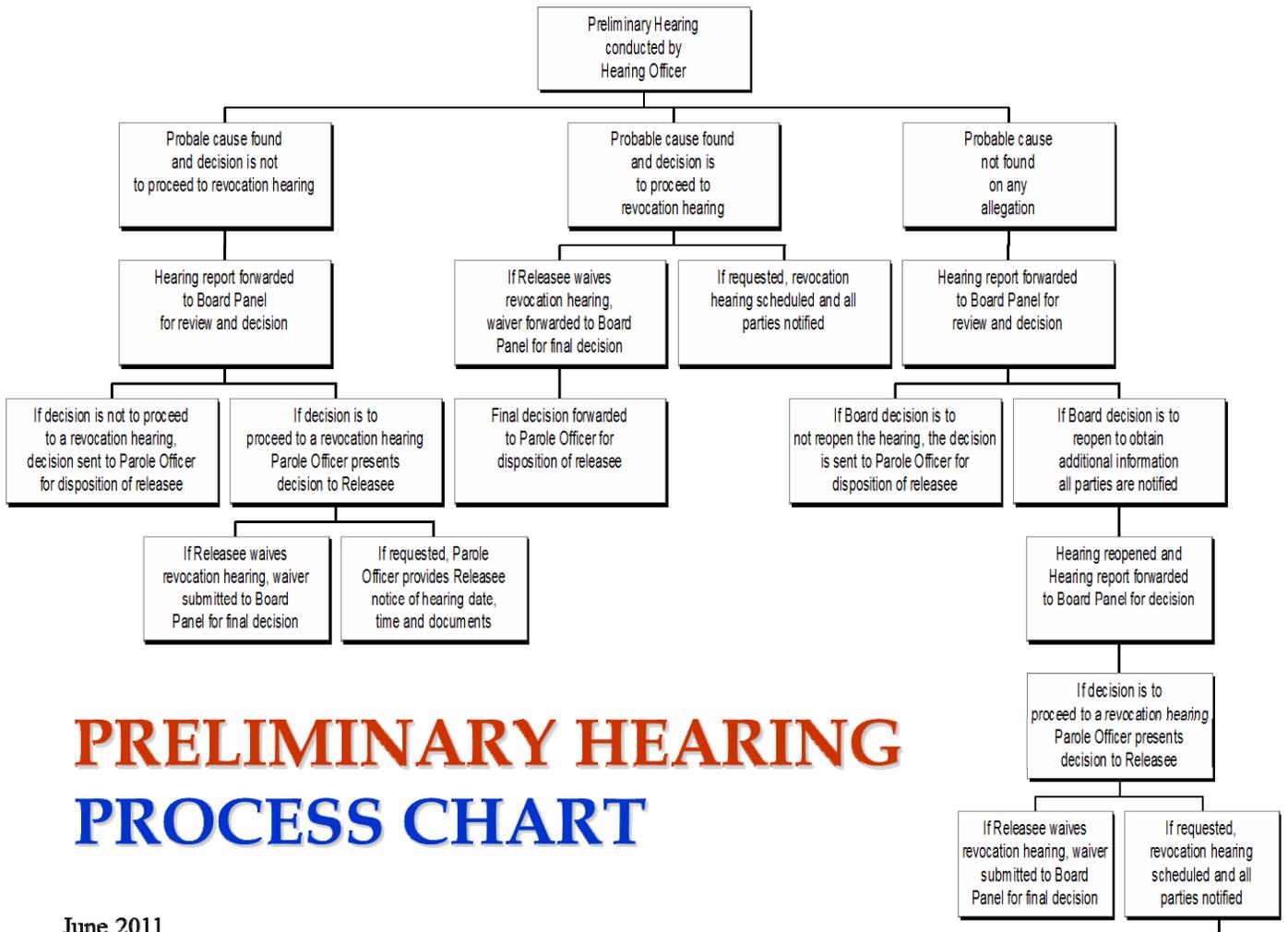
Support staff working directly for hearing operations is responsible for scanning of exhibits, typing, and telephone calls for status of offenders in the hearing process. They also ensure the copying and the distribution of hearing reports electronically and via mail, and audit the digital recordings of hearings.

Legislative performance measures include the number of hearings convened and the time it takes to complete the hearing process. In FY 2010, hearing operations convened 17,740 preliminary and revocation hearings. An additional 12,691 cases were processed via waiver or transmittal to parole panels. Of these, 27,932 received a final disposition by a parole panel. 6,757 (24.19%) resulted in revocation. In 2005 at the time of the board's last Sunset review, the percentage of revoked offenders was approximately 35%. In FY 2010, 5,489 or 81.23% of the offenders revoked included a new conviction. Of offenders revoked, 851 (12.60%) were for technical violations only, 3,116 (46.11) were for criminal law violations only, and 2,790 (41.29%) had a technical and law violation alleged.

The primary legislative focus has been on reducing the amount of time an offender spends in-custody in county jails. In 1995, the legislature passed House Bill 1112 which changed the statutory deadlines that TDCJ and the board had to complete the revocation hearing process. The time frame was reduced from 121 days to 61 days, with cases receiving continuance receiving an additional 30 days to complete the process. This necessitated an increase in the number of hearing operations staff in the field and central administration staff to

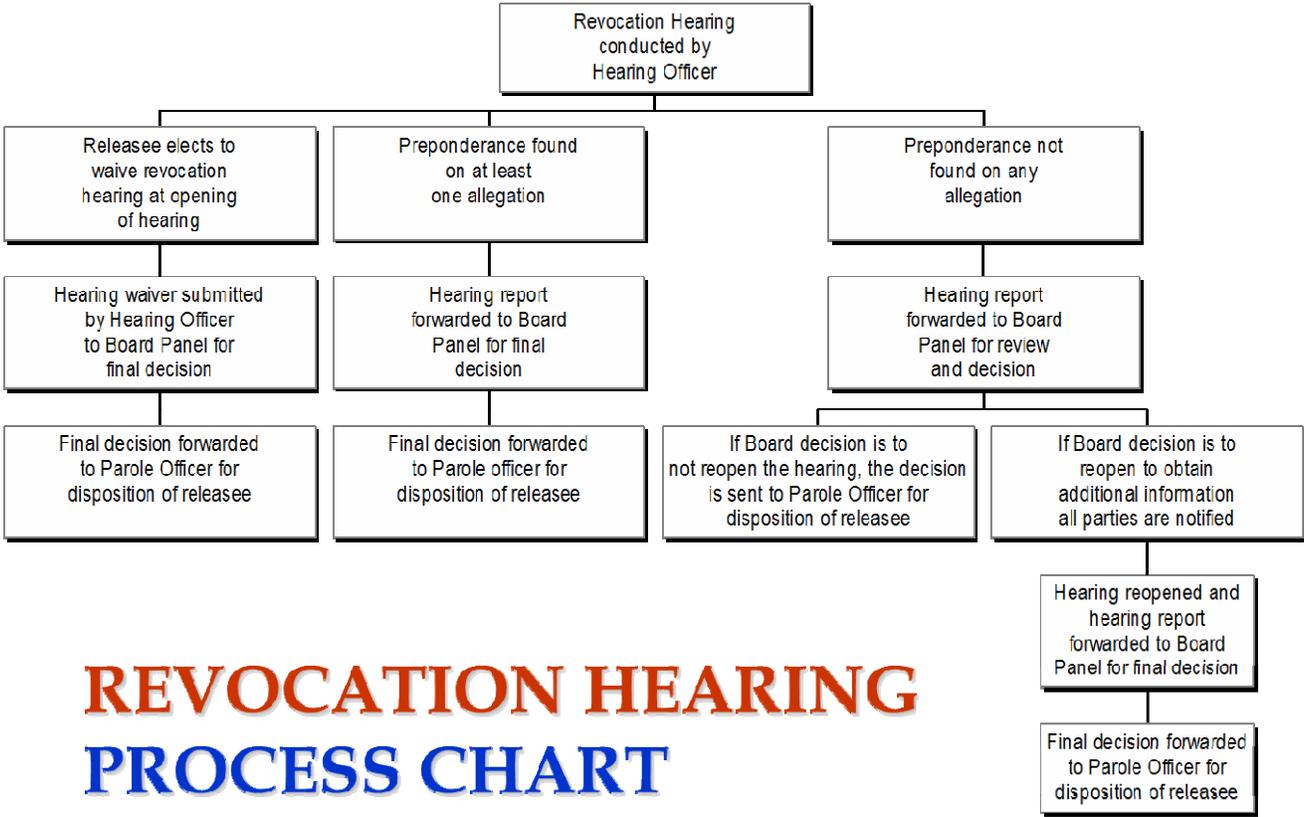
process the hearings. The statutory deadlines were compressed again under Senate Bill 880 and in 2003 the timeframe was reduced to 41 days. In cases receiving a continuance, the 30 day extension was reduced to 15 days.

This program is limited to offenders on parole or mandatory supervision who are alleged to have violated a term, rule or condition of their parole by TDCJ.



# PRELIMINARY HEARING PROCESS CHART

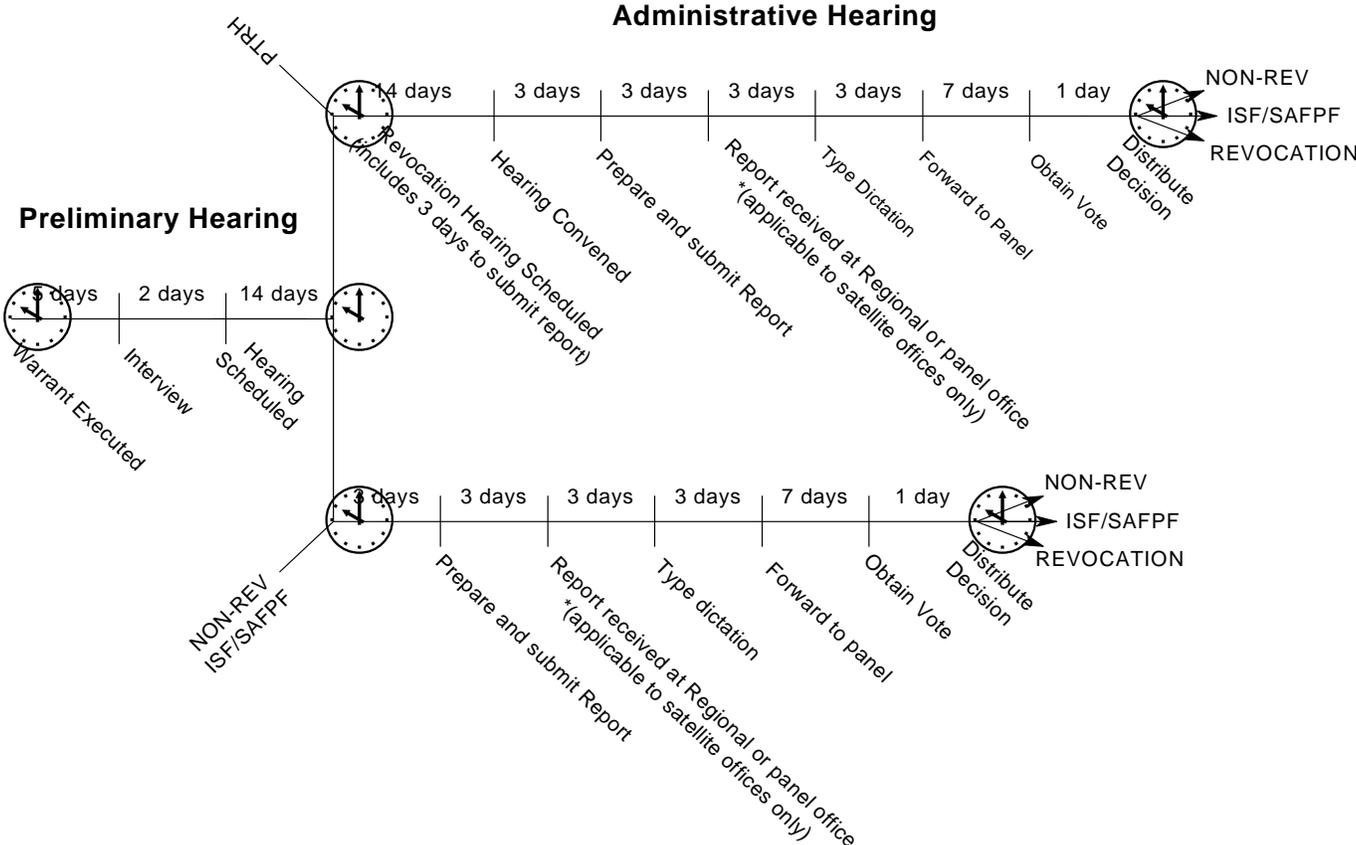
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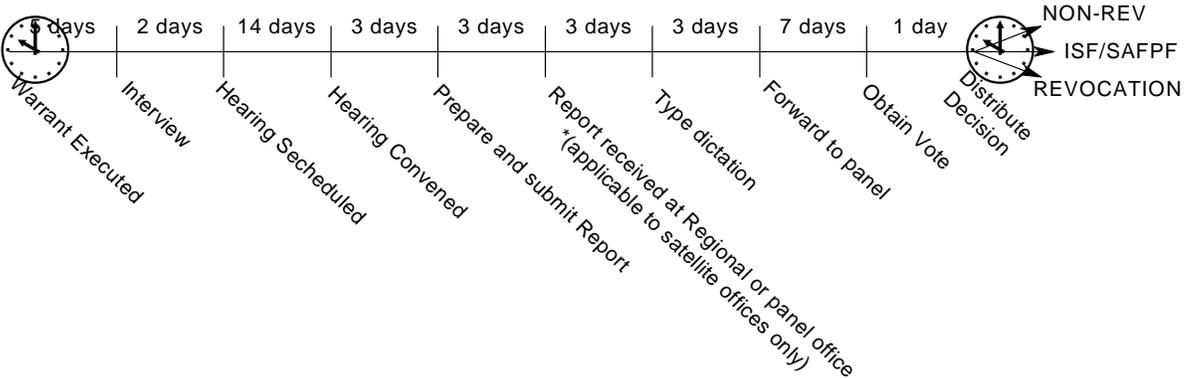
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# MAXIMUM PROCESSING TIME HB 1112 - TIMELINE

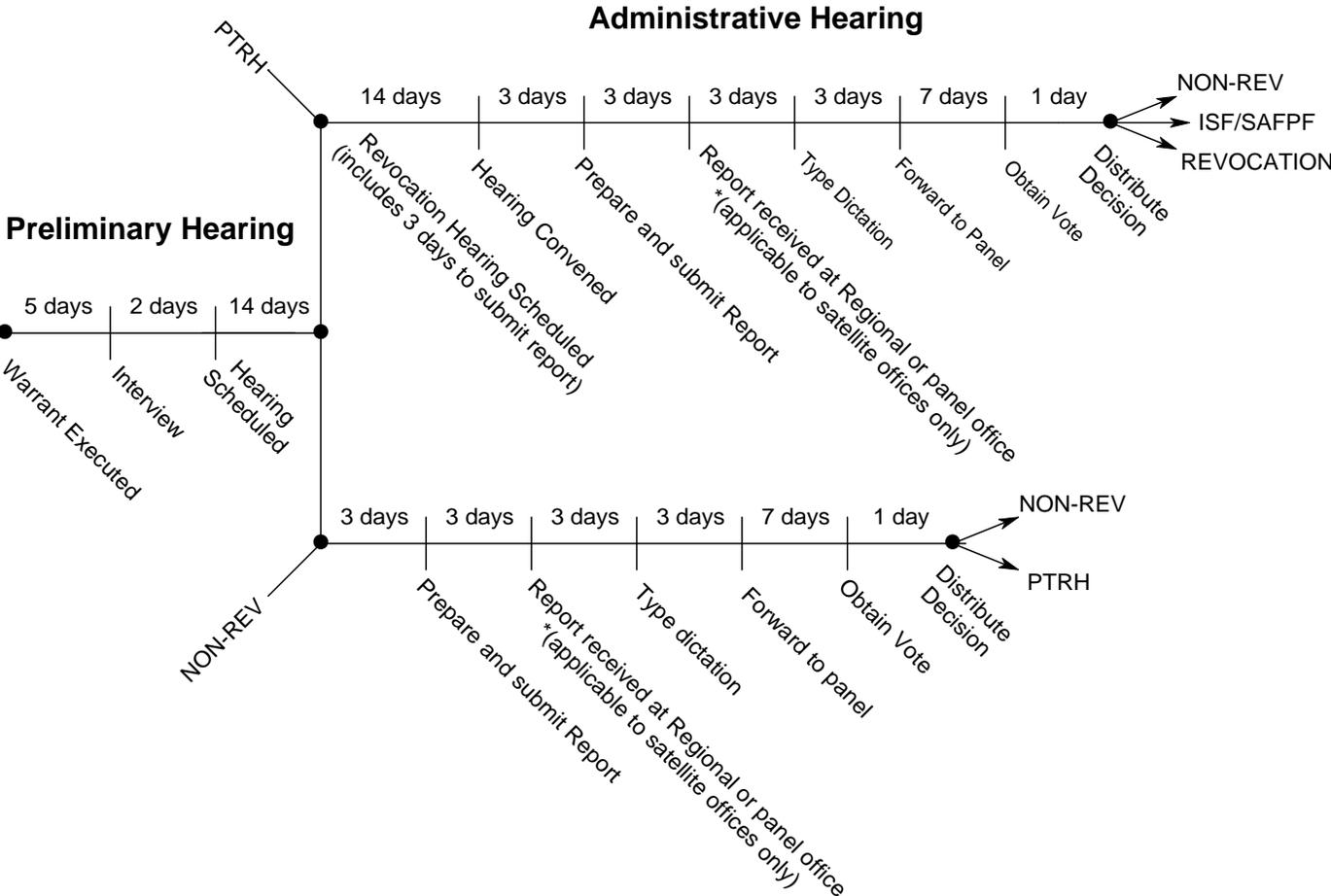


**Revocation Hearing**

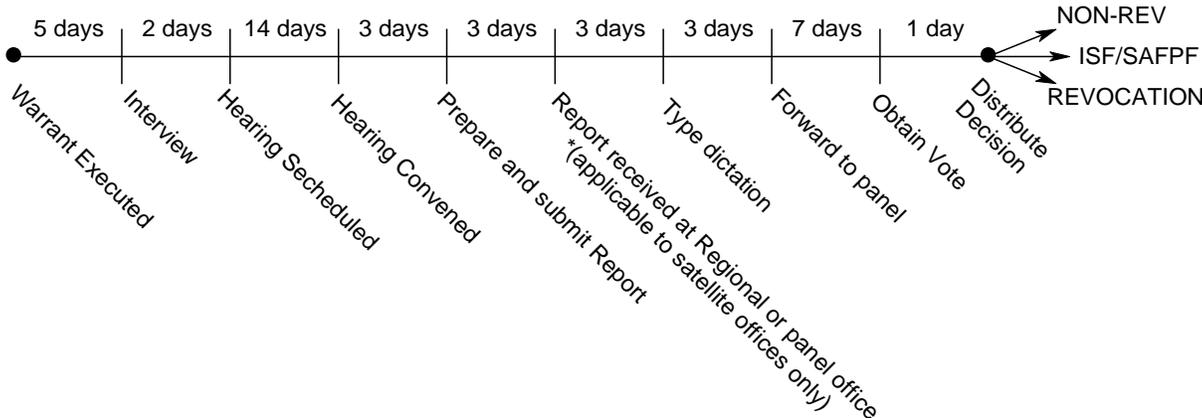


# MAXIMUM PROCESSING TIME

## SB-880 - TIMELINE



### Revocation Hearing



General Fund 1, is the only funding source for the board, and there are no other programs that provide identical functions to the hearing operations.

Offenders are held in local county jails, federal facilities, or TDCJ facilities on non-bondable warrants issued by the TDCJ Parole Division, pending the outcome of the revocation process.

The amount of expenditures for hearings in FY 2010 was \$1,381,083, with 288 attorney contracts accounting for those expenditures. Attorneys sign a contract with the board to represent offenders who have violated the terms and conditions of their release and who have been determined to have met the criteria for appointment of counsel. The criteria involve that established by *Gagnon v Scarpelli* 411 U.S. 778 (1973) and it generally based on IQ, complexities of the issues and offender being able to understand the proceedings and articulate a defense.

Funding for the professional fees is appropriated from the Legislature from the General Funding 1. Performance is monitored by each invoice being audited for contract compliance prior to payment.

Parole revocation hearings are held in 254 counties in the state and there are some counties that do not have attorneys who have signed contracts to represent offenders in the hearing proceedings. This has caused an additional expense as we have had to appoint an attorney in another county to travel and represent these offenders. We recently increased the pay for attorneys representing offenders in hearings and this has helped reduce but not eliminate the problem entirely.

No statutory changes relating to this function are recommended at this time. Please see Section IX for a list of all statutory changes recommended by the agency.

<b>Name of Program or Function</b>	Executive Clemency
<b>Location/Division</b>	8610 Shoal Creek Blvd., Austin, Texas
<b>Contact Name</b>	Maria Ramirez, Clemency Administrator
<b>Actual Expenditures, FY 2010</b>	\$308,476
<b>Number of FTEs as of August 31, 2010</b>	7

The Texas Constitution authorizes the governor to grant clemency upon the written recommendation of a majority of the board after a conviction, except a conviction for treason. The primary objective of this function is for the board to review and make recommendations or decisions on all clemency applications received by the clemency section from persons convicted of a crime, state or federal, felony or misdemeanor.

There are two major activities performed by the board. For inmates convicted of a capital offense and sentenced to death, the board considers applications for commutation of sentence to life in prison and a reprieve of a scheduled execution. The board may recommend or not recommend clemency and upon the recommendation of the majority of the board, the Governor may grant or deny clemency. 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. For these cases, all recommendations, grant or deny, are submitted to the Governor for his review and consideration.

For persons not convicted of a capital offense, the board considers application for full pardons, conditional pardons, pardons based on innocence, posthumous pardon, commutations of sentence, emergency medical and family medical reprieves, restoration of civil rights, restoration of driver's license and restoration of firearm rights.

The eligibility requirements for all clemency requests are detailed in Texas Administrative Code, Title 37, Part V, Chapter 143.

Key performance measures include the number of clemency applications received, reviewed and sent to the board. The table below reflects the number of clemency applications received and the number of cases sent to the board. The effectiveness and efficiency of the administrative function is the number of cases received and reviewed versus the number of cases sent to the board. A case will not be sent to the board until the application is complete which is evident by receiving all appropriate required documents.

<b>FY 2010 - Applications</b>	<b>Received</b>	<b>Sent to Board</b>
Commutation of Sentence	96	5
Conditional Pardon	37	9
Emergency Medical Reprieve	27	11
Family Medical Reprieve	30	16
Full Pardon	430	183
Pardon for Innocence	21	1
Restoration of Civil Rights	1	1
Restoration of Driver's License	6	0
Restoration of Firearms Rights	14	11
<b>TOTAL NON-CAPITAL CASE ACTIONS</b>	<b>662</b>	<b>237</b>

Based upon an Attorney General opinion, S-190, dated February 24, 1956, Texas Administrative Code, Title 37, Part V, Chapter 143, Subchapter G was adopted on January 1, 1976 which authorized the board to consider a recommendation to the Governor to grant clemency to restore a persons right to obtain a driver's license.

Based upon an Attorney General opinion, GA-0754, dated January 7, 2010, Texas Administrative Code, Title 37, Part V, Section 143.20 was adopted on September 16, 2010 which authorized the board to consider a recommendation to the Governor to grant a full pardon for a deceased person.

The clemency function affects any person convicted of a criminal offense. The following persons are impacted when a person submits a clemency application: Trial officials (police, sheriff, prosecuting attorney and judge), victim(s), employees processing the clemency

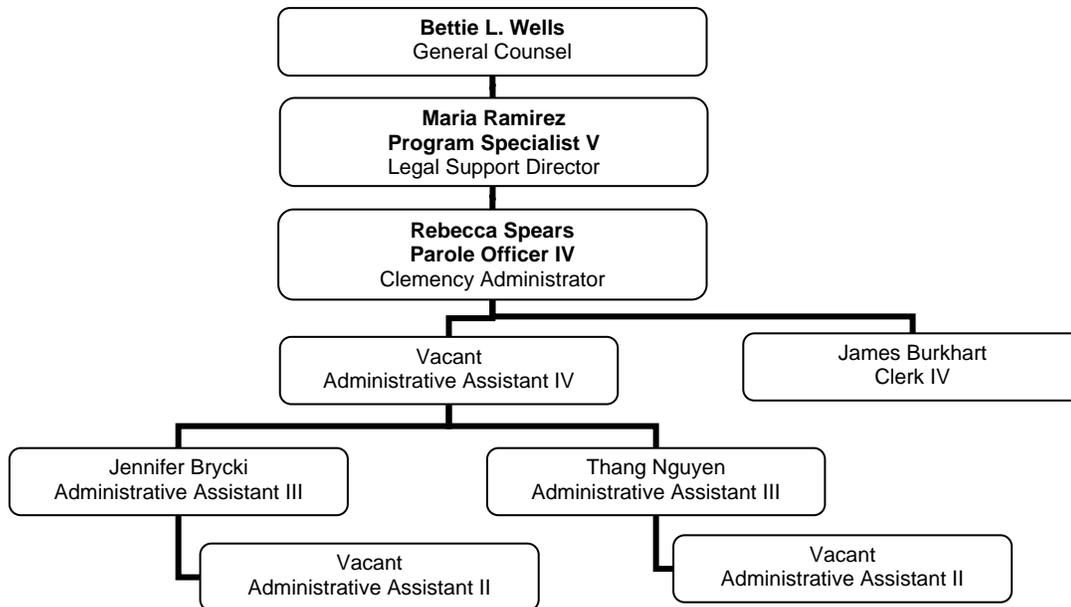
application, board members reviewing and making recommendation(s) to the governor and the governor.

### Clemency Function Activities

FY 2010 - Applications	Received	Sent to Board	Sent to the Governor	Trial Official Notices	Victim Notices
Non-Capital Cases	662	237	41	164	41
Capital Cases	24	24	24	96	24

The clemency function has a section designated to process clemency applications. The clemency section consists of eight staff members who respond to inquiries; mail clemency applications and instructions; review, analyze and research clemency requests; and prepare clemency files which include the clemency application and other appropriate documents for consideration by the board.

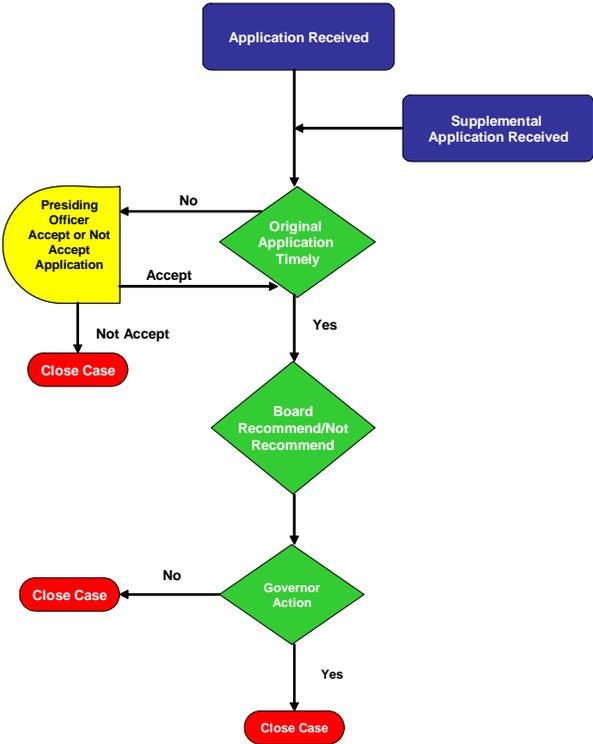
### Board of Pardons and Paroles Clemency Section



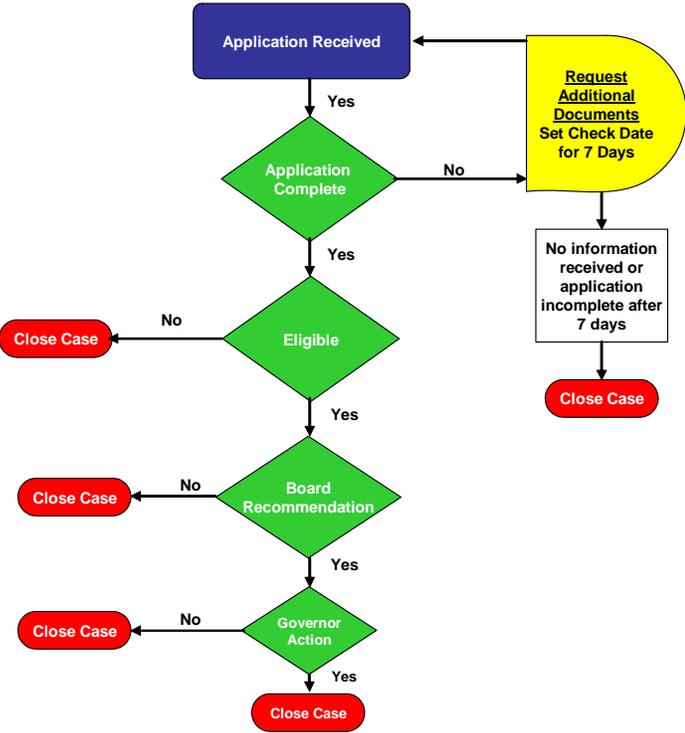
The clemency section is located in the board’s central office in Austin. When the clemency application and case file is complete, the clemency section staff sends the file to the board office of the board member designated by the presiding officer to cast the first vote. After the board member votes, the board member’s assistant sends the file to the next board member with the last board member to vote is the presiding officer.

The following flow charts reflect the capital case and the most frequently requested non-capital case clemency process.

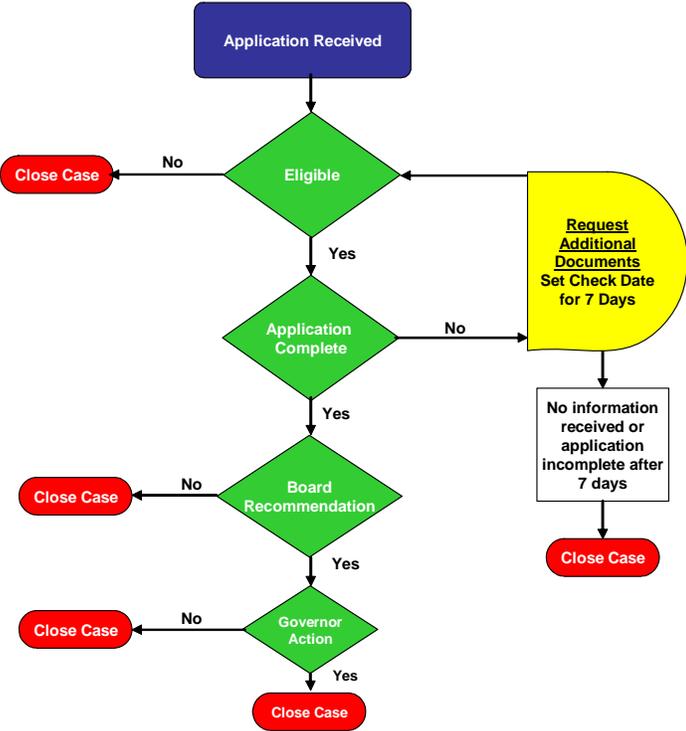
### CAPITAL CASE PROCESS FLOWCHART



### FULL PARDON PROCESS FLOWCHART

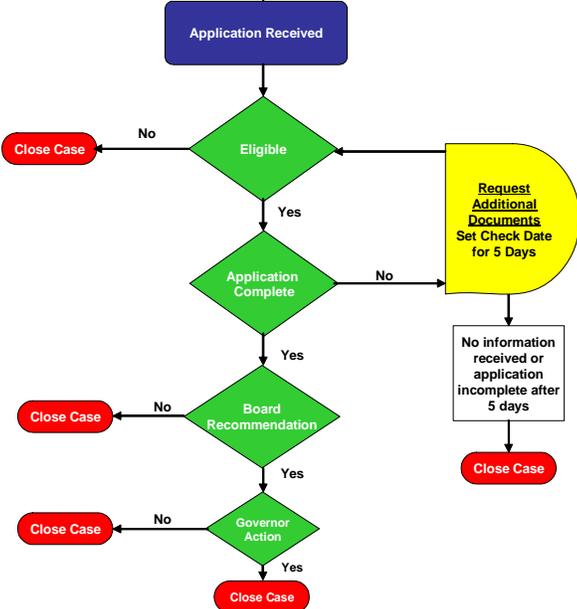


### CONDITIONAL PARDON PROCESS FLOWCHART

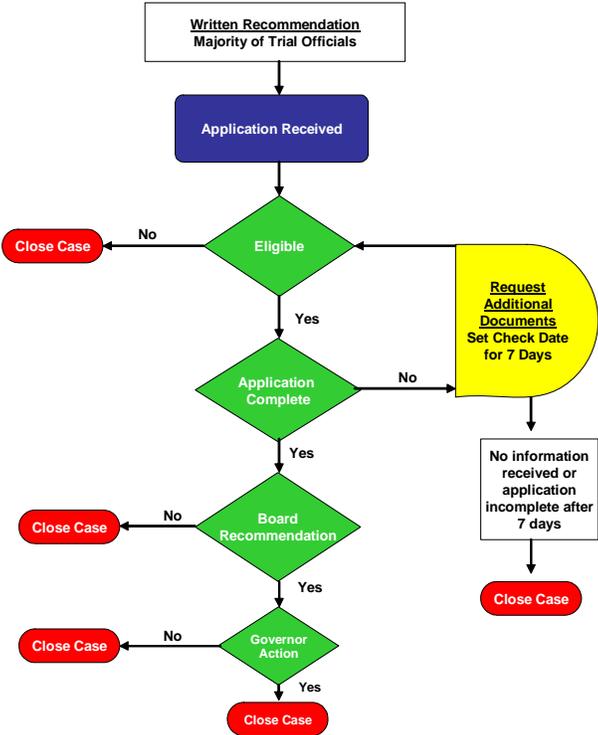


### PARDON FOR INNOCENCE PROCESS FLOWCHART

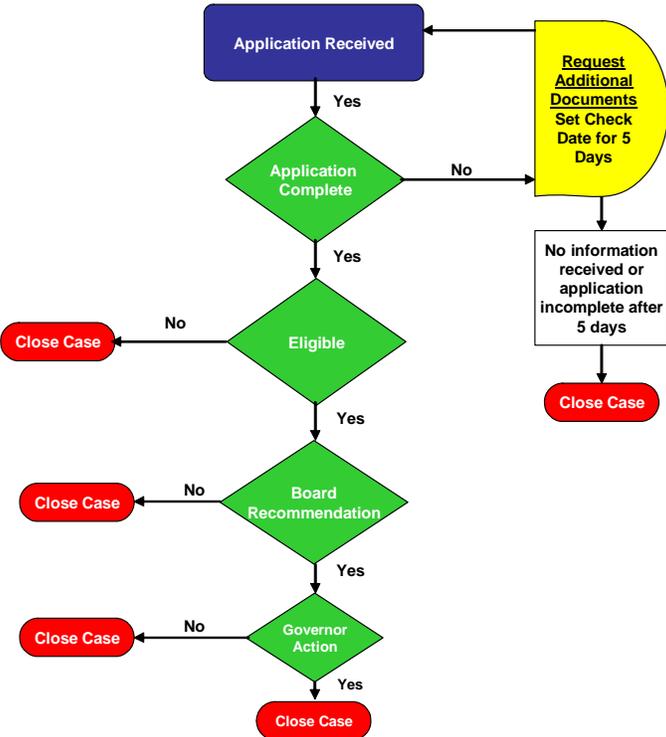
**Written Recommendation**  
 At least two of the current trial officials of the court of conviction, with one trial official submitting documentary evidence of actual innocence;  
 OR  
 A certified order accompanied by a certified copy of the findings of fact and conclusions of law.



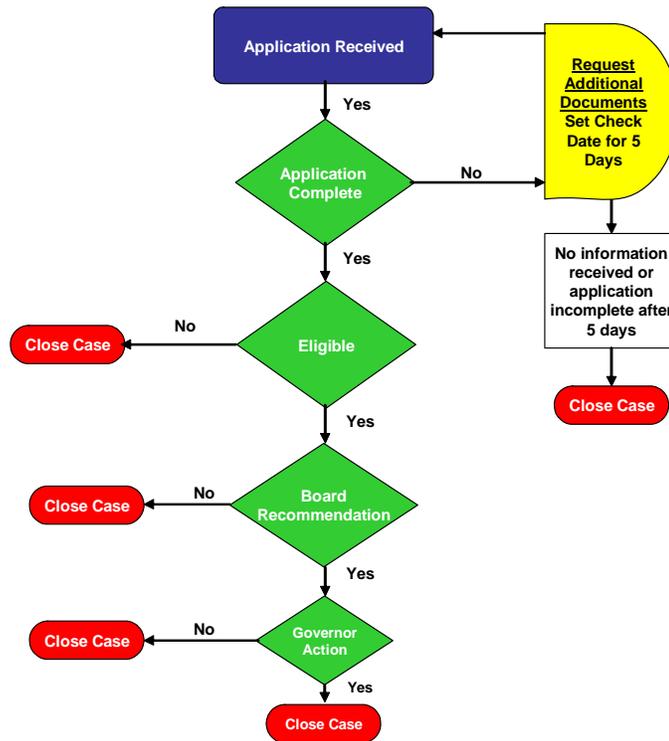
### COMMUTATION OF SENTENCE PROCESS FLOWCHART



### EMERGENCY MEDICAL REPRIEVE PROCESS FLOWCHART



### REPRIEVE FOR FAMILY EMERGENCY PROCESS FLOWCHART



General Fund 1, is the only funding source for the board, and there are no other programs that provide identical functions to executive clemency.

As a part of the clemency application research, the clemency section staff is required to access state and national crime information databases operated and maintained by the Texas Department of Public Safety and the Federal Bureau of Investigations. The clemency section staff also obtains information from local law enforcement, county officials and the Texas Department of Criminal Justices. The following are examples of documents obtained from these entities: offense reports, court documents (judgment and sentence, order revoking probation, order adjudicating guilt), parole and probation adjustment information and physician statements.

No statutory changes relating to this function are recommended at this time. Please see Section IX for a list of all statutory changes recommended by the agency.

### VIII. Statutory Authority and Recent Legislation

<b>Statutes</b>	
<b>Citation/Title</b>	<b>Authority/Impact on Agency</b> (e.g., provides authority to license and regulate nursing home administrators)
Texas Constitution Article IV, Section 11/Executive Department	Provides authority for the Board of Pardons and Paroles to recommend clemency to the Governor.
Texas Code of Criminal Procedure Chapter 48 Pardon and Parole	Provides statutory authority for the Board of Pardons and Paroles to recommend clemency to the Governor.
Texas Government Code Chapter 508 Parole and Mandatory Supervision	Enabling statutory provisions for the Board of Pardons and Paroles.
Texas Code of Criminal Procedure Article 42.12 Community Supervision	Provides authority for the judge of the court to impose conditions on a defendant placed on community supervision.
Texas Code of Criminal Procedure Chapter 55 Expunction of Criminal Records	Provides the authority for the Board of Pardons and Paroles to redact parole and clemency records as ordered by the court.
Texas Code of Criminal Procedure Article 56.02 Crime Victims' Rights	Identifies the rights of the victim to provide information to the Board of Pardons and Paroles and to be informed of the use of the Victim Impact Statement by the Board of Pardons and Paroles.
Texas Code of Criminal Procedure Article 56.03 Victim Impact Statement	Provides authority for the Board of Pardons and paroles to participate in the development and update of the form to be used by law enforcement; and the development of the victim's information booklet.
Texas Code of Criminal Procedure Article 56.04 Victim Assistance Coordinator	Provides the authority for the Board of Pardons and Paroles to work closely with law enforcement agencies, prosecuting attorneys and the judiciary.
Texas Code of Criminal Procedure Article 56.05 Reports Required	Provides authority for the Board of Pardons and Paroles along with other entities to develop a survey plan to maintain statistics on the numbers and types of persons who provide victim statements each year.
Texas Code of Criminal Procedure Article 62.008 General Immunity	Provides immunity from liability for an employee or officer of the Board of Pardons and Paroles.
Texas Code of Criminal Procedure Article 62.051 Registration and Verification Requirements; Related Notice	Provides authority for a parole panel to impose sex offender registration as a condition of parole or release to mandatory supervision.
Texas Code of Criminal Procedure Article 62.407	Provides authority for a parole panel to modify the sex offender registration condition in accordance with the

Effect of Order Granting Early Termination	court's order.
Texas Code of Criminal Procedure Article 62.408 Nonapplicability	Exception to the Article 62.407 for condition of parole or release to mandatory supervision for those persons without a reportable conviction or adjudication.
Texas Government Code Section 413.017 Review of Use of Parole Guidelines	Provides authority for the Criminal Justice Policy Council to prepare an annual report on the use of the parole guidelines by the member of the Board of Pardons and paroles in making decision.
Texas Government Code Section 492.006 Board Meetings	Provides authority for the Presiding Officer of the Board of Pardons and Paroles or a designee to present to the TBCJ any item relating to the operation of the parole system as determine by the Presiding Officer.
Texas Government Code Section 492.0131 Parole Rules, Policies, Procedures	Provides authority for the Presiding Officer of the Board of Pardons and the Chair of the TBCJ to jointly review all rules, policies and procedures of TDCJ and the Board that relate to or affect the operation of the parole process.
Texas Government Code Chapter 499, Subchapter A Pre-Parole Transfer	Provides authority for a parole panel to establish a presumptive parole date to allow an offender to be transferred to a community residential facility
Texas Government Code Chapter 499, Subchapter B Population Management	Provides authority for Board of Pardons and Paroles acting in parole panels to review and consider early release to intensive supervision parole eligible inmates who would not otherwise be eligible for parole.
Texas Government Code Section 501.057 Civil Commitment Before Parole	Requires the TDCJ to establish a system to identify mentally ill inmates who are nearing eligibility for release on parole and requires a psychiatrist to examine the inmate no later than the 30th day before the initial parole eligibility date.
Texas Government Code Section 551.080 Board of Pardons and Paroles	Does not require the Board of Pardons and Paroles to conduct an open meeting to interview an inmate in TDCJ.
HB 1 82nd Legislature Rider 36 Postsecondary Education Programs	Provides authority for a parole panel to impose reimbursement for postsecondary education as a condition of parole.
<b>Attorney General Opinions</b>	
<b>Attorney General Opinion No.</b>	<b>Impact on Agency</b>
Attorney General Opinion No. GA-0754 January 7, 2010	Provides authority for the Board of Pardons and Paroles to recommend the Governor grant a full pardon for a deceased person.

<b>Legislation Enacted - 82nd Legislative Session</b>		
<b>Bill Number</b>	<b>Author</b>	<b>Summary of Key Provisions</b>
HB 3	Thompson	Provides the punishment of a defendant charged with sexual assault or aggravated sexual assault to be enhanced if he has previously been convicted of sexual assault or aggravated sexual assault. Defendants charged with sexual assault or aggravated sexual assault punishable by the enhancement of life without parole would not be eligible for deferred adjudication and inmates serving a sentence for aggravated sexual assault whose punishment had been enhanced to life without parole would not be eligible for parole.
HB 200	Parker	Authorizes e-mail or electronic communication of an offender's release on parole or to mandatory supervision and when the board recommends that the governor grant executive clemency. TDCJ currently provides notice of release to various government entities, including trial officials, etc. and this bill only clarifies that electronic notice or email is sufficient. The Clemency Section currently sends all NTO related to clemency cases via email so there will be no change in our current process.
HB 326	Guillen	Requires a state agency, the September 1st before the agency is abolished, to submit a list of reports the agency is required by statute to prepare and evaluate the need for each report. This bill has no significant impact on the agency as the board cannot be abolished by the Texas Sunset Act, Government Code Section 508.251.
HB 351	Veasey	Adds circumstances under which a person is entitled to an expunction, including innocence and when charge does not result in a final conviction and is no longer pending. Requires trial court to enter an automatic expunction after pardon based upon innocence.
HB 1028	Phillips	Authorizes a parole panel considering an inmate release to consider whether the inmate violated a policy adopted by the TDCJ or the court's order regarding no contact with the victim or a member of the victim's family during confinement or imprisonment.
HB 1770	Madden	Requires TDCJ to release an inmate to the residential correctional facility in the county of legal residence (LCOR). When there is no facility in the inmate's residence, the inmate may receive for the cost of temporary post-release housing to include multifamily residence and motel if in existence on June 1, 2009.
HB 1781	Price	Requires the agency head to review all statutory provisions

		report requirements by August 1, 2012 and determine if the statute is not necessary, redundant or the frequency required for which data is not available; and provide an electronic report of the determination to the governor, lieutenant governor, speaker of the house and each member of the senate and the house. The subchapter expires September 1, 2014.
HB 2014	Thompson	Adds Trafficking of Persons and Compelling Prostitution to those offenses that require a parole panel to impose child safety zone as a special condition.
HB 2734	Madden	Requires imposition of condition of release that an illegal criminal alien released to ICE to leave the country regardless of the ICE disposition and not unlawfully return or reenter, with violation subject to conducting a hearing for mitigation only.
HB 2735	Madden	Requires TDCJ Parole Division to issue a summons for releasees who are charged with committing an administrative violation after the third anniversary date of their release on parole or mandatory supervision, is not serving a sentence for or previously convicted of an offense listed in Section 62.001 of the Government Code (sex offender registration) and is not a releasee which the statute does not authorize the issuance of a summons, e.g., intensive or superintensive supervision, absconder or threat to public safety.
HB 3000	Thompson	Adds Continuous Trafficking of Persons and Compelling Prostitution to list of cases requiring Extraordinary Vote, parole eligibility after serving one-half or 30 calendar years, with non-eligibility for mandatory supervision and pre-parole transfer.
SB 24	Van de Putte et al.	Amends Section 508.149(a), Government Code, by adding Trafficking of a Persons and Compelling Prostitution to the list of offenses not eligible for mandatory supervision.
SB 122	Ellis	Requires state courts to order unidentified DNA tests to be compared to the FBI's DNA database.
SB 144	West	Amends Article 48.01, Code of Criminal Procedure, to include successful completion of a term of deferred adjudication community supervision as an option for the governor to grant a pardon. This statute is effective only if the constitutional amendment proposed by the 82nd Legislature, Regular Session, 2011, is approved by voters.
SB 166	Shapiro	Amends Chapter 411 and 420A, Government Code, and several sections of the Health and Safety Code. The revisions to the government code create a separate agency that is responsible for processing civil commitments. The revisions to the Health and Safety Code change the name of the

		Council on Sex Offender Treatment to Office of Violent Sex Offender Management, and responsibilities to the Department of Health Services from MHMR.
SB 198	West	Amends the Code of Criminal Procedure by adding a minimum sex registration period when the victim is a minor at least 15 years of age and defendant was not more than four years older than the victim.
SB 462	West	Amends Article 55.01(a), Code of Criminal Procedure, by adding circumstances where a person is entitled to an expunction - person has been released and the charge has not resulted in a final conviction or court-ordered community supervision or deferred disposition, except Class C misdemeanor. The bill also adds complaint to the list of charging instruments and misdemeanor to the type of offense, a time period of 180 days for a presentation of indictment following arrest or 180 days after indictment, information or complaint was dismissed or quashed, and requires successful completion of pretrial intervention program or deferred disposition.
SB 602	Rodriguez	Amends several sections of the Public Information Act directly related to redacting personal information from records prior to release without requesting an opinion from the Attorney General; provides clarification when a requestor modifies the request after receiving the estimated costs; and amends the "postmark date" rule.
SB 653	Whitmire, Hegar, Hinojosa	Amends Section 508.156(a), Government Code. The transfer of the person from the Juvenile Justice Department is to TDCJ instead of the Parole Division. A parole panel is still required to impose conditions and may interview the person to determine conditions of parole.
SB 701	Watson	Requires a state agency to post High-Value Data Sets on the internet when the agency determines that posting the data set on the internet does not create additional cost to the state; enters into a contract with a contractor who will post the data set at no additional cost to the state; or receives a gift or grant for the purpose of posting one or more of the agency's high value data sets. The data set must be raw data that allows the public to search, extract, organize, and analyze the information, posted on the agency's internet website home page and not be more than two mouse clicks from the agency's internet website page.
SB 1179	Nelson	Amends Section 508.036(b), Government Code by deleting the requirement to prepare an annual report.
SB 1638	Davis	Amends several sections in 552, Government Code, Public Information Act, which includes "emergency contact

		information” with the list of personal information that will not be released.
SJR 9	West	Constitutional amendment to Article IV, Texas Constitution, authorizing the governor to grant a pardon to a person who successfully completes a term of deferred adjudication community supervision. This amendment is effective only if approved by voters. If approved by the voters later this year, SB144 will take effect on January 1, 2012.
<b>Legislation Not Passed - 82nd Legislative Session</b>		
<b>Bill Number</b>	<b>Author</b>	<b>Summary of Key Provisions/Reason the Bill Did Not Pass</b>
HB 7	Thompson	The bill would have amended Section 508.149(a), Government Code, by adding Trafficking of a Persons and Compelling Prostitution to the list of offenses not eligible for mandatory supervision. <i>The bill was reported out of committee, but it was not voted by the House. Companion to SB24 by Van de Putte, identical, which was enacted into law.</i>
HB 21	Riddle	The bill would have required a state agency to provide a schedule with the Legislative Appropriations Request of services provided to persons who were not lawfully present in the United States. <i>The bill was filed, but never moved.</i>
HB 68	Martinez, “Mando”	The bill would have amended the Labor Code by adding Chapter 105 entitled Use of Criminal History Information in Hiring Process requiring an employer to provide the applicant written explanation when not making an offer of employment is based wholly or partly on criminal history information. Required the employer to provide specific information concerning the arrest, detention, indictment or charge, or disposition that influenced the employer’s decision and the name of the entity that provided the information. <i>The bill was filed, but never moved.</i>
HB 73	Martinez, “Mando”	The bill would have revised Section 411.1405, Government Code by deleting language in the header and a section in the statute referring information resources and information technologies. Would have continued to authorize the agency, if the agency desires, to obtain criminal history information for an employee, applicant for employment, contractor, subcontractor, or intern or other volunteer with the state agency or with a contractor or subcontractor for the agency. <i>The bill was filed, but never moved.</i>
HB 81	Flynn	The bill would have prohibited a state agency from using public money to print a public document in a language other than English. <i>The bill was filed, but never moved.</i>
HB 100	Martinez	The bill would have added Section 411.1355, Government

	Fischer	Code, which requires DPS to maintain a database of offenders who have been convicted on three or more occasions of an offense with an affirmative finding of family violence under Article 42. 013, Code of Criminal Procedure. This database would be available to the agency since the agency has access to DPS criminal history information. <i>The bill was filed, but never moved.</i>
HB 115	McClendon	The bill would have amended Chapter 43 of the Code of Criminal Procedure by adding a new section, 43.27, for the creation of a Texas Innocence Commission that would thoroughly investigate all post conviction exonerations, including convictions vacated based upon a plea to ascertain errors and defects; develop solutions to correct errors and defect; and identify procedures and programs to prevent the future wrongful convictions. <i>The bill did not pass the House after being reported out of a House committee.</i>
HB 148	Raymond	The bill would have amended Chapter 153, Family Code, by adding Section 153.016, requiring a person to notify the court of the an extended family member who is required to register as a sex offender prior to the court rendering an order for the possession or access to a child. It also would have added a new section to 156.106, Family Code, which relates to the modification of the appointment of a conservator for possession and access to the child and includes the same notification requirements. <i>The bill was filed, but never moved.</i>
HB 160	Raymond	The bill would have amended Title 6, Civil Practice and Remedies Code, by adding Chapter 140 which authorizes a person to file a ‘SLAPP’ lawsuit against a person who files a complaint with a governmental entity when the complaint adversely affects a person and where the complaint constitutes libel or slander. <i>The bill was filed, but never moved.</i>
HB 187	Perry	The bill would have required the agency to submit a zero based budget plan to the Legislative Budget Board at a time set by the board and required the LAR submitted to the board should be based upon the zero based budget. <i>The bill was filed, but never moved.</i>
HB 189	Smith of Tarrant	The bill would have amended Article 42.12, Code of Criminal Procedure, Section 5(d) to include additional penal code offenses for defendants who hold a commercial driver’s license or permit. The bill would have amended Section 13 of 42.12 requiring the court impose the ignition interlock device as a condition of community supervision. <i>The House passed the bill, but it did not advance in the Senate.</i>
HB 220	Gallego	The bill would have amended Chapter 11, Code of Criminal

		Procedure, by adding Article 11.073 relating to relevant scientific evidence that was not available to be offered by the convicted person or discredits the scientific evidence relied on by the state at trial, authorizing a person to file a state writ. <i>The bill was reported out of committee, but it was not voted by the House.</i>
HB 227	Smith of Tarrant	The bill would have amended the Code of Criminal Procedure by adding a minimum sex registration period when the victim is a minor at least 15 years of age and defendant was not more than four years older than the victim. <i>The bill was reported out of committee, but it was not voted by the House. Companion to SB198 by West, identical, which was enacted into law.</i>
HB 236	Madden	The bill would have amended Chapter 411 and 420A, Government Code, and several sections of the Health and Safety Code. The revisions to the government code create a separate agency that is responsible for processing civil commitments. The revisions to the Health and Safety Code change the name of the Council on Sex Offender Treatment to Office of Violent Sex Offender Management, and responsibilities to the Department of Health Services from MHMR. <i>The bill was filed, but never moved. Companion to SB166 by Shapiro, identical, which was enacted into law.</i>
HB 296	Berman	The bill would have amended Chapter 2 of Code of Criminal Procedure by adding Article 2.251 and 2.31 which essentially authorizes law enforcement to check the immigration status of a person. The remainder of the bill would have amended several statutes by adding provisions related to the employment of illegal aliens and trafficking/concealing illegal aliens. <i>The bill was filed, but never moved.</i>
HB 301	Berman	The bill would have amended Title 10, Government Code, by adding Chapter 2351 which designates English as the official language and applies to all official acts. It prohibits the legislature from appropriating any funds to any activity that promotes another language with a few exceptions. <i>The bill was reported out of committee, but it was not voted by the House.</i>
HB 473	Smith of Tarrant	The bill was related to the consequences of an arrest for or conviction of certain intoxication offenses and to fees associated with the enforcement and administration of certain of those consequences. Would have amended Article 42.12, Code of Criminal Procedure, Section (i) and (n), by deleting the blood alcohol level finding and mandatory ignition interlock device condition requirement. Would have amended Section 521.246, Transportation Code, by deleting the

		reference to two or more convictions and suspended license as a pre-requisite for the ignition interlock device condition. Would have amended Section 521.125, Transportation Code, related to Occupational License and when a person may receive after an “alcohol-related or drug-related enforcement contact.” <i>The bill was reported out of committee, but it was not voted by the House.</i>
HB 506	Callegari	The bill would have amended Section 13 of 42.12, Code of Criminal Procedure, requiring the court impose the ignition interlock device as a condition of community supervision. The bill would have amended Section 521.246, Transportation Code, related to Occupational License suspension and the requirement to equip a motor vehicle with an ignition interlock device. <i>The bill was filed, but never moved.</i>
HB 542	Dutton	The bill would have amended Section 5c, Article 42.12, Code of Criminal Procedure, by removing the disabilities for housing, employment and professional license when a court discharges and dismisses an individual from deferred adjudication community supervision. <i>The bill was filed, but never moved.</i>
HB 545	Dutton	The bill would have provided for an affirmative defense available to certain students who engage in sexual contact with another student at least 13 years of age. The bill would have amended Section 21.11(b) and 22.011(e), Penal Code, by changing the age difference for affirmative defense for sexual assault of a child to not more than three years older than the victim, or not more than five years older if both the actor and victim are enrolled in school in a grade level nine or above. <i>The bill was filed, but never moved.</i>
HB 546	Dutton	The bill would have amended Article 55.01(b), Code of Criminal Procedure, by authorizing the court to expunge the records of a deferred adjudication case where the court discharges and dismisses the proceedings. <i>The bill was filed, but never moved.</i>
HB 599	Jackson, Jim	This bill would have amended Sections 411.081(d) and (f-1), Government Code, related to the release of certain criminal history record information subject to an order of nondisclosure. <i>The House passed the bill, but it did not advance in the Senate.</i>
HB 605	Farrar	The bill would have amended Article 55.01, Code of Criminal Procedure, by adding subsections allowing a person to petition the court for an expunction for certain misdemeanors and state jail offenses, 2 years after discharge for Class B misdemeanors, 5 years for Class A misdemeanors

		and 7 years after discharge for state jail felony. For transportation offenses, the person could have petitioned the court 5 years after the offense. <i>The bill was filed, but never moved.</i>
HB 623	Bonnen	The bill would have amended several statutes and the primary focus is on immigration status verification, immigration database maintained by DPS, higher education verification of immigration status requirements and English as the official language. <i>The bill was filed, but never moved.</i>
HB 694	Turner	Relating to the release from the Texas Department of Criminal Justice of certain inmates who complete a rehabilitation program. In amending Section 508.141 of the Government Code, the bill would have required the department to place an offender in the program designated by a parole panel, required the parole panel to set a range of dates for the offender to complete the program and authorized the department to release the offender if the program is completed prior to the range of dates. <i>The bill was filed, but never moved.</i>
HB 728	Dutton	Would have authorized any person convicted of an offense, misdemeanor or felony, to submit an application to the board for restoration of any civil rights forfeited as a result of the conviction. <i>The bill was filed, but never moved.</i>
HB 764	Lozano	The bill would have amended Chapter 341, Local Government Code, by adding Section 341.906 authorizing municipalities to adopt ordinances related to Child Safety Zones restricting sex offenders for a distance not more than 1,000 feet. <i>The bill was filed, but never moved.</i>
HB 772	Riddle	The bill would have amended Section 508.046, Government Code, by deleting the offense of Continuous Sexual Abuse of Young Child or Children from the list of offenses requiring an extraordinary vote and adding “and is not ineligible for release on parole.” <i>The House passed the bill, but it did not advance in the Senate.</i>
HB 819	Farrar	The bill would have abolished the death penalty by repealing all the Penal Code and Code of Criminal Procedure sections related to the death penalty. <i>The bill was filed, but never moved.</i>
HB 852	Dutton	The bill would have abolished the death penalty by repealing all the Penal Code and Code of Criminal Procedure sections related to the death penalty. <i>The bill was filed, but never moved.</i>
HB 913	Dutton	The bill would have amended Article 55.01(a), Code of Criminal Procedure, authorizing an expunction after an acquittal or expunction or convicted and subsequently

		<p>pardoned by adding “complaint,” “offense” instead of felony and the second anniversary of the date of the arrest to the conditions required for an automatic expunction and no waiting period when the indictment was dismissed or quashed. The bill would have amended Article 55.02 by requiring the prosecuting attorney to file a motion for expunction if no indictment, complaint or information is filed before the second anniversary of the date of arrest requires the court to enter an order of expunction no later than the 30th day after the date of acquittal, pardon, dismissal, or filing of the motion by the attorney representing the state. The bill also would have required the court to expunge the DNA records of persons entitled to an expunction pursuant to Article 55.02, Section 1(a). <i>The bill was filed, but never moved.</i></p>
HB 928	Harper-Brown	<p>The bill would have amended Section 13 of 42.12, Code of Criminal Procedure, requiring the court impose the ignition interlock device as a condition of community supervision. The bill also would have amended Section 521.246, Transportation Code, related to Occupational License suspension and the requirement to equip a motor vehicle with an ignition interlock device. <i>The bill was filed, but never moved.</i></p>
HB 1023	Dutton	<p>The bill would have amended Section 411.0831, Government Code, by requiring DPS to notify the person who is the subject of an individual’s or entity’s request for criminal history. <i>The bill was filed, but never moved.</i></p>
HB 1067	Brown	<p>The bill would have amended Chapter 2157, Government Code, by adding Section 2157.007 which requires a state agency to wait 4 years before purchasing personal computers and may only purchase it sooner if an emergency exists. <i>The bill was reported out of committee, but it was not voted by the House.</i></p>
HB 1073	Madden	<p>The bill would have amended Section 493.029(b), Government Code, by deleting TDCJ’s discretionary authority to release inmates from regional release facilities. <i>The bill was filed, but never moved.</i></p>
HB 1121	Weber	<p>The bill would have amended 508.149, Government Code, by adding Section 20A.02 and 20A.04 of the Penal Code, related to trafficking of persons, to the list of offenses ineligible for mandatory supervision. <i>The bill was reported out of committee, but it was not voted by the House.</i></p>
HB 1122	Weber	<p>The bill would have amended 508.149, Government Code, by adding Section 43.05, compelling prostitution, and Chapter 20A, trafficking of persons, of the Penal Code, related to</p>

		trafficking of persons, to the list of offenses ineligible for mandatory supervision. <i>The House passed the bill, but it did not advance in the Senate.</i>
HB 1294	Shelton	The bill would have amended several sections of Article 42.12 which prohibit a court from placing an illegal alien on community supervision. <i>The bill was filed, but never moved.</i>
HB 1297	Paxton	The bill would have amended Chapter 508, Government Code, by adding Section 508.192 which requires a parole panel to impose as a condition of parole or mandatory supervision that an illegal criminal alien released to ICE not unlawfully return to or unlawfully reenter the United States in violation of the Immigration Reform and Control Act of 1986. <i>The bill was filed, but never moved.</i>
HB 1299	Guillen	Relating to the supervised reentry into the community of certain inmates nearing their date of discharge from the Texas Department of Criminal Justice, the bill would have amended Subchapter E, Chapter 508, Government Code, by adding Section 508.1491, establishing a “supervised reentry program.” The bill would have required a parole panel, for offenders who have not been released on parole or mandatory supervision, to release an offender to supervised reentry program at least one year before the offender is scheduled to discharge his sentence or when the offender has served 90% of their sentence. It also would have required the parole panel to impose conditions that require the offender to participate in treatment. In addition, it would have required the department to establish residence and provide the offender with skills to make the transition. The supervised reentry program time is the sentence minus the calendar time in prison and the supervision period is calendar time. If the offender is revoked, the offender does not receive credit for the time the offender is on the supervised reentry program. <i>The bill was filed, but never moved.</i>
HB 1477	Allen	The bill would have awarded credit to certain inmates for time between release on and revocation of parole, mandatory supervision, or conditional pardon by amending Section 508.023, Government Code, by amending Section (c) and adding Subsection (c-1). When an offender who is revoked, other than those convicted of 508.149(a) offenses, the person is required to serve the remaining portion of the sentence on which the person was released, the remaining portion of the sentence is to be served with credit for the time from the date of the person’s release to the date of revocation if: (1) the date of the issuance of the warrant or summons is on or after the first anniversary of the date of the person’s release; and

		(2) the revocation is solely because the person committed an administrative violation of a condition of release. <i>The bill was reported out of committee, but it was not voted by the House.</i>
HB 1553	Larson	The bill would have amended chapter 2113, Government Code, by adding Subchapter F by requiring state agencies, political subdivisions, non-profit, or public or private entity who receives any appropriated money form the state to provide health care, educational, welfare, correctional or other services to an individual in the state to identify the individual's country of citizenship; determine the cost to this state; and submit the information to the comptroller. <i>The bill was filed, but never moved.</i>
HB 1641	Dutton	The bill would have amended Chapter 37, Code of Criminal Procedure, by adding Article 37.15 which creates a commission to study capital punishment concentrating particularly on issues relating to the legal representation of inmates in capital cases, the certainty of the guilt of individuals convicted in capital cases, and the sufficiency of appellate review of convictions in capital cases. The bill also would have instituted a moratorium on execution from the effective date of the bill until September 1, 2013. <i>The bill was filed, but never moved.</i>
HB 1670	Coleman	The bill would have amended Title 1, Code of Criminal Procedure, by adding Chapter 46D. It prohibits a person with mental retardation from being sentenced to death. The bill authorizes a defense counsel to request the judge hold a hearing prior to the trial to determine whether the offender was mentally retarded at the time the offense was committed. The bill also provides an opportunity for the defendant or state to file an appeal with the Texas Court of Criminal Appeals. <i>The bill was filed, but never moved.</i>
HB 1671	Marquez	The bill would have amended several section of the Public Information Act directly related to redacting personal information from records prior to release without requesting an opinion from the Attorney General; provided clarification when a requestor modifies the request after receiving the estimated costs; and amended the "postmark date" rule. <i>The bill did not pass the House after being reported out of a House committee.</i>
HB 1800	Bonnen	The bill would have amended Chapter 2, Code of Criminal Procedure, by adding Article 2.252 which requires a law enforcement agency to verify an arrested person's immigration status no later than 48 hours after a person is arrested and before released on bond. The bill also would have amended Title 1, Code of Criminal Procedure, by

		adding Chapter 61A by requiring DPS to establish an immigration database and publish the information on its Internet website. The bill also would have amended Section 411.135(a), Government Code, and Section 370.003, Local Government Code which includes revisions to the statute related to immigration. <i>The bill was filed, but never moved.</i>
HB 1915	Madden	The bill would have amended Section 508.156(a), Government Code. The transfer of the person from the Juvenile Justice Department is to TDCJ instead of the Parole Division. A parole panel is still required to impose conditions and may interview the person to determine conditions of parole. <i>The bill was reported out of committee, but it was not voted by the House.</i>
HB 1940	Perry	The bill would have amended Section 508.040(a) Government Code, to add to the list of staff the institutional parole officers, which were transferred from TDCJ to the board last session. This bill also would have added the ability for parole panels or designated agents to conduct hearings on imposition of sex offender treatment requirements for those offenders with non-sex offense convictions that involved sexual assaults or other deviant sex acts in their commission. <i>The bill passed both chambers, with last action being the appointment of House conferees, but the bill was not enacted.</i>
HB 1972	Harper-Brown	The bill would have amended Subchapter F, Chapter 2054, Government Code, by adding Section 2054.133, which would have required a state agency to encourage public entities, including other state agencies, to electronically submit all reports and correspondence the public entity is required to submit to the agency. <i>The bill was filed, but never moved.</i>
HB 2021	Pitts	The relevant sections of this bill were the amendments to the Government Code related to purchasing and procurement. Article 3, State Purchasing, which would have amended several sections of the Government Code. Most of the changes replaced references to the “commission” to the “comptroller.” It would have required the comptroller to establish uniform standards and specifications, and required state agencies cooperation with the comptroller when requesting help with this task. This article also required the comptroller to focus on leveraging state spending. It established a provision for revoking a purchaser’s certification for failure to comply with comptroller rules. The bill provided an exemption from posting on the Electronic State Business Daily any specifications for covert law enforcement equipment. It would have required agencies to obtain at least three competitive bids before awarding a

		<p>purchase. Agencies would have been allowed to solicit vendors not on the Centralized Master Bidders List (CMBL) if three bids could not be obtained from vendors on the CMBL.</p> <p>This article would have added Section 2155.088 to the Government Code and required state agencies to provide a procurement plan to the comptroller each odd-numbered year that identifies major goods and services the agency plans to purchase during the next fiscal biennium. Section 2155.1325 was also added to the Government Code and required state agencies to submit delegated purchase solicitations for proposals exceeding \$100,000 to the comptroller for review and advisement.</p> <p><i>The bill was filed, but never moved.</i></p>
HB 2022	Pitts	<p>The relevant sections of this bill were the amendments to the Government Code related to purchasing and procurement. Article 3, State Purchasing, which would have amended several sections of the Government Code. Most of the changes replaced references to the “commission” to the “comptroller.” It would have required the comptroller to establish uniform standards and specifications, and required state agencies cooperation with the comptroller when requesting help with this task. This article also required the comptroller to focus on leveraging state spending. It established a provision for revoking a purchaser’s certification for failure to comply with comptroller rules. The bill provided an exemption from posting on the Electronic State Business Daily any specifications for covert law enforcement equipment. It would have required agencies to obtain at least three competitive bids before awarding a purchase. Agencies would have been allowed to solicit vendors not on the Centralized Master Bidders List (CMBL) if three bids could not be obtained from vendors on the CMBL.</p> <p>This article would have added Section 2155.088 to the Government Code and required state agencies to provide a procurement plan to the comptroller each odd-numbered year that identifies major goods and services the agency plans to purchase during the next fiscal biennium. Section 2155.1325 was also added to the Government Code and required state agencies to submit delegated purchase solicitations for proposals exceeding \$100,000 to the comptroller for review</p>

		and advisement.  <i>The bill was filed, but never moved.</i>
HB 2143	Turner	The bill would have reenacted laws passed by the 81st Legislative Session, Section 495.028, Government Code, Implementation of Reentry and Reintegration Plan; Section 501.092, Government Code, Comprehensive Reentry and Reintegration Plan for Offenders; and Section 501.098, Government Code, Reentry Task Force. The Reentry Task Force language would have been revised to change Texas Youth Commission to Texas Veterans Commission, deleting Texas Judicial Council, adding Judicial Advisory Council to the CJAD and the Board of Criminal Justice, adding a faith-based organization selected by the department and other organizations, agencies or individuals selected by the department that advocate for or have a significant interest in the successful reentry and reintegration of offenders. <i>The bill was filed, but never moved.</i>
HB 2318	Kolkhorst	The bill would have amended Article 55.01(a), (b) and (c), Code of Criminal Procedure, by adding additional circumstances when a person is entitled to an expunction, e.g., felony arrest requires limitation period to expire and 180 days elapsed from the date of arrest for misdemeanor; court finds by a preponderance of evidence the indictment, information or complaint was a mistake or based upon false information or lacks probable cause; the charge has been dismissed or quashed; the person released and charge, if any, not resulted in a final conviction and is no longer pending and no court-ordered community supervision regardless of the statute of limitations.  The bill would have amended Section 20(a), Article 42.12, Code of Criminal Procedure, by adding the language “unless the defendant obtains an expunction of the underlying arrest” to the exception for the dismissal of the charges when the defendant successfully completes community supervision.  <i>The bill was filed, but never moved.</i>
HB 2348	Larson	The bill would have amended Chapter 511, Government Code, by adding Section 511.0089 requiring the Texas Jail Commission to adopt rules establishing classifications requirement and minimum housing standards for inmates in the county jail who are awaiting transfer to TDCJ. This included inmates who have been convicted of a felony offense or after revocation of community supervision, parole

		or mandatory supervision. It required the sheriff to establish the classification requirement and minimum housing standards that meet or exceed those of TDCJ. <i>The bill was reported out of committee, but it was not voted by the House.</i>
HB 2352	Allen	The bill would have amended Section 508.149(b), (c) and (d) and adds Subsection (e) of the Government Code. Discretionary mandatory supervision applies to inmates who are serving or has been previously convicted of a felony of the third degree or any higher in a category of offense under Penal Code Section 15.031 Criminal Solicitation of a Minor, 19.04 Manslaughter, 20.03 Kidnapping, 20A.02 Trafficking of Persons, 21.12 Improper Relationship between Educator and Student, 22.01 Assault; 22.05 Deadly Conduct, 22.07 Terroristic Threat, or 25.11 Continuous Violence against the Family, or a felony of the first or second degree under Penal Code Section 22.09 Tampering with Consumer Product; has been previously convicted at least two times of a felony offense and served at least two terms in prison; or has been subject of major disciplinary action within the 12-month period preceding the release date, if the director or director's designee, after consulting with the warden of the unit, recommends review by a parole panel. The bill would have added section (e) by requiring an inmate to be released on the inmate's scheduled release date as provided by Section 508.147. <i>The bill was reported out of committee, but it was not voted by the House.</i>
HB 2412	Miles	The bill would have amended Subchapter E, Chapter 508, Government Code, by adding Section 508.1491 which removes certain third degree felony drug possession offenses in the Health and Safety Code from discretionary mandatory supervision. <i>The bill was filed, but never moved.</i>
HB 2439	Gallego	The bill would have amended Subchapter F, Chapter 2054, Government Code, by adding Section 2054.1265 which would have required a state agency that employees more than 1,500 to post in electronic form or internet link to the agency's website allowing a member of the public or employee of the agency to submit suggestions and ideas on how to make the agency more cost-efficient. The agency would also have been required to allow the members of the public to monitor the website, in real time or on a weekly or monthly basis the submissions and vote for the public's favorite submission. <i>The bill passed both chambers, with last action being the Senate adopting a conference committee report, but the bill was not enacted.</i>
HB 2523	Cain	The bill would have amended Section 2155.078, Government

		Code, by adding Section (o) which authorizes the comptroller to suspend or revoke the certification of a certified purchaser. The bill also would have amended Subchapter C, Chapter 2155, Government Code, by adding Section 2155.1325 which a state agency to submit a solicitation for a bid for goods and services over \$100,000 to the comptroller who may review, comment on, change or recommend changes to the solicitation during a 30-day period. <i>The bill was filed, but never moved.</i>
HB 2550	Elkins	The bill would have abolished the Sunset Commission and repealed Section 508.051, Government Code (Board of Pardons and Paroles) which is the Sunset Commission provision. <i>The bill was filed, but never moved.</i>
HB 2720	Pitts	The bill would have amended Chapter 658, Government Code, by adding Section 658.011 which authorizes a state agency head to establish an involuntary furlough program without pay in order to balance the state agency's budget. A state employee may not use vacation, sick or any other paid leave while the employee is on an unpaid furlough. The employee will continue to accrue state service credit for longevity pay; vacation and sick leave. However, if the employee is furloughed for more than one month, the employee may use any compensation of paid leave including compensatory, overtime, sick and annual leave. The bill also would have amended certain sections of the Insurance Code for the state employee to continue to participate in the group benefits program. <i>The bill was filed, but never moved.</i>
HB 2844	Madden	The bill would have amended Section 508.023, Government Code, by adding Subsection (f) which requires the board to adopt a policy that requires the parole panel to consider all non-incarceration sanctions before revoking a person's release on parole or to mandatory supervision. <i>The bill was filed, but never moved.</i>
HB 2865	Harper-Brown	The bill would have amended Subchapter C, Chapter 2171, Government Code, by adding Section 2171.1011 which would require the comptroller to establish a centralized statewide agency fleet management system for acquisition, maintenance and repairs; fueling operations; management of inventory and the use, collection, and reporting of data; and disposal or sale of excess inventory. The bill would have authorized the comptroller to negotiate a contract with private fleet management provider. <i>The bill was filed, but never moved.</i>
HB 2870	Harper-Brown	The bill would have amended Section 508.036(b), Government Code by deleting the requirement to prepare an

		annual report. <i>The House passed the bill, but it did not advance in the Senate.</i>
HB 2889	Madden	The bill would have amended Article 55.01(a), Code of Criminal Procedure, adding another condition for which an expunction may be granted - if the office of the attorney representing the state declines to prosecute after an arrest does not object to the court entering an order of expunction. <i>The bill was vetoed by the Governor.</i>
HB 2914	Fruzzo	The bill would have required executive heads of state to establish a work group, no later than October 1, 2011, consisting of five members within the agency to study and make recommendations on reducing expenses and improving efficiency. It would have required the work group to submit the report to the agency head no later than April 1, 2012. The agency head would have implemented all or a part of the recommendations. <i>The bill was filed, but never moved.</i>
HB 2954	Cain	The bill would have amended Section 659.043, 659.044, 659.045, 659.0451, 661.034(b), 661.063(c), 661.067(b), 661.904(b) 811.001(7), 814.203(c), Government Code and repeals section 659.041(1), Section 659.0411, Section 659.0445, Section 659.046 of the Government Code. The significant amendments would have eliminated longevity pay for state employees and require a merit based pay policy that must be established and adopted by each state agency. <i>The bill was filed, but never moved.</i>
HB 2977	Hunter	The bill would have amended Section 551.143, Government Code, by amending Subsection (a) and adding Subsections (c) and (d) which prohibits governing body members from transmitting electronic communication during an Open Meeting. The bill would not have prohibited administrative or ministerial information or information concerning emergency situations. <i>The bill was filed, but never moved.</i>
HB 3001	Thompson	The bill would have amended Chapter 42, Code of Criminal Procedure, by adding Article 42.0155 and Title 1, Code of Criminal Procedure, by adding Chapter 61A which requires the trial court to make an affirmative finding of fact for certain sex-related offenses if the court determines by preponderance of the evidence that the defendant is likely to commit a subsequent offense when not confined in a penal institution. Those offenders convicted with an affirmative finding who is not under parole supervision or civilly committed shall participate in a monitoring system established by DPS unless exempt as outlined in the bill. <i>The House passed the bill, but it did not advance in the Senate.</i>
HB 3166	Callegari	The bill would have amended Section 572.003(c),

		Government Code, which defines the term “member” which includes the Texas Board of Pardons and Paroles. The consolidation aspects of the bill were for other agencies. <i>The bill was reported out of committee, but it was not voted by the House.</i>
HB 3168	Callegari	The bill would have amended Section 659.043, 659.044, 659.045, 659.0451, 661.034(b), 661.063(c), 661.067(b), 661.904(b) 811.001(7), 814.203(c), Government Code and repealed section 659.041(1), Section 659.0411, Section 659.0445, Section 659.046 of the Government Code. The significant amendments would have eliminated longevity pay for state employees and required a merit based pay policy that must have been established and adopted by each state agency. <i>The bill was reported out of committee, but it was not voted by the House.</i>
HB 3181	Johnson	The bill would have amended Article 55.01(a), Code of Criminal Procedure, by adding misdemeanor offenses to the arrest entitled to an expunction. The bill also would have revised the conditions to include an indictment and information not presented because there is an absence of probable cause to believe the person committed an offense arising out of the transaction for which the person was arrested. <i>The bill was filed, but never moved.</i>
HB 3195	Coleman	The bill would have amended Section 662.005(b), Government Code to allow certain state employees who work on national holidays that fall on a Saturday or Sunday to be granted compensatory time off including state employees who work in a prison, state jail or other facility of TDCJ that houses offenders 24 hours a day. <i>The bill was filed, but never moved.</i>
HB 3228	Hernandez Luna	The bill would have amended Subchapter G, Chapter 411, Government Code, by adding Section 411.150 and Section 411.151 which would have established a DNA database and required the record to be expunged if the arrest were expunged as ordered by the court. <i>The bill was filed, but never moved.</i>
HB 3306	Marquez	The bill would have amended Article 55.01, Code of Criminal Procedure, Subsection (b) and adding Subsection (e), which limits expunction if the person has been convicted of certain offenses, e.g., reportable sex offense; offenses under Chapter 19 of the Penal Code, Criminal Homicide; Kidnapping; Aggravated Kidnapping; Unlawful Restraint; Trafficking of Persons; Assault; Aggravated Assault; Injury to a Child, Elderly Individual or Disabled Individual; Arson; Chapter 29 of the Penal Code, Robbery; Stalking; DWI; DWI

		with Child Passenger; Intoxication Assault; Intoxication Manslaughter; offense involving manufacture or delivery of a controlled substance under Subchapter D, Chapter 481, Health and Safety Code; or any other offense involving family violence as defined in Section 71.004. <i>The bill was filed, but never moved.</i>
HB 3340	White	The bill would have amended Subchapter E, Chapter 508, Government Code, by adding Section 508.1451, which would have required the board to develop and adopt a policy to allow a warden or other senior employee of a facility to provide the parole panel information regarding the inmate's behavior and general progress while imprisoned in that facility. The policy must have allowed the warden and employee to make a parole release recommendation to the parole panel. The bill was filed, but never moved.
HB 3346	Burnam	This bill would have amended Article 62.005(b), Code of Criminal Procedure by excepting a registered sex offenders employer's name, address or telephone number from public disclosure. <i>The bill passed the House but did not pass the Senate after being reported out of a Senate committee.</i>
HB 3350	Turner	The bill would have amended Section 61.079(a), Section 61.0817, Section 61.084(g), Human Resources Code. Section 61.084(g) references Government Code 508.146 which relates to transferring youth from TYC to the Division and the parole panel's responsibility. The bill would have amended the transfer requirements - transfer a juvenile to the Division on their 19th birthday or on or before their 21st birthday if commitment has been extended by the court. <i>The bill was filed, but never moved.</i>
HB 3359	Miles	The bill would have amended Subchapter E, Chapter 508, Government Code, by adding Section 508.1491 which exempts all inmates whose community supervision has been revoked from discretionary mandatory except those whose violation constituted the commission of an offense other than an offense involving the operation of a motor vehicle punishable by fine only; or the original charge for which the inmate is serving a sentence is based on the commission of an offense for which registration as a sex offender is required under Chapter 62, Code of Criminal Procedure. <i>The bill was filed, but never moved.</i>
HB 3365	White	The bill would have amended Subchapter E, Chapter 508, Government Code, by adding Section 508.1451, which would have required the board to develop and adopt a policy to allow a warden or other senior employee of a facility to provide the parole panel information regarding the inmate's

		behavior and general progress while imprisoned in that facility. The policy must allow the warden and employee to make a parole release recommendation to the parole panel. <i>The bill was filed, but never moved.</i>
HB 3366	White	The bill would have amended Section 15(a)(1), Article 42.12, Code of Criminal Procedure, authorizing an offender to be transferred to community supervision after serving 75% of the state jail sentence. If the offender were to commit another violation while on community supervision, the offender would be transferred to an ISF as specified in 508.283. <i>The bill was reported out of committee, but it was not voted by the House.</i>
HB 3386	Madden	The bill would have required TDCJ to conduct a study. The bill would have amended Government Code 508 by adding Section 508.0442, Priority Consideration of Certain Inmates for Release; Transfer of Custody. The bill would have applied to inmates who are eligible for parole, identified by the department as an illegal criminal alien, not a member of a security threat group and who is not servicing a sentence for a 3g offense or one describe by Article 62.001(5)-sex offender registration. The bill required the board to establish a procedure to prioritize the consideration by parole panels of inmates described in the new subsection to ensure parole panel consider these inmates as soon as practicable after the first parole eligible date and determine whether a final order of deportation has been entered or will be entered before the first date of parole eligibility. If a final order of deportation has not been entered, the board shall notify the department who shall immediately request ICE to expedite the final order. If the parole panel votes to release the inmate, the department shall deliver the inmate to ICE's custody. <i>The bill was reported out of committee, but it was not voted by the House.</i>
HB 3400	Walle	The bill would have amended Section 2(a)(1), Article 37.071, Code of Criminal Procedure, deleting language in the statute authorizing a jury to answer "no" to a special issue unless 10 or more agree. <i>The bill was filed, but never moved.</i>
HB 3425	Zedler	The bill would have amended Subtitle C, Title 10, Government Code, by adding Chapter 2116, which required the agency to evaluate and implement a continuous improvement process to increase efficiency and cost savings. After completing the requirements of section 2116.002, the agency may implement the continuous improvement process. The evaluation and any implementation activities shall be synopsisized in the agency's annual report. <i>The bill was filed,</i>

		<i>but never moved.</i>
HB 3455	Parker	The bill would have amended Subchapter F, Chapter 508, Government Code, by adding Section 508.1862 which required a parole panel to impose as a condition of parole or mandatory supervision the monitoring of computer use of high risk sex offenders. <i>The bill was filed, but never moved.</i>
HB 3459	Eiland	The bill would have amended 508.146 by adding Subsection (a-1) which defined elderly and terminally ill as: (1) "Elderly" means 60 years of age or older. (2) "Terminally ill" included having an incurable illness, disease, disorder, or other condition that has been diagnosed by a physician and is reasonably expected to result in death in 12 months or less. <i>The bill passed both chambers, with last action being the Senate adopting a conference committee report, but the bill was not enacted.</i>
HB 3525	Davis, Yvonne	The bill would have amended Sections 13B(a), (b), and (d), Article 42.12, Code of Criminal Procedure, authorizing the judge to impose Child Safety Zone for person convicted of an Improper Relationship between and Educator and Student. <i>The bill was filed, but never moved.</i>
HB 3538	Thompson	<p>The bill would have amended Subchapter E, Chapter 508, Government Code, by adding Sections 508.1451 and 508.1459. The bill required a parole panel to order the release of an elderly inmate who is 65 years of age or older on SISF. It required the release on the first anniversary of the later of the (1) initial parole eligibility date under 508.145 or (2) date the inmate reaches 65 years of age. It excluded the following: inmates serving a sentence described by Section 508.145(a) - death, life without parole, Unlawful Restraint, Indecency with a Child, Improper Relationship with a Student, Prohibited Sexual Conduct, Robbery, Compelling Prostitution, Possession or Promotion of Child Pornography, Intoxication Assault, Intoxication Manslaughter, Coercing, Inducing, or Soliciting Membership in a Criminal Street Gang, Directing Activities of Certain Criminal Street Gangs or Conspiracy to Coerce, Induce or Solicit Membership in a Street Gang; 3g offenses; major disciplinary 12 months proceeding the inmate's scheduled release date; reclassified by the department to a less favorable classification than originally determined; or considered by the department at high risk or very high risk of unsuccessful reentry into the community.</p> <p>The bill required a parole panel to release inmates on medically recommended intensive supervision, regardless of</p>

		<p>the inmate's initial parole eligibility date, if on the basis of a medical examination approved by at least two physicians identified the inmate as: (1) having a terminal illness; (2) requires long-term care; (3) in a persistent vegetative state; or (4) has an organic brain syndrome with significant to total mobility requirement. It excluded the same offenses identified for the mandatory elderly release. The parole panel ordering the release shall have required as a condition of release that the releasee remain under the care of a physician and in a medically suitable placement. TCOOMI was required to submit a quarterly report to the parole panel who may modify the conditions of release and impose any other condition.</p> <p>The bill also would have amended Section 508.146, Government Code, by changing the title to "Discretionary Release of Certain Inmates on" MRIS; removing all the language concerning 3g and sex offender only being considered if terminally ill or long term care is required as well as elderly and terminally ill; changing the identifying criteria to 65 years of age or older, physically disabled, mentally ill or mentally retarded. This type of release required a panel of at least two physicians to approve the MRIS.</p> <p><i>The bill was reported out of committee, but it was not voted by the House.</i></p>
HB 3562	Lucio III	<p>The bill would have amended Title 5, Civil Practice and Remedies Code, by adding Chapter 112 which would have allowed a person to file a lawsuit against a state agency for violating the ADA for a claim of employment-related discrimination. The amount may not exceed \$250,000 for each person and \$500,000 for each single occurrence. <i>The bill was filed, but never moved.</i></p>
HB 3598	Huberty	<p>The bill would have amended Article 62, Code of Criminal Procedure, by adding Section 62(A), establishing a new arsonist registration program. The bill would have created a registration database, identified the reportable conviction or adjudication required to register and accepted those persons who case is on appeal or has received a pardon. <i>The bill was filed, but never moved.</i></p>
HB 3649	Otto	<p>The bill would have amended Subchapter E, Chapter 508, Government Code, by adding Section 508.1491, Supervised Reentry Program. It required a parole panel, for offenders who have not been released on parole or mandatory</p>

		supervision, to release an offender to supervised reentry program at least one year before the offender is scheduled to discharge his sentence or when the offender has served 90% of their sentence. The bill also required the parole panel to impose conditions that require the offender to participate in treatment. The bill required the department to establish residence and provide the offender with skills to make the transition. The supervised reentry program time is the sentence minus the calendar time in prison and the supervision period is calendar time. If the offender were revoked, the offender would not receive credit for the time the offender was on the supervised reentry program. <i>The bill was reported out of committee, but it was not voted by the House.</i>
HB 3650	Otto	The bill would have amended Sections 501.015(b) and 499.155(c), Government Code, by decreasing the amount the inmate is entitled to receive upon release from \$100 to \$50 if the inmate is required to report to a parole officer. <i>The bill was filed, but never moved.</i>
HB 3761	Marquez	The bill would have amended several sections of 508, Government Code, by adding Section 508.1451 and 508.2831, and amending 508.045(a), 508.146(a), 508.149, and 508.283. 508.1451 required a parole panel to release an elderly inmate on parole no later than the inmate's initial parole eligibility date; the Presiding Officer to appoint a six member panel and 4 members must vote against parole the release to deny parole; the board shall contract with public or private entities to obtain written recommendations based upon opinions of at least two licensed physicians; and the board shall adopt a policy established the date on which the board may reconsider for release an inmate previously denied. 508.146(a) deleted the exception for 3g offenses and reportable convictions or adjudications under Chapter 62; added the following to elderly - physical disability or terminal illness or mental illness or mental retardation. 508.149 excluded drug offenses from DMS. 508.283 allowed credit for time from release to revocation; parole panel may require an offender to remain in custodial supervision of the sheriff each time the board modifies the offender's parole; SAFPF not less than 180 days and not more than 1 year except sex offender and offenders on SISF; prohibited revocation for technical violation except 3g offenses; revocation for absconders if failed to report for 1 year. 508.2831 created a new section for ISF. <i>The bill was filed, but never moved.</i>
HB 3763	Marquez	The bill would have amended several sections of 508,

		Government Code, by adding Section 508.1451 and 508.2831, and amending 508.045(a), 508.146(a), 508.149, and 508.283. 508.1451 required a parole panel to release an elderly inmate on parole no later than the inmate's initial parole eligibility date; the Presiding Officer to appoint a six member panel and 4 members must vote against parole the release to deny parole; the board shall contract with public or private entities to obtain written recommendations based upon opinions of at least two licensed physicians; and the board shall adopt a policy established the date on which the board may reconsider for release an inmate previously denied. 508.146(a) deleted the exception for 3g offenses and reportable convictions or adjudications under Chapter 62; added the following to elderly - physical disability or terminal illness or mental illness or mental retardation. 508.149 excluded drug offenses from DMS. 508.283 allowed credit for time from release to revocation; parole panel may require an offender to remain in custodial supervision of the sheriff each time the board modifies the offender's parole; SAFFP not less than 180 days and not more than 1 year except sex offender and offenders on SISF; prohibited revocation for technical violation except 3g offenses; revocation for absconders if failed to report for 1 year. 508.2831 created a new section for ISF. <i>The bill was filed, but never moved.</i>
HB 3764	Marquez	The bill would have added several sections in Section 501, Government Code, related to administrative segregation - review of administrative segregation policies, use of administrative segregation and services to inmates in administrative segregation. <i>The bill was reported out of committee, but it was not voted by the House.</i>
HB 3801	Davis	The bill would have amended several Sections 552.024, Government Code, Public Information Act which adds cellular phone, email and date of birth to the list of personal information in each section of the statute and changes the employee's or officer's election to release personal information from mandatory to discretionary. <i>The bill was reported out of committee, but it was not voted by the House.</i>
HJR 33	Raymond	The joint resolution is a constitutional amendment which would have required the legislature to meet every year, one year in a regular session and the other in a budget session. <i>The resolution was filed, but never moved.</i>
HJR 38	Berman	The resolution is a constitutional amendment in related to HB 301 which would have amended Title 10, Government Code, by adding Chapter 2351 designating English as the official language and applying to all official acts. It would have

		prohibited the legislature from appropriating any funds to any activity that promotes another language with a few exceptions. <i>The resolution was filed, but never moved.</i>
HJR 97	Burkett	The joint resolution would have authorized the governor to issue an order prohibiting TDCJ from performing executions on and after the effective date of the order and until the order is revoked, either by the governor issuing the order or by a successor to the governor issuing the order. <i>The resolution was filed, but never moved.</i>
SB 9	Williams	The bill would have amended 508.145(d) and 508.149(a) of the Government Code. It included the offenses of Engaging in Organized Criminal Activity and Directing Activities of Certain Criminal Street Gangs to the list of offenses not eligible for release on parole until the inmate's actual calendar time served, without consideration for good conduct time, equals one-half of the sentence or 30 years; and added to the list of offenses not eligible for mandatory supervision. <i>The bill passed the Senate but did not pass the House after being reported out of a House committee.</i>
SB 68	Zaffirini	The bill would have amended several sections of the Government Code related to contracts. The most relevant sections are amendments to Section 2262.001 and Subchapter B, Chapter 2262, Government Code, is amended by adding Section 2262.0535 and Sections 2262.055 through 2262.066. Section 2262.001 adds the definition for Executive Director which means the administrative head of a state agency. Subchapter B creates a new statutory mandated process for contracts. Some of the provisions are as follows: requires training for the governing body, directs the comptroller to set and collect a fee for the training; requires the agency to establish a central location for all contracts; report contractor performance to the comptroller, governor, lieutenant governor and speaker of the house; directs the comptroller to maintain a contractor performance database and establish an evaluation process; authorizes an agency to exclude a contractor from solicitation based upon performance reviews; requires the agency to incorporate performance measures into all contracts; requires state agency to establish a career ladder for contract managers; establish guidelines to approve contracts; negotiation by a single employee is prohibited. <i>The bill was filed, but never moved.</i>
SB 98	Van de Putte	The bill would have amended Section 20A.01, Penal Code and adds Sections 20A.03 and 20A.04, Penal Code. The purpose of the bill was to distinguish between trafficking of a person for labor and sexual performance. The new sections

		were devoted to sexual performance and the language in the amended section related to sexual performance was deleted and included in the new section. The bill also revised relevant statutory provisions that include “trafficking of persons” to include Sections 508.145(d), 508.149(a), 508.046, and 508.151(a), Government Code. <i>The bill was filed, but never moved.</i>
SB 151	Huffman	The bill would have amended several sections of Article 42.12 which prohibit a court from placing an illegal alien on community supervision. <i>The bill was filed, but never moved.</i>
SB 165	Shapiro	The bill would have amended Section 325, Government Code, requiring the LBB to present a “zero-budget” and performance review for agencies scheduled to be abolished to the Sunset Commission and the governor. The commission would have included an LBB report with their commission's evaluation on funding the agency's activities. <i>The bill was filed, but never moved.</i>
SB 167	West	The bill would have amended Article 55.01(a), Code of Criminal Procedure and Article 55.02, Code of Criminal Procedure, is amended by adding Section 1a and other related Code of Criminal Procedures articles. The act required a trial court to enter an automatic expunction order when a person is convicted and subsequently pardoned or otherwise granted relief on the basis of actual innocence with respect to that offense. This Act would have applied to the expunction of arrest records related to a criminal offense for which a pardon or other relief on the basis of actual innocence was granted before, on, or after the effective date of this Act. <i>The bill was vetoed by the Governor.</i>
SB 202	Shapiro	The bill would have amended Chapter 314, Government Code, by adding Section 314.006 which requires LBB to include language in a fiscal note related to the purpose of the bill and benchmarks. The first day of the third regular session after the bill is enacted, the LBB is required to determine whether the benchmarks have been met. If they have not, the legislature will either divert additional funds, or amend or repeal the statute. <i>The Senate passed the bill, but it did not advance in the House.</i>
SB 317	Whitmire	The bill would have amended Chapter 11, Code of Criminal Procedure, by adding Article 11.073 relating to relevant scientific evidence that was not available to be offered by the convicted person or discredits the scientific evidence relied on by the state at trial. The bill would have authorized a person to file a state writ. <i>The bill was filed, but never moved.</i>
SB 395	Patrick	The bill would have amended Article 42.12, Code of

		Criminal Procedure, Section 5(d) to include additional penal code offenses for defendants who hold a commercial driver's license or permit. Section 13 of 42.12 was amended requiring the court impose the ignition interlock device as a condition of community supervision. <i>The bill was filed, but never moved.</i>
SB 537	Davis; Ellis	The bill would have amended Article 42.12, Code of Criminal Procedure, Section (i) and (n), by deleting the blood alcohol level finding and mandatory ignition interlock device condition requirement. Would have amended Section 521.246, Transportation Code, by deleting the reference to two or more convictions and suspended license as a pre-requisite for the ignition interlock device condition. Would have amended Section 521.125, Transportation Code, related to Occupational License and when a person may receive after an "alcohol-related or drug-related enforcement contact." <i>The bill was filed, but never moved.</i>
SB 634	Hinojosa	The bill would have amended Article 42.12, Code of Criminal Procedure, Section 5(d) to include additional penal code offenses for defendants who hold a commercial driver's license or permit. Section 13 of 42.12 was amended requiring the court impose the ignition interlock device as a condition of community supervision. <i>The bill was filed, but never moved.</i>
SB 669	Wentworth	The bill would have amended Section 552.003(2), Government Code, of the Public Information Act to include emails and text messages in the "manipulation" definition; Section 552.2615(g) to clarify the effect of sending an itemized statement to the requestor; and Section 552.263 to clarify that a modification of the request after receipt of the itemized statement is considered a separate request. <i>The Senate passed the bill, but it did not advance in the House.</i>
SB 670	Gallegos	The bill would have amended several sections of Subchapter A, Chapter 244, Local Government Code, which requires a Halfway House to adhere to the same requirements as a correctional facility, e.g., post written notice and local consent required if the facility is within 1,000 of a residential area, primary or secondary school, property designated as a public park or public recreation area, church or other place of worship. A place of worship may waive the distance requirements by filing a statement of waiver in the deed records of the county. <i>The bill was filed, but never moved.</i>
SB 677	Gallegos	The bill would have amended Section 552.3215, Government Code, by amending Subsection (b) and adding Subsections (b-1) and (1) which adds civil penalties for violating the

		Public Information Act. It would have authorized a civil penalty not to exceed \$1,000 for each violation for each day the violation continues. <i>The bill was reported out of committee, but it was not voted by the Senate.</i>
SB 702	Watson	The bill would have amended Sections 315.004(a) and (b), Government Code, by including a member of the legislature to the list of persons who may require a state agency to prepare an economic impact statement for any pending bill or joint resolution and an additional requirement for the statement to include a general statement of analysis for the 20-year period following the proposal's effective date. <i>The bill was filed, but never moved.</i>
SB 704	Watson	This bill would have amended Chapter 322, Government Code, by adding Section 322.022 which requires a state agency to provide the LBB a detailed report of any expenditure reduction plan that the agency develops in response to an interim budget reduction request made by the governor, lieutenant governor, or a member of the legislature, or any combination of those persons; and if implemented, would reduce the agency's total expenditures. The LBB shall hold a public hearing to solicit testimony and the agency may not implement the plan until the conclusion of the hearing. This section would not have applied to an expenditure reduction not directly or indirectly resulting from an interim budget reduction requests. <i>The bill was filed, but never moved.</i>
SB 779	Whitmire	The bill would have amended Title 1, Code of Criminal Procedure, by adding Chapter 61A, Animal Cruelty Registration Program. It required DPS, in cooperation with the Board of Pardons and Paroles, TDCJ and Commission on Jail Standards, by rule, to design and implement a system for the registration of persons identified in the bill. <i>The Senate passed the bill, but it did not advance in the House.</i>
SB 842	Patrick	The bill would have amended Section 13 of 42.12, Code of Criminal Procedure, requiring the court impose the ignition interlock device as a condition of community supervision. It would have amended Section 521.246, Transportation Code, related to Occupational License suspension and the requirement to equip a motor vehicle with an ignition interlock device. <i>The bill was filed, but never moved.</i>
SB 883	Whitmire	The bill would have amended Section 508.283(c), Government Code. After revocation, the person would have served the remaining portion of the sentence with credit for the time from the date of the person's release to the date of the violation that resulted in the revocation. <i>The bill was filed,</i>

		<i>but never moved.</i>
SB 884	Whitmire	The bill would have amended Section 498.004(b), Government Code. On the revocation of parole or mandatory supervision of an inmate, the department may not forfeit any of the good conduct time accrued by the inmate before the inmate was released on parole or to mandatory supervision. On return to the department, the inmate may accrue additional good conduct time for subsequent time served in the department. <i>The bill was filed, but never moved.</i>
SB 976	Hinojosa	Relating to the supervised reentry into the community of certain inmates nearing their date of discharge from the Texas Department of Criminal Justice, the bill would have amended Subchapter E, Chapter 508, Government Code, by adding Section 508.1491, establishing a “supervised reentry program.” The bill would have required a parole panel, for offenders who have not been released on parole or mandatory supervision, to release an offender to supervised reentry program at least one year before the offender is scheduled to discharge his sentence or when the offender has served 90% of their sentence. It also would have required the parole panel to impose conditions that require the offender to participate in treatment. In addition, it would have required the department to establish residence and provide the offender with skills to make the transition. The supervised reentry program time is the sentence minus the calendar time in prison and the supervision period is calendar time. If the offender is revoked, the offender does not receive credit for the time the offender is on the supervised reentry program. <i>The bill was reported out of committee, but it was not voted by the Senate.</i>
SB 1076	Ellis	The bill would have amended Section 15(a)(2) and added Section 15B, Article 42.12, Code of Criminal Procedure. The bill would have required the judge to place a defendant on community supervision for possession of certain controlled substance and impose substance abuse treatment as a condition with few exceptions, e.g., defendant is a danger to others, previous convictions, etc. Additional conditions include vocational training, family counseling, literacy training and community service. The bill also would have authorized the judge to utilize graduated sanctions for treatment violations. <i>The bill was filed, but never moved.</i>
SB 1079	Ellis	The bill would have amended Title 1, Code of Criminal Procedure, by adding Chapter 46D. It prohibited a person with mental retardation from being sentenced to death. The bill authorized a defense counsel to request the judge hold a hearing prior to the trial to determine whether the offender

		was mentally retarded at the time the offense was committed. The bill also provided an opportunity for the defendant or state to file an appeal with the Texas Court of Criminal Appeals. <i>The bill was filed, but never moved.</i>
SB 1109	Williams	The relevant sections of this bill were the amendments to the Government Code related to purchasing and procurement. Article 3, State Purchasing, amended several sections of the Government Code. Most of the changes replaced references to the “commission” to the “comptroller.” It required the comptroller to establish uniform standards and specifications, and required state agencies cooperation with the comptroller when requesting help with this task. This article also required the comptroller to focus on leveraging state spending. It established a provision for revoking a purchaser’s certification for failure to comply with comptroller rules. The bill provided an exemption from posting on the Electronic State Business Daily any specifications for covert law enforcement equipment. It would have required agencies to obtain at least three competitive bids before awarding a purchase. Agencies would have been allowed to solicit vendors not on the Centralized Master Bidders List (CMBL) if three bids cannot be obtained from vendors on the CMBL. This article added Section 2155.088 to the Government Code and required state agencies to provide a procurement plan to the comptroller each odd-numbered year that identifies major goods and services the agency plans to purchase during the next fiscal biennium. Section 2155.1325 was also added to the Government Code and required state agencies to submit delegated purchase solicitations for proposals exceeding \$100,000 to the comptroller for review and advisement. <i>The Senate passed the bill, but it did not advance in the House.</i>
SB 1191	Gallegos	This bill would have amended Article 62, Code of Criminal Procedure, by adding Section 62(A), which established a new arsonist registration program. The bill created a registration database, identified the reportable conviction or adjudication required to register and accepted those persons whose case was on appeal or have received a pardon. <i>The bill was filed, but never moved.</i>
SB 1312	Van de Putte	The bill would have amended Section 508.187(a), Government Code, by adding Trafficking of Persons and Compelling Prostitution to those offenses that require a parole panel to impose child safety zone as a special condition. <i>The bill was filed, but never moved.</i>
SB 1366	West	The bill would have amended Article 62, Code of Criminal Procedure, by adding 62.0051 which required a public

		website to include information about an offender release to parole, mandatory supervision or under supervision as well as the contact information for the agency and supervising officer. <i>The bill was filed, but never moved.</i>
SB 1436	Van de Putte	The bill would have amended Sections 508.046, 508.145(d), 508.149(a), 508.151(a) Government Code, by adding Trafficking of Persons and Compelling Prostitution to the list of cases requiring Extraordinary Vote (046), eligible for parole after serving one-half or 30 calendar years (145), not eligible for mandatory supervision (149), and not eligible for PPT (151). <i>The bill was reported out of committee, but it was not voted by the Senate.</i>
SB 1473	Hinojosa	The bill amends Article 55.01(a), Code of Criminal Procedure, which adds another condition for which an expunction may be granted - if the office of the attorney representing the state declines to prosecute after an arrest does not object to the court entering an order of expunction. <i>The bill was filed, but never moved.</i>
SB 1530	Hinojosa	The bill would have amended Section 508.254, Government Code, by adding Subsections (d), (e), and (f), which authorized a magistrate to release a offender on bond if charged with an administrative violation of release or violated a condition of release by committing a new offense for which the offender was eligible for bond other than: (1) offense punishable as a felony; offenses under Chapter 49 of the Penal Code, Intoxication and Alcoholic Beverage Offenses, punishable as a Class B or Class A misdemeanor; or offenses including family violence. The bill authorized the Division to make the decision as to whether the offender is eligible for a bond based upon previous convictions for offenses under Chapter 29, Robbery; Title 5, Offenses Against Persons, punishable as a felony; offense involving family violence; not on SISF, an absconder or threat to public safety. <i>The bill was filed, but never moved.</i>
SB 1537	Watson	The bill would have amended Section 2001.024, Government Code, by adding Subsection (d), which required a state agency to provide an estimated dollar amount for all fiscal notes. <i>The bill was filed, but never moved.</i>
SB 1583	Ogden	The bill would have amended Subchapter E, Chapter 508, Government Code, by adding Section 508.1491, Supervised Reentry Program. It required a parole panel, for offenders who have not been released on parole or mandatory supervision, to release an offender to supervised reentry program at least one year before the offender is scheduled to discharge his sentence or when the offender has served 90%

		of their sentence. The bill also required the parole panel to impose conditions that require the offender to participate in treatment. The bill required the department to establish residence and provide the offender with skills to make the transition. The supervised reentry program time is the sentence minus the calendar time in prison and the supervision period is calendar time. If the offender were revoked, the offender would not receive credit for the time the offender was on the supervised reentry program. <i>The Senate passed the bill, but it did not advance in the House.</i>
SB 1683	Ellis	This bill would have amended Section 508.149(b), Government Code, by identifying offenses which are subject to discretionary mandatory, e.g., Murder, Improper Relationship between Educator and Student, Abandoning or Endangering a Child, Criminal Nonsupport, Terroristic Threat, Tamper with Consumer Product; and deleted the language which states the accrued good conduct time is not an accurate reflection of the inmate's potential for rehabilitation. <i>The bill was filed, but never moved.</i>
SB 1688	Ellis	The bill would have amended Article 48.01, Code of Criminal Procedure, to authorize the governor to grant one or more reprieves without a recommendation from the board for a period not to exceed 30 days per reprieve. This statute would have been effective only if the SJR44, constitutional amendment proposed by the 82nd Legislature, Regular Session, 2009, were approved by voters. <i>The bill was filed, but never moved.</i>
SB 1720	Duncan	The relevant sections of this bill were the amendments to the Government Code related to purchasing and procurement. Article 3, State Purchasing, which would have amended several sections of the Government Code. Most of the changes replaced references to the "commission" to the "comptroller." It would have required the comptroller to establish uniform standards and specifications, and required state agencies cooperation with the comptroller when requesting help with this task. This article also required the comptroller to focus on leveraging state spending. It established a provision for revoking a purchaser's certification for failure to comply with comptroller rules. The bill provided an exemption from posting on the Electronic State Business Daily any specifications for covert law enforcement equipment. It would have required agencies to obtain at least three competitive bids before awarding a purchase. Agencies would have been allowed to solicit

		vendors not on the Centralized Master Bidders List (CMBL) if three bids could not be obtained from vendors on the CMBL. <i>The bill was filed, but never moved.</i>
SB 1826	Gallegos	The bill would have amended Sections 551.001(2) and (4), Government Code, which clarified the definition of “deliberation” to include an e-mail, letter, or other written communication that: (A) is produced by or originates from a member of the governmental body; (B) is circulated among a quorum of the governmental body; and (C) concerns an issue within the jurisdiction of the governmental body or any public business. <i>The Senate passed the bill, but it did not advance in the House.</i>
SB 1883	West	The bill would have amended Section 508.144(a), Government Code, by adding new section requiring the advanced age or any physical or mental disability of an inmate to the parole guidelines criteria. <i>The bill was filed, but never moved.</i>
SJR 44	Ellis	The Joint Resolution Proposing a constitutional amendment authorizing the governor to grant one or more reprieves in a capital case would have amended Article 48.01, Code of Criminal Procedure. It would have authorized the governor to grant one or more reprieves without a recommendation from the board for a period not to exceed 30 days per reprieve. This statute would have been effective only if the constitutional amendment proposed by the 82nd Legislature, Regular Session, 2009, were approved by voters. <i>The resolution was filed, but never moved.</i>

**IX. Policy Issues**

The board responds to legislative inquiries from senators, representatives or Legislative Budget Board, as requested. Other entities on occasion such as non-profit criminal justice related organizations and other stakeholders will contact the board on criminal justice related matters.

**X. Other Contacts**

<b>INTEREST GROUPS</b> (groups affected by agency actions or that represent others served by or affected by agency actions)			
<b>Group or Association Name/ Contact Person</b>	<b>Address</b>	<b>Telephone</b>	<b>E-mail Address</b>
Minister's Coalition of Texas/ Rev. RL Rogers	1257 E. Harvey Avenue Fort Worth, TX 76104	817-880-3980	Fax: 817-927-1711
Texas Inmate Families Association/ Jennifer Erschabek	St. Vincent De Paul Catholic Church Parish Hall 4222 Southwest Loop 410 San Antonio, TX 78227	210-373-8346	jerschabek@gmail.com
<b>INTERAGENCY, STATE, OR NATIONAL ASSOCIATIONS</b> (that serve as an information clearinghouse or regularly interact with your agency)			
<b>Group or Association Name/ Contact Person</b>	<b>Address</b>	<b>Telephone</b>	<b>E-mail Address</b>
Association of Paroling Authorities, Inc./ Keith Hardison, Chief Administration Officer	The Association of Paroling Authorities International George J. Beto Criminal Justice Center Sam Houston State University Huntsville, TX 77341-2296	877-318-2724	keith@apaintl.org
Texas Corrections Association/Dr. Michael Noyes, President	4600 Spicewood Springs Rd. Ste. 103 Austin, TX 78731	512-346-5820	info@txcorrections.org
U.S. Immigrations & Customs Enforcement/Kenneth Landgrebe	Houston Contract Detention Facility (CDF) 15850 Export Plaza Drive Houston, TX 77032	281-774-4968	Kenneth.landgrebe@dhs.gov
Veterans Incarcerated	Ramsey Unit, 1100 FM 655, Rosharon, TX 77583	281-595-3491	

<b>LIAISONS AT OTHER STATE AGENCIES</b> (with which your agency maintains an ongoing relationship, e.g., the agency's assigned analyst at the Legislative Budget Board, or attorney at the Attorney General's office)			
<b>Agency Name/Relationship/ Contact Person</b>	<b>Address</b>	<b>Telephone</b>	<b>E-mail Address</b>
David Talbot, Division Chief, Office of the Attorney General, Law Enforcement Defense Division	P. O. Box 12458 Austin, TX 78711	512.463.2100	David.talbot@oag.state .tx.us
Ed Marshall, Division Chief, Office of the Attorney General, Post Conviction Litigation	P. O. Box 12458 Austin, TX 78711	512.463.2100	Edward.marshall@oag. state.tx.us
Texas Legislative Budget Board	P.O. Box 12666, Capitol Station Austin, Texas 78711	512-463-1200	
Sean Jordan, Deputy Solicitor General, Office of the Attorney General, Solicitor General's Office	P. O. Box 12458 Austin, TX 78711	512.463.2100	Sean.jordan@oag.state. tx.us
Texas Department of Public Safety/Cassandra Richey	CJIS Support Unit P O Box 4087 Austin, Texas 78773-0001	512-424-2479	Cassandra.Richey@txd ps.state.tx.us
Texas Department of Criminal Justice/Brad Livingston, Executive Director	TDCJ-Executive Administrative Services 861-B I.H. 45 N Huntsville, Texas 77320	(936) 295-6371	brad.livingston@tdcj.st ate.tx.us
Melinda Bozarth, General Counsel, TDCJ	P. O. Box 13401 Austin, TX 78711	512.463.9693	Melinda.bozarth@tdcj .state.tx.us
TCOOMMI, Reentry and Integration Division/Dee Wilson, Director	8712 Shoal Creek, Ste. 280, Austin, TX 78757	512-465-5100	dee.wilson@tdcj.state. tx.us
The Innerchange Freedom Initiative/Tommie Dorsett, Program Manager	Vance Unit, 2 Jester Rd., Richmond, TX 77406	281-277-8707	
Windham School District/ Denise Bushart, Principal	Ramsey Unit, 1100 FM 655, Rosharon, TX 77583	281-595-3491 ext. 1251	

## **XI. Additional Information**

	<b>FY 2009</b>	<b>FY 2010</b>
<b>Number of complaints received</b>	3	2
<b>Number of complaints resolved</b>	3	3
<b>Number of complaints dropped/found to be without merit</b>	0	0
<b>Number of complaints pending from prior years</b>	0	0
<b>Average time period for resolution of a complaint</b>	<30 days	<30 days

The board utilizes the HUB Policy and Procedures established by the TDCJ and the Contracts and Procurement Division. All purchases are processed by and through the TDCJ Contracts and Procurement Division and are based on established purchasing guidelines established by the Comptroller of Public Accounts.

The board utilizes the HUB Policy and Procedures established by the TDCJ and the Contracts and Procurement Division. All HUB subcontracting rules and procedures are followed and monitored by the TDCJ Contracts and Procurement Division.

	<b>Response / Agency Contact</b>
1. Do you have a HUB coordinator? (Texas Government Code, Sec. 2161.062; TAC Title 34, Part 1, rule 20.26)	The board utilizes the TDCJ Contracts and Procurement Division for all purchasing. The TDCJ employ's a HUB coordinator.
2. Has your agency designed a program of HUB forums in which businesses are invited to deliver presentations that demonstrate their capability to do business with your agency? (Texas Government Code, Sec. 2161.066; TAC Title 34, Part 1, rule 20.27)	The board utilizes the TDCJ Contracts and Procurement Division for all purchasing. The TDCJ provides these forums and complies with all HUB requirements.
3. Has your agency developed a mentor-protégé program to foster long-term relationships between prime contractors and HUBs and to increase the ability of HUBs to contract with the state or to receive subcontracts under a state contract? (Texas Government Code, Sec. 2161.065; TAC Title 34, Part 1, rule 20.28)	The board utilizes the TDCJ Contracts and Procurement Division for all purchasing. The TDCJ provides these forums and complies with all HUB requirements.

<b>FISCAL YEAR 2008</b>							
<b>Job Category</b>	<b>Total Positions</b>	<b>Minority Workforce Percentages</b>					
		<b>Black</b>		<b>Hispanic</b>		<b>Female</b>	
		<b>Agency</b>	<b>Civilian Labor Force %</b>	<b>Agency</b>	<b>Civilian Labor Force %</b>	<b>Agency</b>	<b>Civilian Labor Force %</b>
<b>Officials/Administration</b>	25	6	24.0%	5	20.0%	8	32.0%
<b>Professional</b>	78	16	20.5%	10	12.8%	46	59.0%
<b>Technical</b>	1	0	0	0	0	0	0
<b>Administrative Support</b>	40	6	15.0%	11	27.5%	35	87.5%
<b>Service Maintenance</b>	28	2	7.1%	6	21.4%	26	92.9%
<b>Skilled Craft</b>	N/A						

<b>FISCAL YEAR 2009</b>							
<b>Job Category</b>	<b>Total Positions</b>	<b>Minority Workforce Percentages</b>					
		<b>Black</b>		<b>Hispanic</b>		<b>Female</b>	
		<b>Agency</b>	<b>Civilian Labor Force %</b>	<b>Agency</b>	<b>Civilian Labor Force %</b>	<b>Agency</b>	<b>Civilian Labor Force %</b>
<b>Officials/Administration</b>	26	6	46.2%	4	15.4%	9	34.6%
<b>Professional</b>	78	14	17.9%	14	17.9%	46	59.0%
<b>Technical</b>	2						
<b>Administrative Support</b>	44	7	15.9%	13	29.5%	36	81.8%
<b>Service/Maintenance</b>	27	18	66.7	7	25.9	26	96.3%
<b>Skilled Craft</b>	N/A						
<b>FISCAL YEAR 2010</b>							
<b>Job Category</b>	<b>Total Positions</b>	<b>Minority Workforce Percentages</b>					
		<b>Black</b>		<b>Hispanic</b>		<b>Female</b>	
		<b>Agency</b>	<b>Civilian Labor Force %</b>	<b>Agency</b>	<b>Civilian Labor Force %</b>	<b>Agency</b>	<b>Civilian Labor Force %</b>
<b>Officials/Administration</b>	27	6	22.2%	6	22.2	5	18.5%
<b>Professional</b>	311	47	15.1%	41	13.2%	207	66.6%
<b>Technical</b>	2						
<b>Administrative Support</b>	179	16	8.9%	34	19.0%	164	91.6%
<b>Service/Maintenance</b>	34	1	2.9%	8	23.5%	33	97.6%
<b>Skilled Craft</b>	N/A						

Pursuant to the board's Resolution (BPP-RES. 08-08.01), the board readopted the Texas Department of Criminal Justice's Personnel Policies. This includes their EEO policy. January 3, 2011 the board administrator provided his latest letter to all board employees regarding the agencies commitment to being an Equal Employment Opportunity organization.

## **XII. Agency Comments**

The board has no additional information at this time.

## **LIST OF APPENDICES**

### **APPENDIX A**

Texas Government Code, Chapter 508

### **APPENDIX B**

Annual Reports for FY 2006 - FY 2010

### **APPENDIX C**

List of Publications and Brochures

### **APPENDIX D**

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### **APPENDIX E**

Legislative Appropriations Requests for FY 2012 - FY 2013

### **APPENDIX F**

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### **APPENDIX G**

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### **APPENDIX H**

Maps

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### **APPENDIX J**

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### **APPENDIX K**

Current Internal Audit Plan

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Internal Audit Report for FY 2007 - FY 2011

### **APPENDIX N**

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### **APPENDIX P**

POL 141.202 (Public Comments)

### **APPENDIX Q**

DIR 141.300 (Board Policy-Making and Management Responsibilities)

### **APPENDIX R**

DIR 141.310 (General Counsels Office Policy)

### **APPENDIX S**

DIR 146.300 (MTR)