



**TEXAS BOARD
OF
PARDONS AND PAROLES**

Number: BPP-DIR. 143.350

Date: January 29, 2025

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Supersedes: October 14, 2022

BOARD DIRECTIVE

SUBJECT: REPRIEVES – FAMILY AND EMERGENCY MEDICAL

PURPOSE: To provide guidance for Board Members and staff of the Texas Board of Pardons and Paroles to process a reprieve application where the offender's family member or the offender has six months or less to live.

AUTHORITY: Texas Constitution Article 4, Section 11
Texas Government Code Sections 508.035(d), 508.084, and 508.115
Texas Administrative Code Title 37, Part 5, Chapter 143, Sections 143.31, 143.32, and 143.34
Texas Code of Criminal Procedure Article 48.01

DISCUSSION: The Texas Constitution authorizes the Governor to grant clemency upon the recommendation and advice of a majority of the Texas Board of Pardons and Paroles (Board). A family member who is critically ill or an offender who is terminally ill or totally disabled may request clemency from the Governor.

If the Governor grants the offender a reprieve for a family emergency, the reprieve is for a period specified by the Governor. The offender will be released from custody in order to visit the critically ill family member and must return to custody at the designated date, time, and location.

If the Governor grants the offender a reprieve for a medical emergency, the reprieve is indefinite. The offender will be released from custody to the care of family or to a medical facility that can provide specific care not available within the Texas Department of Criminal Justice Correctional Institutions Division (TDCJ CID) system.

DEFINITIONS: Critically ill – any illness or injury that is life- or limb-threatening as determined by licensed health care staff. See CMHC Policy Manual A.-10.1

Offender – an offender incarcerated in the TDCJ CID serving a sentence imposed upon conviction of a felony, other than an offender serving a sentence of death or life without parole.

Terminally ill – an incurable or irreversible condition caused by injury or illness that in the physician's opinion would produce death within six

months or less, regardless of the use of life-sustaining treatment, if the condition runs its normal course. The application of life sustaining procedures would serve only to postpone the moment of the patient's death. See CMHC Policy Manual. G-51.8.

Total disability – a physical or mental impairment that substantially limits one or more major life activities of an individual. See Americans with Disabilities Act, Title 42, Sec. 12102. Definition of disability.

PROCEDURE:

The Board's Clemency Section (CS) receives applications for Reprieve for Family Emergency (FMR) or Emergency Medical Reprieve (EMR).

- I. Application – Upon receipt of an application from an offender, offender's attorney, or a person acting on an offender's behalf, the CS staff will create a clemency file.
 - A. For an EMR, the CS staff will immediately contact the unit attending physician to verify the offender's health status. For an offender who is requesting a reprieve due to a terminal illness, the CS staff will request that the unit attending physician or designated unit medical staff notify the CS if the offender's health status changes.
 - B. For a FMR, the CS staff will immediately contact the family member who submitted the application to verify the health status of the terminally ill family member. The CS staff will request that the contact person notify the CS if the ill family member's health status changes.
 - C. If an attorney is representing the offender or the offender's family, a fee affidavit and registration form must be submitted with the application.
 - D. Monitoring Health Status – The CS staff will continually monitor the offender's or ill family member's health status throughout this process to ensure that the Board Members and the Governor are notified when the offender or family member is deceased.
 - E. Notices – The CS staff will send letters to the trial officials and victims notifying them that the offender submitted an application requesting a reprieve and soliciting their input.
- II. Electronic File – Upon receipt of all the appropriate documents, the CS staff will prepare a clemency electronic file for the Board Members.
 - A. For an EMR, the electronic file must contain a medical summary from the TDCJ CID unit attending physician.

- B. For a FMR, the electronic file must contain the Physician's Medical Summary indicating a "life expectancy" of six months or less to live under the "Prognosis" header.
- III. Board Members' Vote – The Board Members shall vote on the application by 12 p.m. two days from the day the CS staff notifies the Board Members that the electronic file is available. The Board Members shall sign and date the voting sheet and submit their votes by email, facsimile, or hand delivery to the CS. A Board Member who is on leave and out of the country shall not be required to vote.
- A. Upon a majority vote to recommend a reprieve, the CS staff shall send the application to the Governor. Prior to delivering the application to the Governor, the CS staff will verify the health status of the offender or family member depending on the type of reprieve requested. The CS staff will notify all trial officials as required by Section 508.115, Government Code, as well as the applicant and TDCJ Victim Services, if appropriate, by email or other electronic communication.
 - B. If the offender or family member passes away before the vote, if the Board votes not to recommend clemency, or if the Governor denies clemency, the CS staff shall notify the applicant, if appropriate, trial officials who submitted a response to the notice, and TDCJ Victim Services, if appropriate.
- IV. Board Reconsideration of a Clemency Application – The Board may reconsider an application for a full pardon or restoration of rights of citizenship when:
- A. executive clemency is denied or not recommended by the Board on the second anniversary of the denial; or
 - B. anytime at the direction of the Presiding Officer.

SIGNED THIS, THE 29TH DAY OF JANUARY, 2025.

MARSHA MOBERLEY, PRESIDING OFFICER (CHAIR)

**Signature on file.*