

Potential early parole release for inmates finishing rehabilitation programs

SB 1206 by Hinojosa (Edwards)

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DIGEST: SB 1206 would have required parole panels that, as a condition of release, require inmates to complete a specific rehabilitation program, to name a range of potential release dates. The Texas Department of Criminal Justice could have released inmates during the range of dates if the inmate had completed the rehabilitation program and satisfied all other release conditions set by the parole panel. The range of dates would have had to be at least 30 days and could not have begun earlier than the 45th day before any applicable release date.

GOVERNOR'S REASON FOR VETO:

“Senate Bill No. 1206 would fundamentally alter the roles and responsibilities of the Board of Pardons and Paroles (Board) and the Texas Department of Criminal Justice (TDCJ) by allowing TDCJ to release an inmate prior to the date established by the Board for release on parole. Senate Bill No. 1206 allows TDCJ to determine that the inmate has successfully completed a rehabilitation program and has met certain conditions for release on parole as specified by the Board.

“TDCJ’s primary function is to manage inmates in state prisons, state jails and private correctional facilities, not to decide when to release those inmates.

“I do not think these changes are necessary, and I am wary of the manner in which such changes would be accomplished. Reducing appropriations to TDCJ through a rider in the General Appropriations Act would put TDCJ under budgetary pressure when determining whether inmates have successfully completed rehabilitation programs and satisfied their conditions of release. Additionally, the cost savings estimates of this bill are calculated on the basis of a per diem cost, while most related operational costs for TDCJ are fixed.

“But because I appreciate the goal of Senate Bill No. 1206 to not hold inmates longer than necessary, I am directing the Board and TDCJ to work together to ensure that offenders are not held for extended periods after successfully completing a rehabilitation program required by the Board as a condition for parole. They must set up procedures that provide for TDCJ to notify the Board of the successful completion of parole release requirements so that the Board may act to effect the release to parole.”

RESPONSE: **Sen. Juan Hinojosa**, the bill’s author, said, “I disagree with the governor’s interpretation of how Senate Bill 1206 affects the roles of the Texas Department of Criminal Justice (TDCJ) and the Board of Pardons and Paroles (Board). SB 1206 clearly states that the Board will determine whether or not an inmate has met the inmate’s release requirements, including which rehabilitation programs the inmate may complete before being paroled. Nowhere in the bill is TDCJ given the authority

to make the final determination as to which rehabilitation programs an inmate must complete before being paroled.

“Further, according to SB 1206, the Board is responsible for establishing a range of dates within which an inmate suitable for parole may be released upon completion of an inmate’s rehabilitation program. TDCJ was not granted the flexibility to stray outside the Board’s timeline.

“I do agree with the governor’s veto statement in that ‘TDCJ’s primary function is to manage inmates in state prisons, state jails and private correctional facilities, not to decide when to release those inmates.’ This is consistent with language in SB 1206 that states TDCJ ‘may release the inmate,’ since TDCJ, not the Board, has physical custody of inmates.

“Nothing in the wording or the spirit of SB 1206 indicates that TDCJ is making a decision as to which inmates are suitable for release. Unfortunately, the governor has been incorrectly advised that SB 1206 instructs TDCJ to make a release decision, when in fact, SB 1206, as written, aligns with the governor’s own interpretation of TDCJ’s role and directs TDCJ to release from custody inmates who have been approved for release by the Board.

“The governor also expressed concerns regarding Rider 81 in TDCJ’s budget (SB 1, Article V, 81st Session) that would have reduced appropriations for TDCJ commensurate with the cost-savings created by SB 1206, as well as increase appropriations for parole supervision to provide oversight of released inmates. These concerns could have been addressed by a line-item veto of Rider 81 that would have left TDCJ’s incarceration budget intact. Instead, the governor chose to veto a sound bill that had the potential to save the state greater than \$13.5 million over the biennium, and he has instructed the Board to improve its parole process for rehabilitated inmates. Given the Board’s past failures to communicate efficiently with TDCJ regarding such decisions and the Board’s failure during the legislative process to discuss this bill in reasonable terms, I am skeptical that the Board will correct the inefficiencies addressed by SB 1206.”

Rep. Al Edwards, the House sponsor said, “As much as I prefer that this piece of legislation, SB 1206, be passed into law, the general objectives of the bill will be accomplished by the governor’s stated directives to the Board of Pardons and Paroles and the Texas Department of Criminal Justice.

“The governor’s directives for the Board and TDCJ ‘to work together to ensure that offenders are not held for extended periods after successfully completing a rehabilitation program required by the Board as a condition for parole’ will do in essence what this bill was seeking to accomplish.

“I would like to thank the governor for instructing the two agencies to work together in an effective manner in order to have inmates released in a timely manner after the completion of their required rehabilitation program.”

NOTES:

SB 1 by Ogden, the general appropriations act, included a contingency rider for SB 1206 that also was vetoed by the governor. The rider would have reduced TDCJ’s appropriation for incarcerating offenders by \$14.8 million and increased its appropriation for supervising parolees by \$1.2 million for fiscal 2010-11.

The HRO analysis of the companion bill, HB 1958 by Edwards, appeared in Part Three of the May 8 *Daily Floor Report*.