

SUBJECT: Board of Pardons and Paroles revisions

COMMITTEE: Corrections — favorable, without amendment

VOTE: 9 ayes — Haggerty, Staples, Allen, Culberson, Ellis, Farrar, Gray, Lengefeld,  
Longoria

0 nays

SENATE VOTE: On final passage, April 15 — voice vote

WITNESSES: *(On House companion bill, HB 1191:)*

For — None

Against — None

On — Kris Heckermann, Sunset Advisory Commission

BACKGROUND: The Texas Constitution, Art. 4, sec. 11 requires the Legislature to establish a Board of Pardons and Paroles. Code of Criminal Procedure, art. 42.18 establishes an 18-member board appointed by the governor with the consent of the Senate. Members are full-time and salaried and serve six-year terms, with the governor designating the board chair. A six-member committee designated by the governing board serves as a policy committee whose duties include adopting the board's rules.

The board shares responsibility for the parole system with the parole division of the Texas Department of Criminal Justice (TDCJ). The board, often working in panels of three, determines which prisoners are released on parole and the conditions of parole and mandatory supervision. The board also makes decisions about revoking parole and mandatory supervision. The board has constitutional authority to make recommendations to the governor about reprieves and commutations of punishments, except in cases of treason and impeachment, and about remitting fines and forfeitures. TDCJ's parole division supervises parolees after they have been released. TDCJ also provides the board with administrative support.

The board is funded by the Legislature through an annual appropriation to TDCJ. For fiscal 1998-99, appropriations to the board totaled about \$16.2 million. The board has about 200 employees, most of whom are hearings officers. In fiscal 1998, board members considered about 69,900 parole cases, 13,400 parole revocation cases, and 158 clemency applications.

Under the Code of Criminal Procedure, the board is subject to review under the Sunset Act but can be abolished only by a constitutional amendment. The board underwent sunset review along with TDCJ during the past interim.

**DIGEST:** SB 352 would apply or update for the Board of Pardons and Paroles standard sunset recommendations on antidiscrimination, conflicts of interests, grounds for removal from the board, board member training, and requiring an equal employment opportunity policy.

This bill would take effect September 1, 1999.

**SUPPORTERS SAY:** SB 352 would update the Board of Pardons and Paroles statute with standard sunset language applied to all state agencies. Although some of these across-the-board provisions were added in 1997, some of the language needs to be updated, and some provisions still need to be applied. The board is a state entity that should be subject to the same general rules as all agencies and boards.

SB 252 is a narrowly drawn Sunset bill dealing only with the requirements for membership or employment with the board, not how the board operates.

**OPPONENTS SAY:** SB 352 should include additional changes to the board's operations that would require it to hold public hearings or to meet as a body when considering the commutation of death sentences and to keep a record of the reasons for its decisions in clemency cases.