



# THE ATTORNEY GENERAL OF TEXAS

AUSTIN, TEXAS 78711

**JOHN L. HILL**  
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September 12, 1977

George G. Killinger, Ph.D.  
Chairman  
Board of Pardons and Paroles  
Stephen F. Austin Building  
Austin, Texas 78701

Opinion No. H-1051

Re: Authority of the  
Board of Pardons and  
Paroles to require a  
commissioner to assume a  
new duty station.

Dear Dr. Killinger:

You have requested our opinion regarding the authority of the Board of Pardons and Paroles to require a parole commissioner to assume a new duty station.

In 1975, the Legislature amended article 42.12, Texas Code of Criminal Procedure, to provide for the appointment of parole commissioners "[t]o aid and assist the Board of Pardons and Paroles in parole matters." Sec. 14A(a). The commissioners are invested with the "same duties and authority as the board members" in "matters of parole decisions," but the statute specifically states that

[t]he board members shall continue to exercise their responsibility for the administrative operation of the board of pardons and paroles.

Sec. 14A(e); (h). Furthermore, the commissioners are directed to

perform their duties as directed by the board in its rules and regulations affecting these commissioners.

Sec. 14A(e). In addition, the statute provides that the Board

may adopt such other reasonable rules not inconsistent with law as it may deem proper or necessary with respect to . . . the conduct of parole hearings . . . .

Sec. 15(d).

Pursuant to these provisions, the Board has recently promulgated Rule 205.01.02.009, which states:

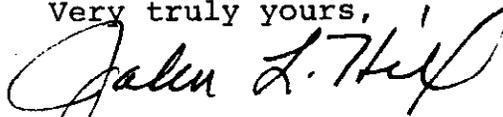
To provide efficient coverage and access to all units of the Texas Department of Corrections, the Board of Pardons and Paroles may change the designated duty station of any commissioner to any location within the state of Texas upon 60 days' written notice, except that one commissioner appointed by each appointing authority shall reside in Walker County.

In our opinion, article 42.12 furnishes ample authority for the Board to promulgate this rule. The Board members exercise the sole responsibility for the administration of the Board. The commissioners are required to "perform their duties as directed by the board in its rules," and the Board members are granted additional authority to adopt rules for the conduct of parole hearings. Accordingly, we believe that the Board of Pardons and Paroles is authorized to adopt a rule which requires a parole commissioner to accept a new duty station.

S U M M A R Y

The Board of Pardons and Paroles is authorized to adopt a rule which requires a parole commissioner to accept a new duty station.

Very truly yours,



JOHN L. HILL  
Attorney General of Texas

APPROVED:



DAVID M. KENDALL, First Assistant

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C. ROBERT HEATH, Chairman  
Opinion Committee

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