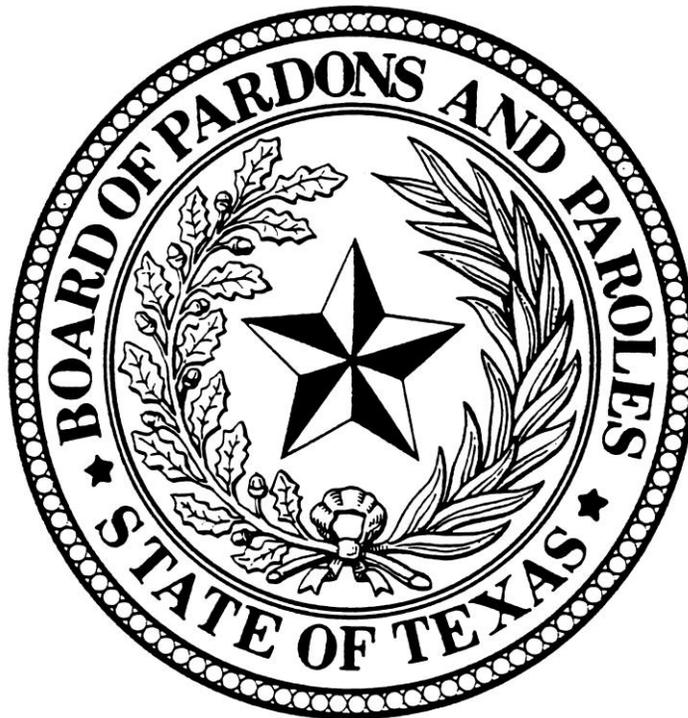


TEXAS BOARD OF PARDONS AND PAROLES

MINUTES

Board Meeting No. 22-0119



January 19, 2023

Austin, Texas

TEXAS BOARD OF PARDONS AND PAROLES

Board Meeting

Thursday, January 19, 2023

4616 West Howard Lane, Suite 200
(CJAD Training Room)
Austin, Texas

10:00 AM

Order of Business

1. Call to Order
2. Convene Texas Board of Pardons and Paroles Open Meeting
3. Recognitions
4. Consent Items – Minutes for the November 9, 2022, Workshop and November 10, 2022, Board Meeting
5. Discussion and Consideration of Parole Guidelines Offense Severity Ranking – Lee Anne Eck-Massingill, Parole Commissioner
6. Discussion and Consideration of FY 2022 Parole Guidelines Annual Report – Jessica Dillard, Board Administrator
7. Discussion and Consideration of Release Certificate Resolution – Bettie Wells, General Counsel
8. Discussion and Consideration of Board Policy, BPP-POL. 145.255 Special Condition L (Maximum Level of Supervision)
9. Discussion and Consideration of Board Policy, BPP-POL. 145.257 Special Condition P (Special Needs Offender Program)
10. Discussion and Consideration of Board Policy, BPP-POL. 145.260 Special Condition SISP (Super Intensive Supervision Program)
11. Discussion and Consideration of Board Policy, BPP-POL. 145.262 Special Condition V (Victim)
12. Discussion and Consideration of Board Policy, BPP-POL. 145.264 Special Condition Z (Not To Reside In Or Enter A Specified County)
13. Discussion and Consideration of Board Policy, BPP-POL. 145.201 Action Upon Review-Release Denied
14. Discussion and Consideration of Board Policy, BPP-POL. 145.206 Special Review-Release Denied
15. Discussion and Consideration of Board Policy, BPP-POL. 145.270 Policy Statement on Imposition of Special Conditions
16. Discussion and Consideration of Board Policy, BPP-POL. 146.252 Preliminary Hearings-Pending Criminal Charges
17. Discussion and Consideration of Board Policy, BPP-POL. 148.200 Sex Offender Conditions – Releasee Not Convicted of a Sex Offense
18. Final Readoption without Amendments in 37 TAC, Chapter 145, Subchapter A

- A. §145.9 Parole Review
 - B. §145.11 Review Date Subject to Change
 - C. §145.16 Action upon Special Review--Release Approved
 - D. §145.17 Action upon Special Review--Release Denied
 - E. §145.20 Parole Certificate
19. Final Readoption with Non-Substantive Amendments in 37 TAC, Chapter 145, Subchapter A
- A. §145.1 Parole Decision-Maker
 - B. §145.2 Standard Parole Guidelines
 - C. §145.6 Notification of Parole Panel Decision
 - D. §145.7 Initial Review
 - E. §145.13 Action upon Review; Consecutive (Cumulative) Felony Sentencing
 - F. §145.14 Action upon Review; Release to Mandatory Supervision
20. Initial Readoption without Amendments in 37 TAC, Chapter 145, Subchapter A, §145.19 Action upon Review; Early Release on Parole
21. Initial Readoption with Substantive Amendments in 37 TAC, Chapter 145, Subchapter A
- A. §145.3 Policy Statements Relating to the Parole Release Decisions by the Board of Pardons and Paroles
 - B. §145.12 Action upon Review
 - C. §145.15 Action upon Review; Extraordinary Vote (SB 45)
 - D. §145.18 Action upon Review; Extraordinary Vote (HB 1914)
22. Initial Readoption without Amendments in 37 TAC, Chapter 145, Subchapter B
- A. §145.21 Parole in Absentia (Parole Review and Mandatory Supervision for Offenders Not in Actual Physical Custody of the TDCJ CID)
 - B. §145.22 Conditions and Rules of Parole
 - C. §145.23 Texas Offenders Supervised in Other States
 - D. §145.24 Out-of-State Offenders Supervised in Texas
23. Initial Repeal in 37 TAC, Chapter 145, Subchapter B, §145.27 Personal Identification Program
24. Initial Readoption without Amendments in 37 TAC, Chapter 147, Subchapter A
- A. §147.2 Authority of Hearing Officers
 - B. §147.4 Motions
 - C. §147.7 Decisions
25. Initial Readoption without Amendments in 37 TAC, Chapter 147, Subchapter B
- A. §147.21 Order
 - B. §147.22 Rules
 - C. §147.23 Privilege
 - D. §147.25 Staff Reports

- E. §147.26 Stipulation
 - F. §147.27 Decisions
26. Initial Readoption with Non-Substantive Amendments in 37 TAC, Chapter 147, Subchapter A
 - A. §147.1 Public Hearings
 - B. §147.6 Record
 27. Initial Readoption with Non-Substantive Amendments in 37 TAC, Chapter 147, Subchapter B
 - A. §147.24 Relevant Testimony
 - B. §147.26 Stipulation
 28. Initial Readoption with Substantive Amendments in 37 TAC, Chapter 147, Subchapter A
 - A. §147.3 Ex Parte Consultations
 - B. §147.5 Witnesses
 29. Initial Readoption without Amendments in 37 TAC, Chapter 149, Subchapter A
 - A. §149.1 Conditions and Rules of Mandatory Supervision
 - B. §149.3 Texas Mandatory Supervision Offenders Supervised in Other States
 30. Initial Readoption without Amendments in 37 TAC, Chapter 149, Subchapter B, §149.16 Mandatory Release Certificate
 31. Convene Texas Board of Pardons and Paroles Closed Meeting – Executive Session
 - A. Consultation with Legal Counsel Regarding Pending or Contemplated Litigation or Settlement Offers; to Receive Legal Advice on Items Posted on this Agenda (Closed in accordance with Section 551.071, Government Code).
 - B. Consultation with Legal Counsel on Matters Where the Texas Board of Pardons and Paroles Seeks the Advice of its Attorney as Privileged Communications under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas (Closed in accordance with Section 551.071, Government Code).
 32. Reconvene Texas Board of Pardons and Paroles Open Meeting
 33. Adjourn



**MINUTES OF THE
TEXAS BOARD OF PARDONS AND PAROLES
BOARD MEETING
THURSDAY, JANUARY 19, 2023**

REGULAR SESSION

The Texas Board of Pardons and Paroles (Board) met in open session on Thursday, January 19, 2023, at 10:00 a.m., 4616 West Howard Lane, Suite 200, CJAD Training Room, Austin, Texas.

BOARD MEMBERS PRESENT

David Gutiérrez
Elodia Brito
Carmella Jones
Brian Long
Marsha Moberley
Linda Molina
Ed Robertson

PAROLE COMMISSIONERS PRESENT

Lee Anne Eck-Massingill

BOARD STAFF PRESENT

Bettie Wells, General Counsel
Timothy McDonnell, Chief of Staff
Jessica Dillard, Board Administrator
Rachel Alderete, Director, Support Operations
Kyle Britt, Budget Director
Eugene Stroud, Deputy Director, Financial Operations
Wadella Murphy, Director, Hearing Operations
Kelsey Stratton, Director, Staff Development
Clinton Gunnels, Director, Institutional Parole Operations
Erica Montalvan, Deputy Director, Institutional Parole Operations
Fernando Barrera, Central Analyst

Board Meeting No. 23-0119

Pamela Pacher, Program Specialist
Terence Hall, Systems Analyst
Estela DeHoyos, Program Supervisor
Matthew Schlosser, Multimedia Technician

TDCJ STAFF PRESENT

Kerry Gaddis, Parole Division Deputy Director
Amanda Gage, Manager, Victim Services
Matt Jug, OIG

OTHERS PRESENT

Roger Nichols, Attorney at Law
Sheila Moreno, Gary Cohen's Office

CONVENED – TEXAS BOARD OF PARDONS AND PAROLES

Presiding Officer (Chairman) David Gutiérrez convened the meeting of January 19, 2023, at 10:00 a.m. in accordance with Chapter 551, Texas Government Code, Open Meetings Act. After roll call, the Chairman stated a quorum was present and declared the meeting open.

RECOGNITIONS

Chairman Gutiérrez recognized the Board Members, and guests present.

NAMES OF SERVICE AWARD RECIPIENTS (ATTACHMENT A)

Chairman Gutiérrez recognized the Board employees who have dedicated 5 and 10 years of service to the state of Texas. He expressed his deepest appreciation for their dedicated service. He stated the names of the service award recipients will be included as part of the official minutes of the meeting.

BOARD RETIREES

Chairman Gutiérrez stated there have been no employee retirements since the last Board meeting.

CONSENT ITEMS

Chairman Gutiérrez stated the Board had an opportunity to review the Consent Items listed on the agenda prior to the meeting and asked if there were any objections. Hearing no objections, the Board approved the minutes for the November 9, 2022, Workshop and November 10, 2022, Board Meeting.

DISCUSSION AND CONSIDERATION OF PAROLE GUIDELINES OFFENSE SEVERITY RANKING (ATTACHMENT B)

Chairman Gutiérrez yielded the floor to Lee Anne Eck-Massingill to present agenda item #5.

Ms. Massingill discussed Parole Guidelines Offense Severity Ranking, NCIC Code 50030004 PERJURY CERTAIN ELECTION PROCEDURES, recently ranked low by the Parole Guidelines Committee, and approved by the Board at the November 10th meeting. She clarified NCIC Code 50030004 should have been presented as NCIC Code 50030003. Ms. Massingill requested the Board approve NCIC Code 50030003 PERJURY CERTAIN ELECTION PROCEDURES as low.

Motion

Ms. Molina moved to adopt the Parole Guidelines Offense Severity Ranking, for NCIC Code 50030003 PERJURY CERTAIN ELECTION PROCEDURES, as presented.

Mr. Long seconded the motion, which prevailed when called for a voice vote.

Ms. Massingill noted for the record the corrected NCIC number will be provided to all Institutional Parole Offices, Board Membership, and Information Technology.

DISCUSSION AND CONSIDERATION OF FY 2022 PAROLE GUIDELINES ANNUAL REPORT (ATTACHMENT C)

Chairman Gutiérrez introduced Jessica Dillard, Board Administrator, to present agenda item #6.

Ms. Dillard provided a brief history relating to Parole Guidelines and presented the FY 2022 Parole Guidelines Annual Report for approval, stating the annual report meets the guidelines of Government Code Section 508.1445.

Motion

Mr. Long moved to adopt the FY 2022 Parole Guidelines Annual Report, as presented.

Ms. Moberley seconded the motion, which prevailed when called for a voice vote.

DISCUSSION AND CONSIDERATION OF RELEASE CERTIFICATE RESOLUTION (ATTACHMENT D)

Chairman Gutiérrez yielded the floor to Bettie Wells, General Counsel, to present agenda item #7.

Ms. Wells noted the Board rescinded rule condition #6 at the 2021 Board meeting. As a result, of that decision, the certificate for parole and mandatory supervision was revised. She presented the resolution, memorializing the change in the certificates as authorized by the Board of Pardons and Paroles, and recommended the resolution be approved.

Motion

Ms. Moberley moved to adopt the Resolution, BPP-RES. 23-01.01 Resolution Adopting Texas Board of Pardons and Paroles Parole and Mandatory Supervision Release Certificates, as presented.

Ms. Molina seconded the motion, which prevailed when called for a voice vote.

BOARD POLICIES (ATTACHMENT E)

Chairman Gutiérrez yielded the floor to Board Member Ed Robertson, Chair of the Special Conditions Workgroup to present agenda items #8 - #12 and Bettie Wells, General Counsel to present agenda items #13 - #17 for discussion and consideration.

DISCUSSION AND CONSIDERATION OF BOARD POLICY BPP-POL. 145.255 SPECIAL CONDITION “L” (MAXIMUM LEVEL OF SUPERVISION)

Mr. Robertson stated Board Policy 145.255 was reviewed by the Special Condition Workgroup, and in reviewing the policy, the Workgroup determined that non-substantive protocol revisions in the DISCUSSION section related to the parole panel removal of special conditions were appropriate.

Motion

Ms. Jones moved to adopt the revisions to Board Policy, BPP-POL. 145.255 Special Condition “L” (Maximum Level of Supervision), as presented.

Ms. Molina seconded the motion, which prevailed when called for a voice vote.

DISCUSSION AND CONSIDERATION OF BOARD POLICY BPP-POL. 145.257 SPECIAL CONDITION “P” (SPECIAL NEEDS OFFENDER PROGRAM)

The recommended amendments to Board Policy 145.257 include non-substantive sentence structure and statutory protocol revisions and a substantive protocol update in the DISCUSSION section.

Motion

Ms. Moberley moved to adopt the revisions to Board Policy, BPP-POL. 145.257 Special Condition “P” (Special Needs Offender Program), as presented.

Ms. Molina seconded the motion, which prevailed when called for a voice vote.

DISCUSSION AND CONSIDERATION OF BOARD POLICY, BPP-POL.145.260 SPECIAL CONDITION “SISP” (SUPER INTENSIVE SUPERVISION PROGRAM)

The recommended amendments to Board Policy 145.260 include non-substantive protocol updates and some substantive protocol revisions in the DISCUSSION section related to the parole panel removal of special conditions.

Motion

Ms. Molina moved to adopt the revisions to Board Policy, BPP-POL.145.260 Special Condition “SISP” (Super Intensive Supervision Program), as presented.

Mr. Long seconded the motion, which prevailed when called for a voice vote.

DISCUSSION AND CONSIDERATION OF BOARD POLICY, BPP-POL. 145.262 SPECIAL CONDITION “V” (VICTIM)

The recommended amendments to Board Policy 145.262 Special Condition “V” include substantive protocol revisions in the DISCUSSION section.

Motion

Mr. Long moved to adopt the revisions to Board Policy, BPP-POL. 145.262 Special Condition “V” (Victim), as presented.

Ms. Brito seconded the motion, which prevailed when called for a voice vote.

DISCUSSION AND CONSIDERATION OF BOARD POLICY, BPP-POL. 145.264 SPECIAL CONDITION “Z” (NOT TO RESIDE IN OR ENTER A SPECIFIED COUNTY)

The recommended amendments to Board Policy 145.264 include non-substantive protocol revisions in the DISCUSSION section related to the parole panel removal of special conditions.

Motion

Ms. Brito moved to adopt the revisions to Board Policy, BPP-POL.145.264 Special Condition “Z” (Not To Reside In Or Enter A Specified County), as presented.

Ms. Jones seconded the motion, which prevailed when called for a voice vote.

DISCUSSION AND CONSIDERATION OF BOARD POLICY, BPP-POL 145.201 ACTION UPON REVIEW-RELEASE DENIED

Ms. Wells presented Board Policy 145.201, stating the recommended amendments to the policy include non-substantive protocol changes.

Motion

Ms. Molina moved to adopt the revisions to Board Policy, BPP-POL. 145.201 Action Upon Review-Release Denied, as presented.

Mr. Long seconded the motion, which prevailed when called for a voice vote.

DISCUSSION AND CONSIDERATION OF BOARD POLICY, BPP-POL. 145.206 SPECIAL REVIEW-RELEASE DENIED

The recommended amendments to Board Policy 145.206 include non-substantive protocol updates.

Motion

Ms. Brito moved to adopt the revisions to Board Policy, BPP-POL. 145.206 Special Review-Release Denied, as presented.

Ms. Molina seconded the motion, which prevailed when called for a voice vote.

DISCUSSION AND CONSIDERATION OF BOARD POLICY, BPP-POL. 145.270 POLICY STATEMENT ON IMPOSITION OF SPECIAL CONDITIONS

Board Policy 145.270 was presented to the Board as a correction to the original policy that was approved at the March 10, 2022, meeting. The recommended revision includes correcting the superseded date to August 13, 2020.

Motion

Mr. Long moved to adopt the revisions to Board Policy, BPP-POL. 145.270 Policy Statement on Imposition of Special Conditions, as presented.

Ms. Jones seconded the motion, which prevailed when called for a voice vote.

DISCUSSION AND CONSIDERATION OF BOARD POLICY, BPP-POL. 146.252 PRELIMINARY HEARINGS-PENDING CRIMINAL CHARGES

The recommended amendment to Board Policy 146.252 includes one non-substantive revision to the DISCUSSION section of the policy.

Motion

Ms. Moberley moved to adopt the revision to Board Policy, BPP-POL. 146.252 Preliminary Hearings-Pending Criminal Charges, as presented.

Mr. Long seconded the motion, which prevailed when called for a voice vote.

DISCUSSION AND CONSIDERATION OF BOARD POLICY, BPP-POL. 148.200 SEX OFFENDER CONDITIONS - RELEASEE NOT CONVICTED OF A SEX OFFENSE

Board Policy 148.200 was presented with no recommended revisions. Ms. Wells asked the Board to re-adopt the policy, as presented.

Motion

Ms. Molina moved to adopt Board Policy, BPP-POL. 148.200 Sex Offender Conditions – Releasee Not Convicted of a Sex Offense, as presented.

Ms. Moberley seconded the motion, which prevailed when called for a voice vote.

BOARD RULES (ATTACHMENT F)

Chairman Gutiérrez yielded the floor to Linda Molina, Chair of the Rules Committee, to present the rules listed in agenda items #18 - #25.

FINAL READOPTION WITHOUT AMENDMENTS IN 37 TAC, CHAPTER 145, SUBCHAPTER A

Ms. Molina presented the rules in agenda item #18, stating the Board previously approved the initial readoption of the rules. Therefore, the Rules Committee is recommending final readoption without amendments to the rules listed in agenda item #18.

Motion

Ms. Moberley moved for the Final Readoption without Amendments of Chapter 145, General Provisions, Subchapter A, Parole Process, §145.9 Parole Interview, §145.11 Review Date Subject to Change, §145.16 Action Upon Special Review--Release Approved, §145.17 Action Upon Special Review- - Release Denied, and §145.20 Parole Certificate.

Mr. Long seconded the motion, which prevailed when called for a voice vote.

FINAL READOPTION WITH NON-SUBSTANTIVE AMENDMENTS IN 37 TAC, CHAPTER 145, SUBCHAPTER A

Ms. Molina presented the rules in agenda item #19, stating the Board previously approved the initial readoption of the rules, and it has been more than 30 days since they were posted in the Texas Register. The General Counsel reports that no comments were received. Following the initial readoption, and at the Secretary of State's request, a non-substantive phrase was added to rule 145.7 for consistency of formatting throughout the rules. Therefore, the Rules Committee is recommending final readoption with non-substantive amendments to the rules listed in agenda item #19.

Motion

Ms. Moberley moved for the Final Readoption with Non-substantive Amendments of Chapter 145 General Provisions, Subchapter A Parole Process §145.1 Parole Decision-Maker, §145.2 Standard Parole Guidelines, §145.6 Notification of Parole Panel Decision, §145.7 Initial Review, §145.13 Action upon Review; Consecutive (Cumulative) Felony Sentencing, §145.14 Action upon Review; Release to Mandatory Supervision.

Mr. Robertson seconded the motion, which prevailed when called for a voice vote.

INITIAL READOPTION WITHOUT AMENDMENTS IN 37 TAC, CHAPTER 145, SUBCHAPTER A § 145.19 ACTION UPON REVIEW; EARLY RELEASE ON PAROLE

Ms. Molina stated the Rules Committee met on October 5, 2022, and considered the rule listed in agenda item #20, and by unanimous vote recommended the initial readoption of the rule without amendments. The proposed rule review of Chapter 145 was published in the Texas Register on May 20, 2022. The General Counsel reports that no comments were received. Therefore, the rules Committee is recommending initial readoption without amendments to the rule listed in agenda item #20.

Motion

Ms. Moberley moved for the Initial Readoption without Amendments of Chapter 145 General Provisions, Subchapter A Parole Process §145.19 Action upon Review; Early Release on Parole.

Ms. Brito seconded the motion, which prevailed when called for a voice vote.

INITIAL READOPTION WITH SUBSTANTIVE AMENDMENTS IN 37 TAC, CHAPTER 145, SUBCHAPTER A

Ms. Molina discussed the rules in agenda item #21, and stated the Rules Committee, by unanimous vote, recommended the initial readoption of Chapter 145 Parole, Subchapter A Parole Process, with substantive amendments to the rules listed in agenda item #21. The amendments include edits for accuracy, uniformity, and consistency, and a substantive amendment to accurately reflect the statutory requirements for the reconsideration for release of offenders sentenced to certain offenses. Upon review, the Rules Committee recommends initial readoption with substantive amendments to the rules listed in agenda item #21.

Motion

Ms. Moberley moved for the Initial Readoption with Substantive Amendments of Chapter 145 General Provisions, Subchapter A Parole Process §145.3 Policy Statements Relating to the Parole Release Decisions by the Board of Pardons and Paroles.

Mr. Long seconded the motion, which prevailed when called for a voice vote.

Motion

Ms. Moberley moved for the Initial Readoption with Substantive Amendments of Chapter 145 General Provisions, Subchapter A Parole Process §145.12 Action upon Review.

Mr. Robertson seconded the motion, which prevailed when called for a voice vote.

Motion

Ms. Moberley moved for the Initial Readoption with Substantive Amendments of Chapter 145 General Provisions, Subchapter A Parole Process §145.15 Action upon Review; Extraordinary Vote (SB45).

Ms. Brito seconded the motion, which prevailed when called for a voice vote.

Motion

Ms. Moberley moved for the Initial Readoption with Substantive Amendments of Chapter 145 General Provisions, Subchapter A Parole Process §145.18 Action upon Review; Extraordinary Vote (HB 1914).

Mr. Long seconded the motion, which prevailed when called for a voice vote.

INITIAL READOPTION WITHOUT AMENDMENTS IN 37 TAC, CHAPTER 145, SUBCHAPTER B

Ms. Molina stated the Rules Committee, by unanimous vote, recommended the initial readoption of Chapter 145 Parole, Subchapter B Terms and Conditions of Parole, without amendments to the rules listed in agenda item #22. The Rules Committee recommends initial readoption without amendments to the rules listed in agenda item #22.

Motion

Ms. Moberley moved for the Initial Readoption without Amendments of Chapter 145 General Provisions, Subchapter B Terms and Conditions of Parole, §145.21 Parole in Absentia (Parole Review and Mandatory Supervision for Offenders Not in Actual Physical Custody of the TDCJ CID), §145.22 Conditions and Rules of Parole, §145.23 Texas Offenders Supervised in Other States, and §145.24 Out-of-State Offenders Supervised in Texas.

Ms. Jones seconded the motion, which prevailed when called for a voice vote.

INITIAL REPEAL IN 37 TAC, CHAPTER 145, SUBCHAPTER B, §145.27 PERSONAL IDENTIFICATION PROGRAM

Ms. Molina stated the Rules Committee, by unanimous vote, recommended the initial repeal of Chapter 145 Parole, Subchapter B Terms and Conditions of Parole, §145.27 Personal Identification Program. The repeal is proposed because the pilot program in Transportation Code Section 521.1421, which assists releasees in obtaining a driver's license or personal identification card, has become a permanent program administered by the Texas Department of Criminal Justice. Therefore, the Rules Committee recommends initial repeal of the rule listed in agenda item number 23.

Motion

Ms. Moberley moved for moved for the Initial Repeal of Chapter 145 General Provisions, Subchapter B Terms and Conditions of Parole, §145.27 Personal Identification Program, as presented.

Ms. Brito seconded the motion, which prevailed when called for a voice vote.

INITIAL READOPTION WITHOUT AMENDMENTS IN 37 TAC, CHAPTER 147, SUBCHAPTER A

Ms. Molina stated on October 05, 2022, the Rules Committee met in an open meeting and considered the rules in Chapter 147. The Rules Committee, by unanimous vote, recommended the initial readoption of Chapter 147 Hearings, Subchapter A General Rules for Hearings, without amendments to the rules in agenda item #24. The proposed rule review of Chapter 147 was published in the Texas Register on May 20, 2022. The General Counsel reports that no comments were received. Therefore, the Rules Committee is recommending initial readoption without amendments to the rules listed in agenda item #24.

Motion

Ms. Moberley moved for the Initial Readoption without Amendments of Chapter 147 General Provisions, Subchapter A General Rules for Hearings, §147.2 Authority of Hearing Officers, §147.4 Motions, and §147.7 Decisions, as presented.

Mr. Long seconded the motion, which prevailed when called for a voice vote.

INITIAL READOPTION WITHOUT AMENDMENTS IN 37 TAC, CHAPTER 147, SUBCHAPTER B

Ms. Molina stated the Rules Committee, by unanimous vote, recommended the initial readoption of Chapter 147 Hearings, Subchapter B Evidence, without amendments to the rules in agenda item #25. Ms. Molina noted that Rule 147.26 is included erroneously in this agenda item number and will be considered as part of agenda item #27. The Rules Committee recommends initial readoption without amendments to the rules listed in agenda item # 25, with the exception of Rule 147.26.

Motion

Ms. Moberley moved for the Initial Readoption without Amendments of Chapter 147 General Provisions, Subchapter B Evidence, §147.21 Order, §147.22 Rules, §147.23 Privilege, §147.25 Staff Reports, and §147.27 Decisions, as presented.

Ms. Jones seconded the motion, which prevailed when called for a voice vote.

INITIAL READOPTION WITH NON-SUBSTANTIVE AMENDMENTS IN 37 TAC, CHAPTER 147, SUBCHAPTER A

Ms. Molina stated the Rules Committee, by unanimous vote, recommended the initial readoption of Chapter 147 Hearings, Subchapter A General Rules for Hearings, with non-substantive amendments to the rules in agenda item #26. The non-substantive amendments include edits for accuracy, uniformity, and consistency throughout the rules. Upon review, the Rules Committee recommends initial readoption with non-substantive amendments to the rules listed in agenda item #26.

Motion

Ms. Moberley moved for the Initial Readoption with Non-substantive Amendments of Chapter 147 General Provisions, Subchapter A General Rules for Hearings, §147.1 Public Hearings, and §147.6 Record, as presented.

Mr. Long seconded the motion, which prevailed when called for a voice vote.

INITIAL READOPTION WITH NON-SUBSTANTIVE AMENDMENTS IN 37 TAC, CHAPTER 147, SUBCHAPTER B

Ms. Molina stated the Rules Committee, by unanimous vote, recommended the initial readoption of Chapter 147 Hearings, Subchapter B Evidence, with non-substantive amendments to the rules in agenda item #27. The non-substantive amendments include edits for accuracy, uniformity, and consistency throughout the rules. Upon review, the Rules Committee recommends initial readoption with non-substantive amendments to the rules listed in agenda item #27.

Motion

Ms. Moberley moved for the Initial Readoption with Non-substantive Amendments of Chapter 147 General Provisions, Subchapter B Evidence, §147.24 Relevant Testimony, and §147.26 Stipulation, as presented.

Ms. Brito seconded the motion, which prevailed when called for a voice vote.

INITIAL READOPTION WITH SUBSTANTIVE AMENDMENTS IN 37 TAC, CHAPTER 147, SUBCHAPTER A

Ms. Molina stated the Rules Committee, by unanimous vote, recommended the initial readoption of Chapter 147 Hearings, Subchapter A General Rules for Hearings, with substantive amendments to the rules in agenda item #28. The amendments include edits for accuracy, uniformity, and consistency, and substantive amendments clarifying prohibited acts in ex parte communications, and the hearing officers'

responsibility regarding written testimony. Upon review, the Rules Committee recommends initial readoption with substantive amendments to the rules listed in agenda item #28.

Motion

Ms. Moberley moved for the Initial Readoption with Substantive Amendments of Chapter 147 General Provisions, Subchapter A General Rules for Hearings, §147. 3 Ex Parte Consultation, as presented.

Mr. Long seconded the motion, which prevailed when called for a voice vote.

Motion

Ms. Moberley moved for the Initial Readoption with Substantive Amendments of Chapter 147 General Provisions, Subchapter A General Rules for Hearings, §147.5 Witnesses, as presented.

Mr. Robertson seconded the motion, which prevailed when called for a voice vote.

INITIAL READOPTION WITHOUT AMENDMENTS IN 37 TAC, CHAPTER 149, SUBCHAPTER A

Ms. Molina stated on October 05, 2022, the Rules Committee met in an open meeting and considered the rules in Chapter 149. The Rules Committee, by unanimous vote, recommended the initial readoption of Chapter 149 Mandatory Supervision. Subchapter A Rules and Conditions of Mandatory Supervision, without amendments to the rules in agenda item #29. The proposed rule review of Chapter 149 was published in the Texas Register on May 20, 2022. The General Counsel reports that no comments were received. Therefore, the Rules Committee recommends initial readoption without amendments to the rules listed in agenda item #29.

Motion

Ms. Moberley moved for the Initial Readoption without Amendments of Chapter 149 General Provisions, Subchapter A Rules and Conditions of Mandatory Supervision, §149. 1 Conditions and Rules of Mandatory Supervision, and §149. 3 Texas Mandatory Supervision Offenders Supervised in Other States, as presented.

Mr. Long seconded the motion, which prevailed when called for a voice vote.

INITIAL READOPTION WITHOUT AMENDMENTS IN 37 TAC, CHAPTER 149, SUBCHAPTER B, §149.16 MANDATORY RELEASE CERTIFICATE

Ms. Molina discussed the rules listed in agenda item #30, and stated the Rules Committee, by unanimous vote, recommended the initial readoption of Chapter 149 Mandatory Supervision, Subchapter B Selection for Mandatory Supervision, without amendments to the rules in agenda item #30. Therefore, the Rules Committee recommends initial readoption without amendments to the rules listed in agenda item #30.

Motion

Ms. Moberley moved for the Initial Readoption without Amendments of Chapter 149 General Provisions, Subchapter B Selection for Mandatory Supervision, §149. 16 Mandatory Release Certificate, as presented.

Ms. Brito seconded the motion, which prevailed when called for a voice vote.

EXECUTIVE SESSION

Chairman Gutiérrez recessed the Regular Session at 10:59 a.m. and convened the Board into Executive Session (closed under Section 551.071, Government Code).

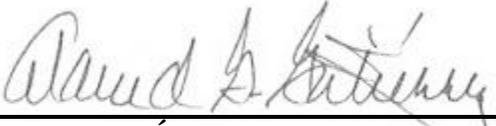
RECONVENE TEXAS BOARD OF PARDONS AND PAROLES

Chairman Gutiérrez convened the Board back into Regular Session at 12:37 p.m. and proceeded with the order of business.

ADJOURNMENT

Having completed all posted items on the agenda, Chairman Gutiérrez adjourned the Board Meeting at 12:37 p.m.

ADOPTED BY UNANIMOUS CONSENT OF THE BOARD ON THE 27th DAY OF APRIL 2023.



DAVID GUTIÉRREZ, PRESIDING OFFICER (CHAIR)