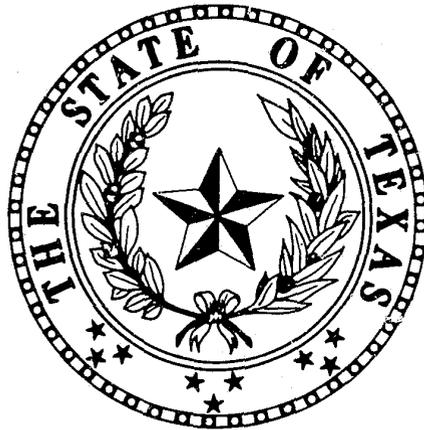


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# STANDARDS



**TEXAS ADULT PROBATION COMMISSION**

NCJRS  
MAY 1 1980  
ACQUISITIONS

TEXAS ADULT PROBATION COMMISSION

STANDARDS

JULY, 1979

TEXAS ADULT PROBATION COMMISSION

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## FOREWORD

This document is designed to provide adult probation decision-makers the goals and regulations of the Texas Adult Probation Commission.

The Standards, as published, are an effort to establish, for the first time in Texas, a comprehensive set of objectives for adult probation departments. They are the product of the Judges and Probation Officers of the State who have shared their concerns and goals with the Commission and its staff. Without their input, the Standards would not have been developed. Much time and consideration has been devoted to developing standards which will lead to orderly improvement and standardization without causing undue hardship at the local level, and at the same time provide for accountability.

We at the Commission take pride in the cooperative spirit which has developed between the Commission and the Judges and departments and between the departments themselves. Thank you for your continuing support.

As we learn from experience, and consider the evolving needs of probation services, the Commission will consider and make necessary modifications to the Standards, to better reflect the goals and objectives of probation as defined by the law and community needs.

We trust this publication will be a practical reference book for those involved in providing probation services.

## INTRODUCTION

This booklet is published in a loose-leaf fashion to facilitate the up-dating of information. It is suggested the user treat the material with that aspect in mind.

The publication contains two basic parts: the Standards and appendices which contain supportive materials. To assist in usage of the document the various sub-categories of the Standards are divided by sections, (i.e., if you wish to look up the Standards relating to caseloads they may be found following the section divider entitled .040 caseloads). The following table of contents indicates the location of the various standards. A cross-index by topic is included in the appendices section for further reference.

As the Standards are modified, those pages affected will be re-printed with the most recent version and distributed.

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STANDARDS  
608.01.00.010 - .090

The Texas Adult Probation Commission adopted Rules 608.01.00.010-.090. concerning standards for adult probation departments participating in state funding.

The objectives of the standards are:

1. To make probation services available to every judicial district in Texas.
2. To make probation effective as an alternative to incarceration.
3. To assist probation departments in providing protection to the community by rehabilitation and adequate supervision of the offender.
- ✓4. To assist in the establishment, improvement and expansion of community-based alternative programs.
5. To fully utilize available services from Federal, State and local resources.
- ✓6. To establish uniform probation administration standards.
7. To increase and improve citizen involvement and pride in probation and other community corrections.
8. To improve the self-image of probation personnel as professionals in the judicial system.
- ✓9. To establish a statewide statistical information service.
- ✓10. To establish a service center to provide assistance to probation departments.
11. To encourage and assist in in-service training for probation personnel.
- ✓12. To establish an on-going study of probation and community-based correctional methods and systems.

.010 ADMINISTRATION

These rules are promulgated under the authority of Article 42.121, Section 3, Texas Code of Criminal Procedure.

.010 Administration

- a. Public Protection. Probation departments should recognize their responsibility to the community by rehabilitation of the offender, and by initiating action to remove promptly from the community those probationers who through their conduct have indicated their inability to follow the rules of probation imposed by the court.
- b. Community Education. Probation departments should recognize their position as a public agency, always responsive to the needs of the community, making every reasonable effort to educate the community to the duties, responsibilities and accomplishments of the probation system.
- c. Professional Competence. Probation departments should be impartial, non-political, professionally competent, and should devote the necessary time for full consideration of each case.
- d. Administrative Manual. Probation departments should develop an administrative manual defining general purpose and functional objectives, incorporating all written policies and procedures, assuring that they are distributed to all staff members. These policies and procedures should be reviewed and revised at least annually.
- e. Job Description. Probation departments should write job descriptions for all positions. Probation officers should be released from routine clerical and record keeping responsibilities which may be performed by clerical personnel. Job descriptions should be reviewed and revised at least annually.
- f. Entry Level Salary. Probation departments should establish the entry level salary of probation officers based upon educational requirements as provided by law, experience, levels of responsibility and the prevailing wage structure for comparable positions at the local level.
- g. Automobile Allowance. (Article 42.12, sec. 10(e), (h)). Probation departments should establish an automobile allowance for the use of personal automobiles on official business by authorized department personnel to be paid from Judicial District funds. Personal automobile allowance should not be less than the state allowance per mile. Flat rate monthly payment based on approximate mileage computed at not less than the current state rate per mile is not prohibited.
- h. Per Diem. (Article 42.12, sec. (10(h))). Probation departments should establish per diem allowance for employee expenses at a rate not less than the rate allowed state employees.

.020 PROBATION OFFICERS

.020 Probation Officers

- a. Eligibility. (Article 42.12, sec. 10(c)(d)). All probation officers should meet the statutory requirements.
- b. Training. Probation officers should be provided not less than 20 hours professional training annually.
- c. Professional Membership. Probation departments should encourage membership in the appropriate professional organizations and maintain a current library of professional journals and publications available to all personnel.
- d. Conferences. Probation departments should encourage continual professional development and the exchange of information and concepts. Departments should encourage as many of their personnel as practically possible to attend regional, state and national training and professional conferences. These opportunities should be made available to all professional staff on a rotating basis.

.030 SUPERVISION

.030 Supervision

- a. Pre-Sentence Quality. A pre-sentence investigation report should be submitted to the courts, using a uniform pre-sentence format which will supply accurate, objective and relevant information.
- b. Sentencing. Sentencing evaluations, when requested, should be based upon the circumstances of the particular offense, the needs of the community, social history and prior criminal conduct of the individual offender and all available resources.
- c. Court Attendance. A probation officer should be present in court when a defendant is placed on probation or during any revocation hearing.
- d. Initial Interview. An initial supervisory interview with the probationer should be conducted immediately following the court placing the defendant on probation. This interview with the probationer should include a thorough discussion of the conditions of probation assuring that the probationer clearly understands his responsibilities. The probation officer should determine that the probationer has received a copy of the conditions of probation ordered by the court as provided by law.
- e. Case Records. Probation departments should develop written administrative policies and procedures regarding case record management, assuring that each case record should contain a chronological recording of all significant actions, decisions, services rendered and periodic evaluations.
- f. Confidentiality. Case records including criminal history should remain confidential and departmental policy should clearly state the circumstances under which information could be released from the files.
- g. Violations. Probation departments should develop standards setting forth the conditions upon which violations may be handled administratively. Standards should clearly state the conditions under which violation reports are to be submitted to the court.
- h. Incarceration Reports. (Article 42.12, sec. 4). Available pre-sentence investigation reports together with a summary of rehabilitative efforts that appear successful and those that failed, projected efforts that were deemed appropriate but not reached, rehabilitative efforts interrupted by incarceration, and suggestions that might be helpful to a parole officer as supervisor, should be sent to the receiving institution on every offender incarcerated.

.040 CASELOADS

.040 Caseloads

- a. Case. A case is defined as an adult assigned to a probation officer for supervision. Included are felony and misdemeanor probationers.
- b. Case classification. Case Classification is defined as a system of evaluating the degree of services needed by each individual. As ordered by the court, the probation department, subsequent to evaluation of each case, should classify each case, taking into consideration the needs of the individual and the protection of the community.
- c. Supervision. Supervision is a relationship that exists between a probation officer and an adult as ordered by the court.
  1. Direct supervision is defined as supervision which includes regular personal contact between the probation officer and the probationer who resides and/or works in the jurisdiction.
    - A. Maximum: Cases in need of a high level of supervision who report to the probation office once each month (more often if required by the court) and are seen by the probation officer not less than once each month outside the probation office and more often if circumstances of the case indicate.
    - B. Medium: Cases in need of average supervision who report to the probation office each month and are contacted by the probation officer outside the office not less than once each three months.
    - C. Minimum: Cases which have demonstrated responsible behavior and report to the probation officer in person not less than once each three months and submit written reports by mail monthly. Cases in which effort is being made to locate an individual after the three month interval has lapsed but prior to the six month period of no contact are also included in this category.
  2. Indirect supervision is defined as the maintenance of a file and/or record of an adult under supervision who is not being seen personally by the probation officer on a regularly scheduled basis. Included are the following:
    - A. Probationers who do not reside or work within the jurisdiction of the officer and receive direct supervision in other jurisdictions.
    - B. Probationers who do not reside and/or work within the jurisdiction but continue to submit written reports on a monthly basis because they are ineligible or unacceptable for direct supervision in another jurisdiction.
    - C. Probationers who have absconded or with whom there has been no personal contact within six months.

.050 PROGRAMS

.050 Programs

- a. Case Work Orientation. Emphasis should be placed on the responsibilities of a probation officer to be a case work manager, utilizing all the available resources within the community.
- b. Community Resources. Probation departments should establish a close liaison with all city, county, state and federal agencies in order to utilize all available resources in the criminal justice and social service field.
- c. Referral Procedures. Referral procedures should be clearly defined and whenever possible, contracts which specify the responsibilities of both the providing and receiving agencies should be negotiated with cooperating agencies.
- d. Information for Probationer. Probation departments should develop in written form information describing purposes, functions and services to be made available to each probationer and to the public.
- e. Services for Probationer. All programs should be designed for the benefit of the probationer and every effort should be made to make these programs available and applicable to the needs of the probationer. Participation by the probationer may be ordered as a condition of probation; however, efforts should be made to present the services at a time, place and in a manner which assists successful adjustment.
- f. Cooperative Efforts. The probation department or departments contracting together should provide programs to meet the needs of probationers not available from other sources including but not limited to employment placement, academic and vocational education, physical and mental health treatment and counseling.
- g. Local Regional Planning. Probation departments should participate in local and regional planning and cooperate in the providing of information and data to official agencies and universities doing research.
- h. Program Planning. Program planning in probation departments should take into account information regarding broad cultural, social and political change, relationships between probation departments, government and private agencies, and the community at the county, state and federal level. Planning should carefully consider changes in cultural and socio-economic conditions.
- i. Community Involvement. Probation departments should encourage community education and involvement in the correctional process. Probation departments should seek opportunities to provide speakers to professional, civic, labor and other public groups.

.060 FACILITIES

.060 Facilities

- a. Minimum Facilities. (Article 42.12, sec. 10(f)). Each probation officer should be provided a private office, or in the alternative a private office should be available to the probation officer for interviewing and counseling. Each office should have the necessary lighting, air conditioning, telephone, furniture, equipment, privacy and decor to provide and promote professional conduct and the establishment of good rapport with the probationer.
- b. Location. (Article 42.12, sec. 10(f)). Each probation office providing direct court services should be located in the courthouse or as near the courthouse as practically possible to promote prompt and efficient services to the court.
- c. Satellite Offices. (Article 42.12, sec. 10(f)). Satellite probation offices should be established in the area of the judicial district to provide efficient services to the probationer as is practically possible.
- d. Correctional Facilities. (Article 42.12, sec. 10(f)). Each probation department should promote the establishment of community-based correctional facilities other than jails and prisons.

.070 EQUIPMENT

.070 Equipment

- a. Minimum Equipment. (Article 42.12, sec. 10(f)). Each probation officer should be furnished adequate furniture, telephone, recording and transcribing equipment, copy making equipment, and other equipment as necessary and consistent with efficient office operations.
- b. Identification. (Article 42.12, sec. 10(f)). Each probation officer should be furnished identification which clearly states his authority and is easily recognized by the public and other agencies.

.080 FISCAL

.080 Fiscal

- a. Requested Information. (Article 42.121, sec. 4.03). Probation departments should present to their district judge, or judges, data determined necessary by the Commission to calculate the amount of state financial aid needed for use in maintaining and improving probation services and community-based correctional programs and facilities other than jails or prisons in the district.
- b. State Aid Deposit. (Article 42.121, sec. 4.03, 4.05(b)). State-aid received by the district should be deposited in a special fund of the county treasury, to be used solely for the provision of adult probation services and adult community-based correctional programs and facilities other than jails and prisons.
- c. Fees Deposit. (Article 42.121, sec. 4.03, 4.05, Article 42.12, Sec. 6a). Adult probation fees collected by the court should be deposited to the same special fund of the county treasury receiving state financial aid and should be used solely for the provision of adult probation services.
- d. Fee Restrictions. (Article 42.12, sec. 10(f), Article 42.121, sec. 4.03). No funds from state financial aid or probation fees should be used by the county to provide physical facilities, equipment and utilities for probation departments as required by the statutes.
- e. Available Records. (Article 42.121, sec. 3.05, 4.03). Probation departments and/or the fiscal officer should make financial records available to representatives of the Texas Adult Probation Commission as provided in the statutes.
- f. Distribution. The judicial district having jurisdiction of the case should receive the probation supervisory fee. The judicial district providing direct supervision should receive the state aid.
- g. Fees for Fiscal Services. (Article 42.12, sec. 10(f), Article 42.121, sec. 4.03). The judicial district may use up to 3% of the state funding received in the first quarter of the state fiscal year (September) to contract annually with the county or counties providing services of auditing, bookkeeping and those services set forth in the statutes and other services deemed necessary by the judicial district other than those services required to be provided by the county or counties in Article 42.12, sec. 10(f).

.090 WAIVER TO STANDARDS

.090 Waiver to Standards

Waiver. The Texas Adult Probation Commission may grant a waiver to a judicial district probation department from standard or standards upon receipt and approval by Texas Adult Probation Commission of a plan to adopt said standard or standards by a date certain, and an explanation of why standard or standards cannot be complied with immediately.

Application for waiver of standards should be received by the Texas Adult Probation Commission not less than 60 days prior to the beginning date of the quarter of the state fiscal year in which funding is requested.

FUND DISTRIBUTION

## FUND DISTRIBUTION

608.02.00.010 - .020 - .030

The Texas Adult Probation Commission adopted Rules 608.02.00.010 - .030 concerning the distribution of funds to judicial districts whose probation departments comply with the Standards set forth in Rules 608.01.00.010 - .090.

The objectives of state aid to judicial districts is to provide financial aid necessary for use in maintaining and improving probation services and community-based correctional programs and facilities other than jails and prisons in the district and to achieve the purposes of 42.121, Sec. 1.01, T.C.C.P.

The Texas Adult Probation Commission intends that the following policies for the distribution of state aid for adult probation services be reasonably stable so as to assist judicial districts and adult probation departments to plan their organization and services wisely. However, the Texas Adult Probation Commission reserves the right to amend their policies as circumstance demands as provided by law.

.010 PER CAPITA FUNDING.

These rules are promulgated under the authority of Article 42.121, Sec. 4, Texas Code of Criminal Procedure.

.010 Per Capita Funding

- a. Allocation. The Texas Adult Probation Commission (TAPC) will make quarterly per capita payments in September, December, March and June to judicial districts whose probation departments comply with TAPC Standards. These payments will be based on (1) the number of adults under direct supervision (as defined in .040 (b)) as stated in monthly reports supplied to the Commission by departments, and (2) the number of days in the quarter in which payment is made. The TAPC will average the caseloads on the last workday of three consecutive months to determine the number of adults under direct supervision.
- b. First Quarter. The per capita payments in September, will be computed at a per capita per day rate of 50¢ using the number of adults under direct supervision for a three month average. The caseload will be determined from the monthly reports supplied to the TAPC by averaging the number of adults under direct supervision on the last working days of April, May and June.
- c. Remaining Funds. After making the per capita payments of September, the TAPC will divide the remaining per capita funds into three equal parts for distribution in the second, third and fourth quarters respectively. For example, the per capita payments in December will be calculated by subtracting the September payment from the total per capita allocation and dividing the result by three. The per capita payments in the second, third and fourth quarter will not utilize a pre-determined per capita per day rate (50¢ is pre-determined for the first quarter payments only). The TAPC will distribute second, third and fourth quarter funds on a proportion of the total state caseload basis, not to exceed an equivalent per capita per day rate of 50¢.
- d. Second Quarter Payment. The per capita payments in December will be distributed on the basis of a department's proportion of the total state caseload (not to exceed an equivalent per capita per day rate of 50¢). The caseload will be determined from the monthly reports supplied to the TAPC by averaging the number of adults under direct supervision on the last working day of July, August and September.
- e. Third Quarter. The per capita payments in March will be distributed on the basis of a department's proportion of the total state caseload (not to exceed an equivalent per capita per day rate of 50¢). The caseload will be determined by averaging the number of adults under direct supervision on the last working days of October, November and December.

.020 PROGRAM FUNDING

.020 Program Funding

- a. Allocation For FY '79. The TAPC has allocated funds for judicial districts who have need of funds for:
  - (1) initial organization of probation departments,
  - (2) departments who cannot meet standards due to unique problems and lack of adequate funds and
  - (3) for departments who demonstrate need for special programs.
  
- b. Priority Programs. The TAPC will give priority to judicial districts requesting funds to establish new adult probation departments where none presently exist and departments who cannot meet standards due to unique problems. Special programs may include, but not be limited to, the development of pre-sentence investigation capability, high-risk offender programs, and court residential programs. The TAPC will evaluate applications for program funding and award these funds based on merit and availability of funds.
  
- c. Program Application Design. The TAPC will make available a format for designing and requesting program funding which will include, but not be limited to, the following:
  1. Goals and Measurable Objectives
  2. Organization and/or Methodology
  3. Budget and Narrative Explanation of Budget
  4. Evaluation

Normally the program should be designed in such a way as to achieve self-sufficiency.
  
- d. Application Deadlines. Application deadlines for program funding requests will be one month before the appropriate Commission meeting. Contact the Program Services Division of the TAPC for deadline dates.
  
- e. Transfer of Surplus Funds. Surplus funds in program funding may be transferred to the per capita funding described in Rule 608.02.00.010.
  
- f. Extradition. Judicial district funds should not be used to pay nor reimburse agencies or persons for the cost of transfer of prisoners.

.030 APPORTIONMENT OF JUDICIAL DISTRICT ADULT PROBATION FUND SURPLUS

.030 Apportionment of Judicial District Adult Probation Fund Surplus.

- a. Surplus Monies. All monies deposited into the Adult Probation Fund of the judicial district will be considered in the apportionment of any surplus monies available after all financial payments have been completed. The fiscal officer designated by the judicial district will be allowed a period of six months to complete payment of a prior year's financial commitments. The fiscal year will end August 31st.
- b. Revenue Percentage Calculation. When the determination is made that surplus monies do exist, the fiscal officer will prepare a schedule identifying all monies deposited into the fund for that fiscal year as either locally generated or state generated. Examples of locally generated monies are probation fees and interest on time deposits. Examples of state generated monies are per capita payments and supplemental funding payments. After the sources of monies are identified, a calculation is made to indicate the percentage contributed by each source.
- c. Application of Percentage to Surplus Balance. The percentage of surplus monies corresponding to the percentage of state monies deposited will be refunded to the the Texas Adult Probation Commission. The percentage of surplus monies corresponding to the percentage of local monies deposited will be retained in the judicial district adult probation fund.
- d. Special Project Fund Surplus. Funds allocated to judicial district probation departments for special projects will not be included as a portion of surplus monies in this distribution method. As the special project requires a separate budget detailing all costs, a comparison can be made between budget and actual costs. If actual costs are less than budget, the surplus will be refunded to the Texas Adult Probation Commission.

APPENDICES

ARTICLE 42.121

# TEXAS CODE OF CRIMINAL PROCEDURE

## Art. 42.121. Texas Adult Probation Commission

[Text of article added effective until  
September 1, 1987]

### SUBCHAPTER A. GENERAL PROVISION

#### Purposes

Sec. 1.01. The purposes of this article are to make probation services available throughout the state, to improve the effectiveness of probation services, to provide alternatives to incarceration by providing financial aid to judicial districts for the establishment and improvement of probation services and community-based correctional programs and facilities other than jails or prisons, and to establish uniform probation administration standards.

#### Definitions

Sec. 1.02. In this article:

- (1) "Director" means the executive director of the Texas Adult Probation Commission.
- (2) "Commission" means the Texas Adult Probation Commission.
- (3) "Probation office" means the office established under Section 10(a), Article 42.12, Code of Criminal Procedure, 1965, as amended, to provide probation services in each judicial district.
- (4) "Employee in the criminal justice system" means a person employed as a peace officer, county attorney, district attorney, probation officer, parole officer, corrections officer, or any person employed by a court.

### SUBCHAPTER B. TEXAS ADULT PROBATION COMMISSION

#### Creation

Sec. 2.01. The Texas Adult Probation Commission is hereby created.

#### Membership

Sec. 2.02. The commission shall consist of three judges of the district courts of Texas and two citizens of Texas who are not employed in the criminal justice system to be appointed by the Chief Justice of the Supreme Court of Texas and three judges of the district courts of Texas and one citizen of Texas not employed in the criminal justice system to be appointed by the presiding judge of the Texas Court of Criminal Appeals.

#### Terms of Office

Sec. 2.03. (a) The first members appointed to the Board shall serve terms of two, four, and six years respectively, and until their successors are appointed. Thereafter each member shall serve for six years.

(b) The appointing authority shall draw lots to determine which members serve two, four, and six-year terms.

(c) If any judicial member of the commission ceases to hold his judicial office, or a citizen member resigns or expires, the appointing authority for his respective commission position shall appoint another member to serve the remainder of the unexpired term.

#### Chairman

Sec. 2.04. (a) The members of the commission shall elect a chairman from among its members.

(b) The chairman of the commission shall serve for a term of two years.

#### Expenses

Sec. 2.05. Members of the commission are not entitled to compensation but are entitled to reimbursement for actual and necessary expenses incurred in performing their official duties as commission members.

#### Meetings

Sec. 2.06. (a) The Chief Justice of the Supreme Court of Texas shall call the first meeting of the commission in September, 1977.

(b) The commission shall hold regular quarterly meetings each year on dates fixed by the commission and such special meetings as the commission determines necessary. The commission shall make rules providing for the regulation of its proceedings and for the holding of special meetings.

(c) A majority of the commission shall constitute a quorum.

(d) The commission shall keep a public record of its decisions at its general office.

#### Executive Director, Employees

Sec. 2.07. (a) The commission shall employ an executive director, whose qualifications shall comply with the standards required for a probation officer and who has a minimum of two years experience in the administration and supervision of adult probation services, and as many other employees as it needs to administer this article.

(b) The commission may delegate authority to the executive director to select employees of the commission.

#### Expiration

Sec. 2.08. Unless continued by law, the commission is abolished and this article expires effective September 1, 1987.

### SUBCHAPTER C. POWERS AND DUTIES OF COMMISSION

#### Standards for Probation Offices, Probation Officers, and Community-based Correctional Programs and Facilities

Sec. 3.01. The commission shall promulgate reasonable rules:

(1) establishing minimum standards for case loads, programs, facilities, and equipment, and other aspects of the operation of a probation office necessary for the provision of adequate and effective probation services;

(2) establishing a code of ethics for probation officers and providing for the enforcement thereof.

Records and Reports

Sec. 3.02. The commission shall require each probation office in Texas to:

- (1) keep such financial and statistical records as the commission deems necessary;
- (2) submit periodic financial and statistical reports to the commission.

Gifts and Grants

Sec. 3.03. The commission may apply for and accept gifts or grants from any public or private source for use in maintaining and improving probation services in Texas.

Intergovernmental Cooperation

Sec. 3.04. The commission may cooperate and contract with the federal government, with governmental agencies of Texas and other states, and with political subdivisions of Texas to improve probation services.

Inspections, Audits

Sec. 3.05. The commission may inspect and evaluate any probation office and conduct audits of financial records at any reasonable time to determine compliance with the commission's rules, regulations, or standards.

Studies

Sec. 3.06. The commission may conduct or participate in studies of corrections methods and systems.

Annual Report

Sec. 3.07. The commission shall make a report to the governor and to the legislature each year covering its operations and the condition of probation services in Texas during the previous year and making whatever recommendations it considers desirable.

Delegation of Authority

Sec. 3.08. The commission may delegate to the director or to any other employee any authority given it by this article except the authority to make rules.

Deposit of Money

Sec. 3.09. All money received by the commission under Section 3.03 of this article shall be deposited to the credit of special funds, which shall be appropriated, from the General Revenue Fund, for the payment of state aid by this article and for the administration of this article.

SUBCHAPTER D. STATE-AID TO PROBATION OFFICES

State-Aid Defined

Sec. 4.01. "State-aid" means funds appropriated by the state legislature to be used by the commission for financial assistance to judicial districts to achieve the purposes of this Act as stated previously in Section 1.01 of this Act and to conform to the standards and policies promulgated by the commission.

Determination of Amount

Sec. 4.02. The legislature shall determine and appropriate the amount of state-aid necessary to main-

tain and improve statewide probation services commensurate with the purposes as stated in Section 1.01 of this Act.

Data for State-Aid

Sec. 4.03. The district judge or judges in each judicial district shall present data to the commission, determined by the commission, which is necessary to determine the amount of state financial aid needed for use in maintaining and improving probation services and community-based correctional programs and facilities other than jails or prisons in the district.

Reports

Sec. 4.04. A judicial district receiving state-aid shall submit reports as required by the commission.

Payment of State-Aid

*[Text of section effective September 1, 1978]*

Sec. 4.05. (a) When the commission determines that a judicial district complies with its standards, the commission shall prepare and submit to the comptroller of public accounts a voucher for payment to the district the amount of state-aid to which it is entitled.

(b) The fiscal officer designated for the district shall deposit all state-aid received under this article in a special fund of the county treasury, to be used solely for the provision of adult probation services and community-based correctional programs and facilities other than jails or prisons.

Refusal or Suspension of State-Aid

Sec. 4.06. The commission shall refuse or suspend payment of state-aid to any district that fails to comply with the commission standards. The commission shall provide for notice and a hearing in cases in which it refuses or suspends state-aid. [Acts 1977, 65th Leg., p. 910, ch. 343, § 1, eff. June 10, 1977.]

Section 3 of the 1977 Act provided:  
"Section 4.05 of Article 42.121, Code of Criminal Procedure, 1965, as amended, and Section 2 of this Act take effect on September 1, 1978."

ARTICLE 42.12

# TEXAS CODE OF CRIMINAL PROCEDURE

## Art. 42.12. Adult Probation, Parole, and Mandatory Supervision Law

### Art. 42.12. Adult Probation, Parole, and Mandatory Supervision Law

#### A. Purpose of Article and Definitions

Sec. 1. It is the purpose of this Article to place wholly within the State courts of appropriate jurisdiction the responsibility for determining when the imposition of sentence in certain cases shall be suspended, the conditions of probation, and the supervision of probationers, in consonance with the powers assigned to the judicial branch of this government by the Constitution of Texas. It is also the intent of this Article to provide for the release of persons on parole and for the method thereof, to designate the Board of Pardons and Paroles as the responsible agency of State government to recommend determination of paroles and to further designate the Board of Pardons and Paroles as responsible for the investigation and supervision of persons released on parole. It is the intent of this Article to aid all prisoners to readjust to society upon completion of their period of incarceration by providing a program of mandatory supervision for those prisoners not released on parole or through executive clemency and to designate the Board of Pardons and Paroles as the agency of government responsible for the program. It is the final purpose of this Article to remove from existing statutes the limitations, other than questions of constitutionality, that have acted as barriers to effective systems of probations and paroles in the public interest.

Sec. 2. This Article may be cited as the "Adult Probation, Parole, and Mandatory Supervision Law".

Unless the context otherwise requires, the following definitions shall apply to the specified words and phrases as used in this Article:

- a. "Courts" shall mean the courts of record having original criminal jurisdiction;
- b. "Probation" shall mean the release of a convicted defendant by a court under conditions imposed by the court for a specified period during which the imposition of sentence is suspended;
- c. "Parole" shall mean the release of a prisoner from imprisonment but not from the legal custody of the State, for rehabilitation outside of prison walls under such conditions and provisions for disciplinary supervision as the Board of Pardons and Paroles may determine. Parole shall not be construed to mean a commutation of sentence or any other form of executive clemency;
- d. "Mandatory supervision" shall mean the release of a prisoner from imprisonment but not on parole and not from the legal custody of the State, for rehabilitation outside of prison walls under such conditions and provisions for disciplinary supervision as the Board of Pardons and Paroles may determine. Mandatory supervision may not be construed as a computation of sentence or any other form of executive clemency;

e. "Probation officer" shall mean either a person duly appointed by one or more courts of record having original criminal jurisdiction, to supervise defendants placed on probation; or a person designated by such courts for such duties on a part-time basis;

f. "Parole officer" shall mean a person duly appointed by the Director of the Division of Parole Supervision and assigned the duties of investigating and supervising paroled prisoners and prisoners released to mandatory supervision to see that the conditions of parole or mandatory supervision are complied with;

g. "Board" shall mean the Board of Pardons and Paroles;

h. "Division" shall mean the Division of Parole Supervision of the Board of Pardons and Paroles; and

i. "Director" shall mean the Director of the Division of Parole Supervision.

#### B. Probations

Sec. 3. The judges of the courts of the State of Texas having original jurisdiction of criminal actions, when it shall appear to the satisfaction of the court that the ends of justice and the best interests of the public as well as the defendant will be subserved thereby, shall have the power, after conviction or a plea of guilty for any crime or offense, where the maximum punishment assessed against the defendant does not exceed ten years imprisonment, to suspend the imposition of the sentence and may place the defendant on probation or impose a fine applicable to the offense committed and also place the defendant on probation as hereinafter provided. In all cases where the punishment is assessed by the Court it may fix the period of probation without regard to the term of punishment assessed, but in no event may the period of probation be greater than 10 years or less than the minimum prescribed for the offense for which the defendant was convicted. Any such person placed on probation, whether in a trial by jury or before the court, shall be under the supervision of such court.

Sec. 3a. Where there is a conviction in any court of this State and the punishment assessed by the jury shall not exceed ten years, the jury may recommend probation for a period of any term of years authorized for the offense for which the defendant was convicted, but in no event for more than ten years, upon written sworn motion made therefor by the defendant, filed before the trial begins. When the jury recommends probation, it may also assess a fine applicable to the offense for which the defendant was convicted. When the trial is to a jury, and the defendant has no counsel, the court shall inform the defendant of his right to make such motion, and the court shall appoint counsel to prepare and present same, if desired by the defendant. In no case shall probation be recommended by the jury except when the sworn motion and proof shall show, and the jury shall find in their verdict that the

defendant has never before been convicted of a felony in this or any other State. This law is not to be construed as preventing the jury from passing on the guilt of the defendant, but he may enter a plea of not guilty. In all eligible cases, probation shall be granted by the court, if the jury recommends it in their verdict, for the period recommended by the jury.

If probation is granted by the jury the court may impose only those conditions which are set forth in Section 6 hereof.

Sec. 3b. Where probation is recommended by the verdict of a jury as provided for in Sec. 3a above, a defendant's probation shall not be revoked during his good behavior, so long as he is within the jurisdiction of the court and his residence is known, except in accordance with the provisions of Sec. 8 of this Article. If such a defendant has no counsel, it shall be the duty of the court to inform him of his right to show cause why his probation should not be revoked; and if such a defendant requests such right, the court shall appoint counsel in accordance with Articles 26.04 and 26.05 of this Code to prepare and present the same; and in all other respects the procedure set forth in said Sec. 8 of this Article shall be followed.

Sec. 3c. Nothing herein shall limit the power of the court to grant a probation of sentence regardless of the recommendation of the jury or prior conviction of the defendant.

Sec. 3d. (a) When in its opinion the best interest of society and the defendant will be served, the court may, after receiving a plea of guilty or plea of nolo contendere, hearing the evidence, and finding that it substantiates the defendant's guilt, defer further proceedings without entering an adjudication of guilt, and place the defendant on probation on reasonable terms and conditions as the court may require and for a period as the court may prescribe not to exceed 10 years. However, upon written motion of the defendant requesting final adjudication filed within 30 days after entering such plea and the deferment of adjudication, the court shall proceed to final adjudication as in all other cases.

(b) On violation of a condition of probation imposed under Subsection (a) of this section, the defendant may be arrested and detained as provided in Section 8 of this Article. The defendant is entitled to a hearing limited to the determination by the court of whether it proceeds with an adjudication of guilt on the original charge. No appeal may be taken from this determination. After an adjudication of guilt, all proceedings, including assessment of punishment, pronouncement of sentence, granting of probation, and defendant's appeal continue as if the adjudication of guilt had not been deferred.

(c) On expiration of a probationary period imposed under Subsection (a) of this section, if the court has not proceeded to adjudication of guilt, the

court shall dismiss the proceedings against the defendant and discharge him. The court may dismiss the proceedings and discharge the defendant prior to the expiration of the term of probation if in its opinion the best interest of society and the defendant will be served. A dismissal and discharge under this section may not be deemed a conviction for the purposes of disqualifications or disabilities imposed by law for conviction of an offense, except that upon conviction of a subsequent offense, the fact that the defendant had previously received probation shall be admissible before the court or jury to be considered on the issue of penalty.

Sec. 3e. (a) For the purposes of this section, the jurisdiction of the courts in this state in which a sentence requiring confinement in the Texas Department of Corrections is imposed for conviction of a felony shall continue for 120 days from the date the execution of the sentence actually begins. After the expiration of 60 days but prior to the expiration of 120 days from the date the execution of the sentence actually begins, the judge of the court that imposed such sentence may, on his own motion or on written motion of the defendant, suspend further execution of the sentence imposed and place the defendant on probation under the terms and conditions of this article, if such sentence is otherwise eligible for probation under this article and prior to the execution of such sentence, the defendant had never been incarcerated in a penitentiary serving a sentence for a felony and in the opinion of the judge the defendant would not benefit from further incarceration in a penitentiary. Probation may be granted under this section only if the offense for which the defendant was sentenced was an offense other than criminal homicide, rape, or robbery.

(b) When the defendant files a written motion requesting suspension by the court of further execution of the sentence and placement on probation, or when requested to do so by the judge, the clerk of the court shall request a copy of the defendant's record while incarcerated from the Texas Department of Corrections. Upon receipt of such request, the Texas Department of Corrections shall forward to the court, as soon as possible, a full and complete copy of the defendant's record while incarcerated.

Sec. 3f. (a) The provisions of Sections 3 and 3c of this Article do not apply:

(1) to a defendant adjudged guilty of an offense defined by the following sections of the Penal Code:

- (A) Section 19.03 (Capital murder);
- (B) Section 20.04 (Aggravated kidnapping);
- (C) Section 21.03 (Aggravated rape);
- (D) Section 21.05 (Aggravated sexual abuse);
- (E) Section 29.03 (Aggravated robbery);

or

(2) to a defendant when it is shown that the defendant used or exhibited a deadly weapon as defined in Section 1.07(a)(11), Penal Code, during the commission of a felony offense or during immediate flight therefrom. Upon affirmative finding that the defendant used or exhibited a deadly weapon during the commission of an offense or during immediate flight therefrom, the trial court shall enter the finding in the judgment of the court. Upon an affirmative finding that the deadly weapon the defendant used or exhibited was a firearm, the court shall enter that finding in its judgment.

(b) If there is an affirmative finding that the defendant convicted of a felony of the second degree or higher used or exhibited a firearm during the commission or flight from commission of the offense and the defendant is granted probation, the court may order the defendant confined in the Texas Department of Corrections for not less than 60 and not more than 120 days. At any time after the defendant has served 60 days in the custody of the Department of Corrections, the sentencing judge, on his own motion or on motion of the defendant, may order the defendant released to probation. The Department of Corrections shall release the defendant to probation after he has served 120 days.

Sec. 4. When directed by the court, a probation officer shall fully investigate and report to the court in writing the circumstances of the offense, criminal record, social history and present condition of the defendant. Whenever practicable, such investigation shall include a physical and mental examination of the defendant. Defendant, if not represented by counsel, counsel for defendant and counsel for the state shall be afforded an opportunity to see a copy of the report upon request. If a defendant is committed to any institution the probation officer shall send a report of such investigation to the institution at the time of commitment.

Sec. 5. Only the court in which the defendant was tried may grant probation, fix or alter conditions, revoke the probation, or discharge the defendant, unless the court has transferred jurisdiction of the case to another court with the latter's consent. After a defendant has been placed on probation, jurisdiction of the case may be transferred to a court of the same rank in this State having geographical jurisdiction where the defendant is residing or where a violation of the conditions of probation occurs. Upon transfer, the clerk of the court of original jurisdiction shall forward a transcript of such portions of the record as the transferring judge shall direct to the court accepting jurisdiction, which latter court shall thereafter proceed as if the trial and conviction had occurred in that court. Any court having geographical jurisdiction where the defendant is residing or where a violation of the conditions of probation occurs may issue a warrant for his

arrest, but the determination of action to be taken after arrest shall be only by the court having jurisdiction of the case at the time the action is taken.

Sec. 6. The court having jurisdiction of the case shall determine the terms and conditions of probation and may, at any time, during the period of probation alter or modify the conditions; provided, however, that the clerk of the court shall furnish a copy of such terms and conditions to the probationer, and shall note the date of delivery of such copy on the docket. Terms and conditions of probation may include, but shall not be limited to, the conditions that the probationer shall:

- a. Commit no offense against the laws of this State or of any other State or of the United States;
- b. Avoid injurious or vicious habits;
- c. Avoid persons or places of disreputable or harmful character;
- d. Report to the probation officer as directed;
- e. Permit the probation officer to visit him at his home or elsewhere;
- f. Work faithfully at suitable employment as far as possible;
- g. Remain within a specified place;
- h. Pay his fine, if one be assessed, and all court costs whether a fine be assessed or not, in one or several sums, and make restitution or reparation in any sum that the court shall determine;
- i. Support his dependents;  
[Text of subd. j added by Acts 1977, 65th Leg., p. 821, ch. 306, § 2]
- j. Participate in any community-based program;  
[Text of subd. j added by Acts 1977, 65th Leg., p. 1058, ch. 388, § 1]
- k. Reimburse the county in which the prosecution was instituted for compensation paid to appointed counsel for defending him in the case, if counsel was appointed;
- l. Remain under custodial supervision in a community-based facility, obey all rules and regulations of such facility, and pay a percentage of his income to the facility for room and board;
- m. Pay a percentage of his income to his dependents for their support while under custodial suspension in a community-based facility; and
- n. Pay a percentage of his income to the victim of the offense, if any, to compensate the victim for any property damage or medical expenses sustained by the victim as a direct result of the commission of the offense.

Sec. 6a. (a) A court granting probation may fix a fee not exceeding \$15 per month to be paid to the court by the probationer during the probationary period. The court may make payment of the fee a condition of granting or continuing the probation.

(b) The court shall distribute the fees received under Subsection (a) of this section to the county or counties in which the court has jurisdiction for use in administering the probation laws. In instances where a district court has jurisdiction in two or more counties, the court shall distribute the fees received to the counties in proportion to population as prescribed by Paragraph 7, Section 10 of this Article.

Sec. 6b. (a) When the court having jurisdiction of the case grants probation to the defendant, in addition to the conditions imposed under Section 6 of this article, the court may require as a condition of probation that the defendant submit to a period of detention in a penal institution to serve a term of imprisonment not to exceed 30 days or one-third of the sentence whichever is lesser.

(b) The imprisonment imposed shall be treated as a condition of probation, and in the event of a sentence of imprisonment upon the revocation of probation, the term of imprisonment served hereunder shall be credited toward service of such subsequent imprisonment.

Sec. 7. At any time, after the defendant has satisfactorily completed one-third of the original probationary period or two years of probation, whichever is the lesser, the period of probation may be reduced or terminated by the court. Upon the satisfactory fulfillment of the conditions of probation, and the expiration of the period of probation, the court, by order duly entered, shall amend or modify the original sentence imposed, if necessary, to conform to the probation period and shall discharge the defendant. In case the defendant has been convicted or has entered a plea of guilty or a plea of nolo contendere, and the court has discharged the defendant hereunder, such court may set aside the verdict or permit the defendant to withdraw his plea, and shall dismiss the accusation, complaint, information or indictment against such defendant, who shall thereafter be released from all penalties and disabilities resulting from the offense or crime of which he has been convicted or to which he has pleaded guilty, except that proof of his said conviction or plea of guilty shall be made known to the court should the defendant again be convicted of any criminal offense.

Sec. 8. (a) At any time during the period of probation the court may issue a warrant for violation of any of the conditions of the probation and cause the

defendant to be arrested: Any probation officer, police officer or other officer with power of arrest may arrest such defendant without a warrant upon the order of the judge of such court to be noted on the docket of the court. A probationer so arrested may be detained in the county jail or other appropriate place of detention until he can be taken before the court. Such officer shall forthwith report such arrest and detention to such court. If the defendant has not been released on bail, on motion by the defendant the court shall cause the defendant to be brought before it for a hearing within 20 days of filing of said motion, and after a hearing without a jury, may either continue, modify, or revoke the probation. The court may continue the hearing for good cause shown by either the defendant or the state. If probation is revoked, the court may proceed to dispose of the case as if there had been no probation, or if it determines that the best interests of society and the probationer would be served by a shorter term of imprisonment, reduce the term of imprisonment originally assessed to any term of imprisonment not less than the minimum prescribed for the offense of which the probationer was convicted.

(b) Any probationer who removes himself from the State of Texas without permission of the court having jurisdiction of the case, shall be deemed and considered a fugitive from justice and shall be subject to extradition as now provided by law. No part of the time that the defendant is on probation shall be considered as any part of the time that he shall be sentenced to serve. The right of the probationer to appeal to the Court of Criminal Appeals for a review of the trial and conviction, as provided by law, shall be accorded the probationer at the time he is placed on probation. When he is notified that his probation is revoked for violation of the conditions of probation and he is called on to serve a sentence in a jail or in an institution operated by the Department of Corrections, he may appeal the revocation.

(c) In a probation revocation hearing at which it is alleged that the probationer violated the conditions of probation by failing to pay compensation paid to appointed counsel, probation fees, court costs, restitution, or reparations, the inability of the probationer to pay as ordered by the court is an affirmative defense to revocation, which the probationer must prove by a preponderance of evidence.

Sec. 9. If, for good and sufficient reasons, probationers desire to change their residence within the State, such transfer may be effected by application to their supervising probation officer, which transfer shall be subject to the court's consent and subject to such regulations as the court may require in the absence of a probation officer in the locality to which the probationer is transferred.

*[Text of section effective until September 1, 1978]*

Sec. 10. For the purpose of providing adequate probation services, the district judge or district judges having original jurisdiction of criminal actions in the county or counties, if applicable, are authorized, with the advice and consent of the commissioners court as hereinafter provided, to employ and designate the titles and fix the salaries of probation officers, and such administrative, supervisory, stenographic, clerical, and other personnel as may be necessary to conduct presentence investigations, supervise and rehabilitate probationers, and enforce the terms and conditions of probation. Only those persons who have successfully completed education in an accredited college or university and two years full time paid employment in responsible probation or correctional work with juveniles or adults, social welfare work, teaching or personnel work; or persons who are licensed attorneys with experience in criminal law; or persons who are serving in such capacities at the time of the passage of this Article and who are not otherwise disqualified by Section 31 of this Article, shall be eligible for appointments as probation officers; providing that additional experience in any of the above work categories may be substituted year for year for the required college education, with a maximum substitution of two years. Provided, however, that in a county having a population of less than 50,000, according to the last preceding Federal census, any person having completed at least two years education in an accredited college or university will be eligible for appointment.

It is the further intent of this Article that the caseload of each probation officer not substantially exceed seventy-five probationers.

Where more than one probation officer is required, the judge or judges shall appoint a chief adult probation officer or director, who, with their approval, shall appoint a sufficient number of assistants and other employees to carry on the professional, clerical, and other work of the court.

The judge or judges, with the approval of the juvenile board of the county, may authorize the chief probation or chief juvenile officer to establish a separate division of adult probation and appoint adult probation officers and such other personnel as required. It is the further intent of this Act that the same person serving as a probation officer for juveniles shall not be required to serve as a probation officer for adults and vice-versa.

The judge or judges may, with the approval of the director of parole supervision, designate a parole officer or supervisor employed by the Division of Parole Supervision as a probation officer for the county or district.

Probation officers shall be furnished transportation, or alternatively, shall be entitled to an automobile allowance for use of personal automobile on official business, under the same terms and conditions as is provided for sheriffs.

The salaries of personnel, and other expenses essential to the adequate supervision of probationers, shall be paid from the funds of the county or counties comprising the judicial district or geographical area served by such probation officers. In instances where a district court has jurisdiction in two or more counties, the total expenses of such probation services shall be distributed approximately in the same proportion as the population in each county bears to the total population of all those counties, according to the last preceding or any future Federal Census. In all the instances of the employment of probation officers, the responsible judges and county commissioners are authorized to accept grants or gifts from other political subdivisions of the state or associations and foundations, for the sole purpose of financing adequate and effective probationary programs in the various parts of the state. For the purposes of this Act, the municipalities of this state are specifically authorized to grant and allocate such sums of money as their respective governing bodies may approve to their appropriate county governments for the support and maintenance of effective probationary programs. All grants, gifts, and allocations of the character and purpose described in this section shall be handled and accounted for separately from other public funds of the county.

*[Text of section effective September 1, 1978]*

Sec. 10. (a) For the purpose of providing adequate probation services, the district judge or district judges having original jurisdiction of criminal actions in each judicial district in this state shall establish a probation office and employ, in accordance with standards set by the commission, district personnel as may be necessary to conduct presentence investigations, supervise and rehabilitate probationers, and enforce the terms and conditions of misdemeanor and felony probation. If two or more judicial districts serve a county, or a district has more than one county, one district probation department shall serve all courts and counties in the districts.

(b) Where more than one probation officer is required, the judge or judges shall appoint a chief adult probation officer or director, who, with their approval, shall appoint a sufficient number of assistants and other employees to carry on the professional, clerical, and other work of the court.

(c) To be eligible for appointment as an adult probation officer, a person who is not an adult probation officer on the effective date of this Act:

(1) must have acquired a bachelor's degree conferred by a college or university accredited by an accrediting organization recognized by the Coordinating Board, Texas College and University System; and

(A) one year of graduate study in criminology, corrections, counseling, law, social work, psychology, sociology, or a related field that has been approved by the Texas Adult Probation Commission;<sup>1</sup> or

(B) one year of experience in full-time case work, counseling, or community or group work in a social, community, corrections, or juvenile agency that deals with offenders or disadvantaged persons that has been approved by the Texas Adult Probation Commission; and

(2) must not be otherwise disqualified by Section 31 of this article.

(d) The same person serving as a probation officer for juveniles may not be required to serve as a probation officer for adults and vice versa.

(e) Probation officers shall be furnished transportation or, alternatively, shall be entitled to an automobile allowance for use of personal automobile on official business.

(f) Personnel of the respective district probation departments shall not be deemed state employees and the responsible judge or judges of a district probation department shall negotiate a contract with the most populous county within the judicial district for all district probation department staff to participate in that county's group insurance program; retirement plan; and personnel policies with regard to vacation credit, sick leave credit, holiday schedule, credit union, jury leave, military leave, etc. It shall be the responsibility of the county or counties comprising the judicial district or geographical area served by such district probation department to provide physical facilities, equipment, and utilities for an effective and professional adult probation and adult community-based correctional service.

(g) Where a judicial district has criminal jurisdiction in two or more counties, those counties may enter into agreement that the total expenses of such facilities, equipment, and utilities be distributed approximately in the same proportion as the population in each county bears to the total population of all those counties, according to the last preceding or any future federal census.

(h) The salaries of personnel, and other expenses essential to the adequate supervision of probationers, shall be paid from the funds of the judicial district. In all the instances of employment of probation officers, the responsible judges are authorized to accept state-aid, grants or gifts from other political subdivisions of the state or associations and foundations, for the sole purpose of financing adequate and effective probationary programs and com-

munity-based correctional facilities other than jails or prisons in the various parts of the district. For the purposes of this Act, the municipalities of this state are specifically authorized to grant and allocate such sums of money as their respective governing bodies may approve to their appropriate county governments for the support and maintenance of effective programs. All grants, gifts, and allocations of the character and purpose described in this section shall be handled and accounted for separately from other public funds of the county.

<sup>1</sup> See Art. 42.121.

Sec. 11. For the purpose of determining when fees are to be paid to any officer or officers, the placing of the defendant on probation shall be considered a final disposition of the case, without the necessity of waiting for the termination of the period of probation or suspension of sentence.

Sec. 11a. The provisions of Sections 6a, 10, and 11 of this Article also apply to Article 42.13.

#### C. Paroles

Sec. 12. The Board of Pardons and Paroles created by Article 4, Section 11 of the Constitution of this State, shall administer the provisions of this Act respecting determinations of which prisoners shall be paroled from an institution operated by the Department of Corrections, the conditions of parole and mandatory supervision, and may recommend the revocation of releases to mandatory supervision, paroles, and conditional pardons by the Governor. Keeping the goals of this Act in mind, the Board shall have the authority to determine the degree and intensity of supervision a prisoner released on parole or released to mandatory supervision should receive.

Sec. 12a. The Board of Pardons and Paroles is subject to the Texas Sunset Act,<sup>1</sup> but it is not abolished under that Act. The board shall be reviewed under the Texas Sunset Act during the period in which state agencies abolished effective September 1 of 1987 and of every 12th year after 1987 are reviewed.

<sup>1</sup> Vernon's Ann.Civ.St. art. 5429k.

Sec. 13. The members of the Board shall give full time to the duties of their office and shall be paid such salaries as the Legislature may determine in Appropriation Acts. The members of the Board shall elect one of their number as chairman, who shall serve for a period of two years and until his successor is elected and qualified.

The Board shall meet at the call of the chairman and from time to time as may otherwise be determined by majority vote of the Board. A majority of the Board shall constitute a quorum for the transaction of all business.

The Board shall adopt an official seal of which the courts shall take judicial notice. Decisions of the Board shall be by majority vote.

The Board shall keep a record of its acts and shall notify each institution of its decision relating to the persons who are confined therein. At the close of each fiscal year the Board shall submit to the Governor and to the Legislature a report with statistical and other data of its work.

All minutes of the Board and decisions relating to mandatory supervision, parole, pardon, and clemency shall be matters of public record and subject to public inspection at all reasonable times.

Sec. 14. The necessary office quarters shall be provided for the Board in the manner that the same are furnished to other departments, boards, commissions, bureaus and offices of the State.

Sec. 14A. (a) To aid and assist the Board of Pardons and Paroles in parole and mandatory supervision decisions, provision is hereby made for the appointment of parole commissioners.

(b) There shall be appointed no less than six commissioners.

(c) One-third of the commissioners shall be appointed by the governor; one-third of the commissioners by the Chief Justice of the Supreme Court of Texas; and one-third of the commissioners by the Presiding Judge of the Texas Court of Criminal Appeals. One of the commissioners appointed by each of the appointing authorities shall reside in Walker County.

(d) Each commissioner shall hold office for a term of six years; provided that of the commissioners first appointed, the commissioners appointed by one of the appointing authorities shall serve for two years; the commissioners appointed by one of the appointing authorities shall serve for four years; and the other one-third of the commissioners shall serve for six years. Prior to appointment, the appointing authority shall draw lots for the length of the first term for his respective appointees. All terms shall begin on September 1, 1975.

(e) In matters of parole decisions and mandatory supervision revocation decisions, the commissioners shall have the same duties and authority as the board members. A parole panel, as hereinafter provided, may recommend the granting, denying, or revocation of parole, the revocation of mandatory supervision status, and may conduct parole revocation hearings and mandatory supervision revocation hearings. The commissioners may interview inmates for parole consideration, and they shall perform their duties as directed by the board in its rules and regulations affecting these commissioners.

(f) The board may provide and promulgate a written plan for the administrative review of actions taken by a parole panel.

(g) The commissioners shall be compensated while holding office at a salary to be set by the legislature. They shall be reimbursed for their expenses in the same manner and in the same amount as are board members.

(h) The board members shall continue to exercise their responsibility for the administrative operation of the board of pardons and paroles.

(i) In matters of parole and release to mandatory supervision, the board members and commissioners may act in panels comprised of three persons in each panel. The composition of the respective panels shall be designated by the board. A majority of each panel shall constitute a quorum for the transaction of its business, and its decisions shall be by a majority vote. The functions given to the board throughout Article 42.12, Code of Criminal Procedure, 1965, as amended, may be enlarged and extend to the parole panels, as provided by board rules. The powers of the board and the board members can be delegated by the board to the parole panels and to the commissioners as needed for the convenience of and assistance to the board.

(j) In case of a vacancy among the parole commissioners, the appointing authority who appointed the commissioner now absent shall fill the vacancy with another appointment, and the person so appointed shall continue in office for the unexpired portion of the term for which the commissioner so vacating his office has been appointed.

Sec. 15. (a) The Board is authorized to release on parole, with the approval of the Governor, institution of this State who is eligible for parole under Subsection (b) of this Section. The period of parole shall be equivalent to the maximum term for which the prisoner was sentenced less calendar time actually served on the sentence. All paroles shall issue upon order of the Board, duly adopted and approved by the Governor.

(b) A prisoner under sentence of death is not eligible for parole. If a prisoner is serving a sentence for the offenses listed in Section 3f(a)(1) of this Article or if the judgment contains an affirmative finding under Section 3f(a)(2) of this Article, he is not eligible for release on parole until his actual calendar time served, without consideration of good conduct time, equals one-third of the maximum sentence or 20 calendar years, whichever is less, but in no event shall he be eligible for release on parole in less than two calendar years. All other prisoners shall be eligible for release on parole when their calendar time served plus good conduct time equals one-third of the maximum sentence imposed or 20 years, whichever is less.

(c) A prisoner who is not on parole, except a person under sentence of death, shall be released to mandatory supervision by order of the Board when the calendar time he has served plus any accrued good conduct time equal the maximum term to which he was sentenced. A prisoner released to mandatory supervision shall, upon release, be deemed as if released on parole. To the extent practicable, arrangements for the prisoner's proper

employment, maintenance, and care shall be made prior to his release to mandatory supervision. The period of mandatory supervision shall be for a period equivalent to the maximum term for which the prisoner was sentenced less calendar time actually served on the sentence. The time served on mandatory supervision is calculated as calendar time. Every prisoner while on mandatory supervision shall remain in the legal custody of the institution from which he was released but shall be amenable to the orders of the Board.

(d) A prisoner who has not been released to mandatory supervision and has 180 calendar days or less remaining on his sentence may be released by order of the Board to mandatory supervision.

(e) Within one year after a prisoner's admittance to the penal or correctional institution and at such intervals thereafter, as it may determine, the Board shall secure and consider all pertinent information regarding each prisoner, except any under sentence of death, including the circumstances of his offense, his previous social history and criminal record, his conduct, employment and attitude in prison, and his physical and mental health.

(f) Before ordering the parole of any prisoner, the Board may have the prisoner appear before it and interview him. A parole shall be ordered only for the best interest of society, not as an award of clemency; it shall not be considered to be a reduction of sentence or pardon. A prisoner shall be placed on parole only when arrangements have been made for his proper employment or for his maintenance and care, and, as may be, in part, evidenced by the prisoner's having made, in whole or in part, restitution or reparation to the victim of his crime, the total amount of such restitution or reparation as may be established by the court and entered in the judgment of the court which sentenced the prisoner to his term of imprisonment, and when the Board believes that he is able and willing to fulfill the obligations of a law-abiding citizen. Every prisoner while on parole shall remain in the legal custody of the institution from which he was released but shall be amenable to the orders of the Board.

(g) The Board may adopt such other reasonable rules not inconsistent with law as it may deem proper or necessary with respect to the eligibility of prisoners for parole and mandatory supervision, the conduct of parole and mandatory supervision hearings, or conditions to be imposed upon parolees and persons released to mandatory supervision. Each person to be released on parole shall be furnished a written statement and contract setting forth in clear and intelligible language the conditions and rules of parole. The conditions may include the making of restitution or reparation to the victim of the prisoner's crime, the total amount of such restitution or

reparation as may be established by the court and entered in the judgment of the court which sentenced the prisoner to his term of imprisonment. Acceptance, signing, and execution of the contract by the inmate to be paroled shall be a precondition to release on parole. Persons released on mandatory supervision shall be furnished a written statement setting forth in clear and intelligible language the conditions and rules of mandatory supervision.

(h) It shall be the duty of the Board at least ten days before ordering the parole of any prisoner or upon the granting of executive clemency by the Governor to notify the sheriff, the district attorney and the district judge in the county where such person was convicted that such parole or clemency is being considered by the Board or by the Governor.

(i) If no parole officer has been assigned to the locality where a person is to be released on parole, mandatory supervision, or executive clemency the Board shall notify the chairman of the Voluntary Parole Board of such county prior to the release of such person. The Board shall request such Voluntary Parole Board, in the absence of a parole officer, for information which would herein be required of such duly appointed parole officer. This shall not, however, preclude the Board from requesting information from any public agency in such locality.

Sec. 16. It shall be the duty of any judge, district attorney, county attorney, police officer or other public official of the state, having information with reference to any prisoner eligible for parole, to send in writing such information as may be in his possession or under his control to the Board, upon request of any member or employee thereof.

Sec. 17. It shall be the duty of all prison officials to grant to the members of the Board, or its properly accredited representatives, access at all reasonable times to any prisoner, to provide for the Board or such representatives facilities for communicating with and observing such prisoner, and to furnish to the Board such reports as the Board shall require concerning the conduct and character of any prisoner in their custody and any other facts deemed by the Board pertinent in determining whether such prisoner shall be paroled.

Sec. 18. The Board shall formulate rules as to the submission and presentation of information and arguments to the Board for and in behalf of any person within the jurisdiction of the Board.

All persons presenting information or arguments to the Board shall submit therewith an affidavit stating whether any fee has been paid or is to be paid for their services in the case, the amount of such fee, if any, and by whom such fee is paid or to be paid.

Sec. 19. The Board shall have power to issue subpoenas requiring the attendance of such witnesses and the production of such records, books, papers, and documents as it may deem necessary for investigation of the case of any person before it. Subpoenas may be signed and oath administered by any member of the Board. Subpoenas so issued may be served by a sheriff, constable, police, parole, or probation officer, or other law enforcement officer, in the same manner as similar process in courts of record having original jurisdiction of criminal actions. Any person who testifies falsely or fails to appear when subpoenaed, or fails or refuses to produce such material pursuant to the subpoena, shall be subject to the same orders and penalties to which a person before a court is subject. Any courts of record having original jurisdiction of criminal actions upon application of the Board, may in their discretion compel the attendance of witnesses, the production of such material and the giving of testimony before the Board, by an attachment for contempt or otherwise in the same manner as production of evidence may be compelled before such courts of record having original jurisdiction of criminal actions.

Sec. 20. The Board shall have the power and duty to make rules for the conduct of persons placed on parole and of persons released to mandatory supervision.

Sec. 21. (a) A warrant for the return of a paroled prisoner, a prisoner released to mandatory supervision, a prisoner released on emergency reprieve or on furlough, or a person released on a conditional pardon to the institution from which he was paroled, released, or pardoned may be issued by the Board on order by the Governor when there is reason to believe that he has committed an offense against the laws of this State or of the United States, violated a condition of his parole, mandatory supervision, or conditional pardon, or when the circumstances indicate that he poses a danger to society that warrants his immediate return to incarceration. Such warrant shall authorize all officers named therein to take actual custody of the prisoner and return him to the institution from which he was released. Pending hearing, as hereinafter provided, upon any charge of parole violation or violation of the conditions of mandatory supervision, the prisoner shall remain incarcerated.

(b) A prisoner for whose return a warrant has been issued by the Board shall, after the issuance of such warrant, be deemed a fugitive from justice and if it shall appear that he has violated the conditions or provisions of his mandatory supervision or parole, then the time from the issuing of such warrant to the date of his arrest shall not be counted as any part of the time to be served under his sentence. The law now in effect concerning the right of the State of Texas to extradite persons and return fugitives from justice, and Article 42.11 of this Code

concerning the waiver of all legal requirements to obtain extradition of fugitives from justice, from other states to this State, shall not be impaired by this Act and shall remain in full force and effect.

Sec. 22. Whenever a prisoner or a person granted a conditional pardon is accused of a violation of his parole, mandatory supervision, or conditional pardon on information and complaint by a law enforcement officer or parole officer, he shall be entitled to be heard on such charges before the Board or its designee under such rules and regulations as the Board may adopt; providing, however, said hearing shall be a public hearing and shall be held within ninety days of the date of arrest under a warrant issued by the Board of Pardons and Paroles or the Governor and at a time and place set by the Board. When the Board has heard the facts, it may recommend to the Governor that the parole, mandatory supervision, or conditional pardon be continued, or revoked, or modified in any manner the evidence may warrant. When the Governor revokes a person's parole, mandatory supervision, or conditional pardon, that person may be required to serve the portion remaining of the sentence on which he was released, such portion remaining to be calculated without credit for the time from the date of his release to the date of revocation. When a warrant is issued by the Board of Pardons and Paroles or the Governor charging a violation of release conditions, the sentence time credit shall be suspended until a determination is made by the Board of Pardons and Paroles or the Governor in such case and such suspended time credit may be re-instated by the Board of Pardons and Paroles should such parole, mandatory supervision, or conditional pardon be continued.

Sec. 23. In order to complete the parole period, a parolee shall be required to serve out the whole term for which he was sentenced, subject to the deduction of the time he had served prior to his parole and to any diminution of sentence earned for good behavior while imprisoned in the Department of Corrections. The time on parole shall be calculated as calendar time. This provision, however, shall not be construed so as to interfere with the constitutional power conferred upon the Governor to grant pardons and to commute sentences.

When any paroled prisoner has fulfilled the obligations of his parole and has served out his term as conditioned in the preceding paragraph, the Board shall make a final order of discharge and issue to the parolee a certificate of such discharge.

Sec. 24. When any prisoner who has been paroled or released to mandatory supervision has complied with the rules and conditions governing his release until the end of the term to which he was sentenced, and without a revocation of his parole or mandatory supervision, the Board shall make a final order of discharge and issue the prisoner a certificate of discharge.

Sec. 25. On request of the Governor the Board shall investigate and report to the Governor with respect to any person being considered by the Governor for pardon, commutation of sentence, reprieve, or remission of fine or forfeiture, and make recommendations thereon.

D. Supervision of Parolees

Sec. 26. The Board of Pardons and Paroles shall have general responsibility for the investigation and supervision of all prisoners released on parole and to mandatory supervision. For the discharge of this responsibility, there is hereby created with the Board of Pardons and Paroles, a Division of Parole Supervision. Subject to the general direction of the Board of Pardons and Paroles, the Division of Parole Supervision, including its field staff shall be responsible for obtaining and assembling any facts the Board of Pardons and Paroles may desire in considering parole eligibility, in establishing a mandatory supervision plan, and for investigating and supervising paroled prisoners and prisoners released to mandatory supervision to see that the conditions of parole and mandatory supervision are complied with, and for making such periodic reports on the progress of parolees and prisoners released to mandatory supervision as the Board may desire.

Sec. 27. All information obtained in connection with inmates of the Texas Department of Corrections subject to parole, release to mandatory supervision, or executive clemency or individuals who may be on mandatory supervision or parole and under the supervision of the division, or persons directly identified in any proposed plan of release for a prisoner, shall be confidential and privileged information and shall not be subject to public inspection; provided, however, that all such information shall be available to the Governor and the Board of Pardons and Paroles upon request. It is further provided, that statistical and general information respecting the parole and mandatory supervision program and system, including the names of paroled prisoners, prisoners released to mandatory supervision, and data recorded in connection with parole and mandatory supervision services, shall be subject to public inspection at any reasonable time.

Sec. 28. Salaries of all employees of the Division of Parole Supervision shall be governed by Appropriation Acts of the Legislature. The Board of Pardons and Paroles shall appoint a Director of the Division, and all other employees shall be selected by the Director, subject to such general policies and regulations as the Board may approve.

It is expressly provided, however, that no person may be employed as a parole officer or supervisor, or be responsible for the investigations or supervision of persons on parole or mandatory supervision, unless he meets the following qualifications together with any other qualifications that may be specified by the

Director of the Division, with the approval of the Board of Pardons and Paroles; four years of successfully completed education in an accredited college or university, and two years of full time paid employment in responsible correctional work with adults or juveniles, social welfare work, teaching, or personnel work. Additional experience in the above categories may be substituted year for year for the required college education, with a maximum substitution for two years.

Sec. 29. Any parole officer or supervisor employed by the Division of Parole Supervision may, with the approval of the director, be designated as a probation officer by the judge of a court of the State having original jurisdiction of criminal actions. Any proportional part of the salary paid to a parole officer or supervisor so designated, however, in compensation for his service as a probation officer, shall be only with the prior written approval of the director; and all such proportional salary payments shall be periodically reported to the Governor and the Legislature by the director.

Sec. 30. In order to provide supervision of parolees, persons released to mandatory supervision, and persons granted executive clemency who reside in sparsely settled areas of the State and in localities not served by regularly employed parole officers, the Governor of this State is authorized to appoint chairmen of Voluntary Parole Boards for such areas or localities. The appointed chairman may, with the advice and approval of the Director of the Division of Parole Supervision, appoint additional members of such Voluntary Parole Boards. The term of service by such appointed chairmen of Voluntary Parole Boards shall not exceed the term of office of the appointing Governor; and the terms of service of locally appointed additional members of such Voluntary Parole Boards shall not exceed the terms of office of the director. However, it is expressly provided that the terms of service by such chairmen and additional members of Voluntary Parole Boards may be continued by appropriate reappointments. The chairman of the Voluntary Parole Board shall be responsible for assigning supervision of parolees and of persons released to mandatory supervision to the members of such board.

Sec. 31. No person who is serving as a sheriff, deputy sheriff, constable, deputy constable, city policeman, Texas Ranger, state highway patrolman, or similar law enforcement officer, or as a prosecuting attorney, shall act as a parole officer or be responsible for the supervision of persons on parole or released to mandatory supervision.

Sec. 32. Any parole officer or supervisor employed by the Division of Parole Supervision may, upon request of the Governor or the Board of Pardons and Paroles and by direction of the director, be responsible for supervising persons placed on conditional pardon or furlough.

## E. General Provisions

Sec. 33. The provisions of this Act shall not be construed to prevent or limit the exercise by the Governor of powers of executive clemency vested in him by the Constitution of this State.

Sec. 34. The provisions of this Act shall not apply to parole from institutions for juveniles.

Sec. 35. This Article shall not be deemed to alter or invalidate any probationary period fixed under statutes in force prior to the effective date of this Code or to limit the jurisdiction or power of a court to modify or terminate such probationary period. In other respects, persons placed on probation or parole prior to the effective date of this Code shall be amenable to the provisions of this Code insofar as it may be made applicable to them. All other actions pertaining to probations and paroles granted prior to the effective date of this Code shall be regulated according to the law in force at the time the probation or parole was granted.

Sec. 36. The provisions of this article do not apply to temporary furloughs granted to an inmate by the Texas Department of Corrections under Article 6184n, Revised Civil Statutes of Texas, 1925.

[Acts 1965, 59th Leg., p. 317, ch. 722, § 1, eff. Jan. 1, 1966; Acts 1967, 60th Leg., p. 1744 to 1746, ch. 659, § 29, eff. Aug. 28, 1967; Acts 1973, 63rd Leg., p. 568, ch. 241, § 1, eff. Aug. 27, 1973; Acts 1973, 63rd Leg., p. 1235, ch. 447, § 1, eff. June 14, 1973; Acts 1973, 63rd Leg., p. 1269, ch. 464, § 1, eff. June 14, 1973; Acts 1975, 64th Leg., p. 263, ch. 110, § 1, eff. Sept. 1, 1975; Acts 1975, 64th Leg., p. 572, ch. 231, § 1, eff. Sept. 1, 1975; Acts 1975, 64th Leg., p. 909, ch. 341, § 4, eff. June 19, 1975; Acts 1975, 64th Leg., p. 1243, ch. 467, § 1, eff. June 19, 1975; Acts 1975, 64th Leg., p. 1244, ch. 468, § 1, eff. Sept. 1, 1975; Acts 1975, 64th Leg., p. 2150, ch. 692, § 1, eff. Sept. 1, 1975; Acts 1977, 65th Leg., p. 38, ch. 22, § 1, eff. Aug. 29, 1977; Acts 1977, 65th Leg., p. 102, ch. 47, § 1, eff. April 5, 1977; Acts 1977, 65th Leg., p. 821, ch. 306, §§ 1, 2, eff. Aug. 29, 1977; Acts 1977, 65th Leg., p. 909, ch. 342, §§ 1, 2, eff. Aug. 29, 1977; Acts 1977, 65th Leg., p. 914, ch. 343, § 2, eff. June 19, 1977; Acts 1977, 65th Leg., p. 925, ch. 347, §§ 1, 2, eff. Aug. 29, 1977; Acts 1977, 65th Leg., p. 1058, ch. 388, §§ 1, 2, eff. Aug. 29, 1977; Acts 1977, 65th Leg., p. 1850, ch. 735, § 2.133, eff. Aug. 29, 1977.]

Section 7 of Acts 1977, 65th Leg., p. 934, ch. 347, provided:

"This Act applies only to inmates sentenced to the Texas Department of Corrections for an offense committed on or after the effective date of this Act. Inmates sentenced for an offense committed prior to the effective date of this Act are governed by the law existing before the effective date, which is continued in effect for this purpose. For the purpose of this Act, an offense is committed on or after the effective date if any element of the offense occurs on or after the effective date."

For saving provisions of Acts 1975, 64th Leg., p. 909, ch. 341, see note set out under art. 3.01.

MAP OF DEPARTMENTAL JURISDICTIONS



DEPARTMENTS LISTED BY COUNTIES

ADULT PROBATION DEPARTMENTS  
LISTED BY "CHIEF COUNTY" \*

- |                       |                       |                         |                         |
|-----------------------|-----------------------|-------------------------|-------------------------|
| 1. <u>Anderson</u>    | 30. <u>Falls</u>      | ▶ 56. <u>Kerr</u>       | 81. <u>Polk</u>         |
| Henderson             | 31. <u>Fayette</u>    | Bandera                 | San Jacinto             |
| Houston               | Austin                | Gillespie               | Trinity                 |
| ▶ 2. <u>Andrews</u>   | Waller                | Kendall                 | 82. <u>Potter</u>       |
| 3. <u>Angelina</u>    | 32. <u>Galveston</u>  | Kimble                  | Armstrong               |
| ▶ 4. <u>Atascosa</u>  | 33. <u>Garza</u>      | 57. <u>Lamar</u>        | Randall                 |
| Frio                  | Dawson                | Fannin                  | ▶ 83. <u>Real</u>       |
| Karnes                | Gaines                | 58. <u>Lamb</u>         | ▶ 84. <u>Reeves</u>     |
| LaSalle               | Lynn                  | Bailey                  | Loving                  |
| Wilson                | 34. <u>Gonzales</u>   | Parmer                  | Ward                    |
| 5. <u>Bastrop</u>     | Colorado              | 59. <u>Liberty</u>      | 85. <u>Rusk</u>         |
| Burleson              | Guadalupe             | Chambers                | 86. <u>San Patricio</u> |
| Lee                   | Lavaca                | 60. <u>Limestone</u>    | Aransas                 |
| Washington            | 35. <u>Gray</u>       | Freestone               | Bee                     |
| 6. <u>Baylor</u>      | Hemphill              | Leon                    | Live Oak                |
| Cottle                | Lipscomb              | 61. <u>Lubbock</u>      | McMullen                |
| King                  | Roberts               | Crosby                  | 87. <u>Scurry</u>       |
| Knox                  | Wheeler               | ▶ 62. <u>McCullough</u> | Borden                  |
| 7. <u>Bell</u>        | 36. <u>Grayson</u>    | 63. <u>McClennan</u>    | 88. <u>Smith</u>        |
| Lampasas              | 37. <u>Gregg</u>      | 64. <u>Mason</u>        | 89. <u>Tarrant</u>      |
| 8. <u>Bexar</u>       | 38. <u>Hale</u>       | Blanco                  | 90. <u>Taylor</u>       |
| 9. <u>Bowie</u>       | Castro                | Burnet                  | Callahan                |
| Cass                  | Swisher               | Llano                   | 91. <u>Terry</u>        |
| Red River             | 39. <u>Hall</u>       | Menard                  | Cochran                 |
| 10. <u>Brazoria</u>   | Carson                | San Saba                | Hockley                 |
| Fort Bend             | Childress             | ▶ 65. <u>Medina</u>     | Yoakum                  |
| Matagorda             | Collingsworth         | 66. <u>Midland</u>      | 92. <u>Tom Green</u>    |
| Wharton               | Donley                | 67. <u>Milam</u>        | Coke                    |
| 11. <u>Brazos</u>     | 40. <u>Hardin</u>     | Robertson               | Concho                  |
| ▶ 12. <u>Brown</u>    | Tyler                 | 68. <u>Montague</u>     | Irion                   |
| Coleman               | 41. <u>Harris</u>     | Archer                  | Runnels                 |
| Mills                 | 42. <u>Harrison</u>   | Clay                    | Schleicher              |
| 13. <u>Caldwell</u>   | ▶ 43. <u>Haskell</u>  | 69. <u>Montgomery</u>   | Sterling                |
| Comal                 | Kent                  | 70. <u>Moore</u>        | 93. <u>Travis</u>       |
| Hays                  | Stonewall             | Dallam                  | 94. <u>Upshur</u>       |
| 14. <u>Cameron</u>    | Throckmorton          | Hartley                 | Marion                  |
| Willacy               | 44. <u>Hidalgo</u>    | Sherman                 | Wood                    |
| 15. <u>Cherokee</u>   | 45. <u>Hill</u>       | 71. <u>Morris</u>       | ▶ 95. <u>Uvalde</u>     |
| 16. <u>Collin</u>     | 46. <u>Hopkins</u>    | Camp                    | 96. <u>Val Verde</u>    |
| 17. <u>Comanche</u>   | Delta                 | Titus                   | Edwards                 |
| Bosque                | Franklin              | 72. <u>Nacogdoches</u>  | Kinney                  |
| Hamilton              | Rains                 | 73. <u>Navarro</u>      | Maverick                |
| 18. <u>Cooke</u>      | 47. <u>Howard</u>     | 74. <u>Nolan</u>        | Terrell                 |
| Jack                  | Glasscock             | Fisher                  | 97. <u>Victoria</u>     |
| Wise                  | Martin                | Mitchell                | Calhoun                 |
| 19. <u>Coryell</u>    | 48. <u>Hunt</u>       | 75. <u>Nueces</u>       | DeWitt                  |
| ▶ 20. <u>Crane</u>    | 49. <u>Hutchinson</u> | Kenedy                  | Goliad                  |
| 21. <u>Dallas</u>     | Hansford              | Kleberg                 | Jackson                 |
| 22. <u>Deaf Smith</u> | Ochiltree             | 76. <u>Orange</u>       | Refugio                 |
| Oldham                | 50. <u>Jasper</u>     | 77. <u>Palo Pinto</u>   | 98. <u>Walker</u>       |
| 23. <u>Denton</u>     | Newton                | Erath                   | Grimes                  |
| 24. <u>Dickens</u>    | Sabine                | Hood                    | Madison                 |
| Briscoe               | San Augustine         | 78. <u>Panola</u>       | 99. <u>webb</u>         |
| Floyd                 | 51. <u>Jefferson</u>  | Shelby                  | Dimmit                  |
| Motley                | 52. <u>Jim Wells</u>  | 79. <u>Parker</u>       | Zapata                  |
| 25. <u>Duval</u>      | Brooks                | 80. <u>Pecos</u>        | 100. <u>Wichita</u>     |
| Jim Hogg              | 53. <u>Johnson</u>    | Brewster                | ▶ 101. <u>Wilbarger</u> |
| Starr                 | Somervell             | Crockett                | Foard                   |
| ▶ 26. <u>Eastland</u> | 54. <u>Jones</u>      | Jeff Davis              | Hardeman                |
| 27. <u>Ector</u>      | Shackelford           | Presidio                | 102. <u>Williamson</u>  |
| 28. <u>Ellis</u>      | 55. <u>Kaufman</u>    | Reagan                  | ▶ 103. <u>Winkler</u>   |
| 29. <u>El Paso</u>    | Rockwall              | Sutton                  | 104. <u>Young</u>       |
| Culberson             | Van Zandt             | Upton                   | ▶ 105. <u>Zavala</u>    |
| Hudspeth              |                       |                         |                         |

▶ Indicates Non-Participation  
in State Aid

Texas Adult Probation Commission  
Division of Information Services  
March 16, 1979

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CROSS INDEX

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