

**TEXAS DEPARTMENT OF CRIMINAL JUSTICE  
PAROLE DIVISION**



**POLICY AND  
OPERATING PROCEDURE**

**NUMBER: PD/POP-3.1.6**

**DATE: 02/05/18**

**PAGE: 1 of 8**

**SUPERSEDES: 11/04/15**

**SUBJECT:** RESTITUTION/POST-SECONDARY EDUCATION REIMBURSEMENT/FEES/  
COLLECTION PROCESS

**AUTHORITY:** Texas Government Code § 508.182, 508.189, 508.322; Texas Code of Criminal Procedure Art. 42.037(H) and (O); General Appropriations Act, 84<sup>th</sup> Leg. R. S., Art. V, Riders 29 and 30.

**PURPOSE:** To establish procedures for the collection of Restitution, Post-Secondary Education Reimbursement, and fees required as conditions of release.

**DEFINITIONS:**

Active Supervision: All persons subject to the supervision of the Texas Department of Criminal Justice-Parole Division (TDCJ-PD) with the exception of those for whom an active pre-revocation warrant is in effect, and for those who are no longer required to report.

Cashier: TDCJ-PD staff who are responsible for collecting and accounting for the payment of funds in district parole offices (DPOs), in accordance with procedures established in the cashier's *Collection System Policy and Procedure Manual*.

Crime Victim Compensation Fund Fee (CVF): An eight-dollar (\$8.00) monthly fee assessed to all clients under the supervision of the TDCJ-PD in Texas whose offense occurred on or after August 30, 1993.

Post-Secondary Education Reimbursement (PSER) (Special Condition "O.04"): Clients who enroll in post-secondary education courses at the expense of the State of Texas, while incarcerated at a Texas Department of Criminal Justice-Correctional Institutions Division (TDCJ-CID) facility, shall reimburse the State for the costs of such secondary education programs. PSER is a statutorily mandated condition imposed by the Texas Board of Pardons and Paroles (BPP).

Restitution Fee (Special Condition "R"): Payment by a client to the victim of the offense for financial loss sustained as a result of the active offense.

Sexual Assault Program Fund Fee: A five-dollar (\$5.00) monthly fee assessed to sex offenders under supervision on or after August 30, 1993.

The applicable offenses are Indecent Exposure, Indecency with a Child, Sexual Assault, Aggravated Sexual Assault, Prohibited Sexual Conduct, Sexual Performance by a Child, Possession or Promotion of Child Pornography, and Continuous Sexual Abuse of a Young Child or Children.

Sex Offender Public Notice Fee: The Sex Offender Public Notice Fee applies only to high risk clients whose offense occurred prior to September 1, 2005. Clients required to register under Chapter 62 of the Code of Criminal Procedures, and for whom law enforcement authorities were required to publish public notice of the client's release, must pay a fee that equals the actual cost to the law enforcement authority for publishing that notice.

Supervision Fee: A ten-dollar (\$10.00) monthly fee assessed to all clients under supervision of the TDCJ-PD, including clients supervised under Interstate Compact. Texas cases accepted through Interstate Compact for supervision in other states are excluded from this fee payment. Clients may be subject to the supervision fee(s) of the receiving state.

## **PROCEDURE:**

### **I. RESTITUTION**

- A. Prior to the client's release from TDCJ-CID or custody, Review and Release Processing (RRP) staff shall review all Judgments and Sentences for current offenses only to determine whether the client has been ordered to pay restitution.
  1. If the client owes restitution and the amount is not determined, RRP staff shall forward the information prior to certificate issuance to the Central File Coordination Unit (CFCU). CFCU staff shall verify the amount of restitution and the required victim information to process payments. After verification, CFCU staff shall return the information and include the Restitution Worksheet (RRP-43) to the RRP requestor and Accounting and Business Services. If it is determined the client owes restitution, RRP staff shall process in accordance with PD/POP-2.2.25, *Imposing Mandated Special Conditions*.
  2. If due to imminent release the above process has not been completed prior to the client's release to supervision, the release certificate shall reflect Special Condition "R—To Be Determined (TBD)."
  3. If after release it is determined the client owes restitution, the parole officer shall contact Accounting and Business Services at [restitution\\_abs@tdcj.texas.gov](mailto:restitution_abs@tdcj.texas.gov), requesting an investigation of the client's restitution obligations. Accounting and Business Services will inform the parole officer if the client owes restitution. If the client owes restitution, the parole officer shall submit a transmittal to the BPP requesting imposition of Special Condition "R" within five (5) business days.

- B. For clients who owe restitution the parole officer shall:
1. Follow the instructions in Section I.E., Advisement Form (PSV-42) Process, to instruct the client via an Advisement Form (PSV-42) to pay 10% of his or her monthly net income toward restitution regardless of the amount of income or expenses.
  2. Follow the instructions in Section I.E., Advisement Form (PSV-42) Process, to instruct the client via an Advisement Form (PSV-42) to pay a minimum of 10% of the net amount received in the event the client receives a one-time payment such as an employee bonus, tax return, inheritance, etc. If circumstances permit, the parole officer has the discretion to require more than the required minimum 10% net amount. This will be determined on a case-by-case basis.
- C. The month of August has been designated as “Advisement Form Anniversary Month” for those clients owing restitution. The parole officer shall complete and submit a current PSV-42 indicating the required restitution payment amount to Accounting and Business Services (advisement.form\_abs@tdcj.texas.gov).
- D. To confirm completed payment of restitution, submit an email to restitution\_abs@tdcj.texas.gov or the Restitution Program Supervisor III, Specialized Programs, within five (5) business days of the client’s final payment, requesting confirmation that the client’s restitution is paid in full. Within five (5) business days of receipt of confirmation, the parole officer shall document in the Offender Information Management System (OIMS) Contact screen: Paid in full, satisfy Special Condition “R,” utilizing the date of final payment, and image a copy of the confirmation email. Special Condition “R” shall **not** be satisfied without written confirmation from Accounting and Business Services or the Restitution Program Supervisor III that restitution is paid in full.
- E. Advisement Form (PSV-42) Process
1. Staff the case with the respective unit supervisor for deferment of the Supervision Fee if the client owes restitution. If the Supervision Fee is deferred, the client shall apply \$10.00 towards the restitution balance, in addition to the required 10% of the client’s net income. The deferral of the Supervision Fee does not require a BPP transmittal. The eight dollar (\$8.00) CVF shall not be waived (Refer to Section IV).
  2. Instruct the client to provide paystubs for all current employment for the previous calendar month at each office visit.
  3. Review the client’s paystubs to ensure an entire month of pay is represented.
  4. During each office visit review the OIMS Employment screen with the client and, if applicable, update the employment information, including the job title and monthly net income (this information will populate on the OIMS Income screen).
  5. To address TRAS supervision levels, clients may pay restitution and fees at their scheduled office visit instead of monthly.

However, payment must include those months the client does not report to make payments (i.e., Quarterly report clients opting to make payments quarterly, when scheduled to report, must pay three (3) months of required Restitution Fees at the office visit to cover the current month and the two (2) months not required to report), Reference PD/POP-3.2.30, *Quarterly Report Status, Annual Report Status and Early Release from Supervision*, Section II.A.4.

6. Instruct the client to make the required payments in the appropriate boxes.
7. Inform the client that until restitution is paid in full, if applicable, the required monthly Supervision Fee will be deferred, and the \$10.00 Supervision Fee payment is to be paid toward the client's restitution obligations, in addition to the 10% payment amount.
8. Complete the PSV-42 in accordance with the instructions. The unit supervisor shall verify and sign the PSV-42. By signing, the unit supervisor has confirmed the monthly net income and required minimum monthly payment is accurate and consistent by review of the Employment screens and submitted income verification.
9. Review the PSV-42 with the client, have the client sign the form, and provide a copy of the form to the client.
10. Inform the client failure to pay fees will result in interventions in accordance with PD/POP-4.1.1, *Processing Violations of the Rules and Conditions of Release*, Section IV.C.
11. Update the OIMS Contacts screen to reflect a PSV-42 has been completed, and the client provided a copy within three (3) business days.
12. Image the initial and any subsequent PSV-42 and the supporting documents used to establish the payment amount in OnBase within three (3) business days of the date of signature by the client.
13. Complete and submit a PSV-42 no later than 60 calendar days after the client's initial arrival to Advisement Form-Accounting and Business Services (advisement.form\_abs@tdcj.texas.gov).
14. Complete and submit any subsequent PSV-42 no later than five (5) business days after receiving information of any financial change to Accounting and Business Services (advisement.form\_abs@tdcj.texas.gov).
15. Complete and submit an updated PSV-42, indicating the required fee payment amount within the calendar month of the anniversary date of the last PSV-42 if there are no financial changes.

## II. POST-SECONDARY EDUCATION REIMBURSEMENT (PSER)

A. For clients who owe PSER and who do not owe Restitution, the parole officer shall:

1. Follow the instructions in Section I.E., Advisement Form (PSV-42) Process, to instruct the client, via a PSV-42, to pay 10% of his monthly net income toward PSER regardless of the amount of income or expenses.
2. Follow the instructions in Section I.E Advisement Form (PSV-42) Process, to instruct the client, via a PSV-42, to pay a minimum of 10% of the net amount received in the event the client receives a one-time payment such as an employee bonus, tax return, inheritance etc. If circumstances permit, the parole officer has the discretion to require more than the required minimum 10% net amount. This will be determined on a case-by-case basis.

B. For clients who owe PSER and Restitution, the parole officer shall:

1. Follow the instructions in Section I.E., Advisement Form (PSV-42) Process, to instruct the client, via a PSV-42, to pay 10% of the client's net income on a monthly basis toward restitution, and an additional 5% of the client's net income on a monthly basis to PSER, regardless of the amount of income or expenses.
2. Follow the instructions in Section I.E., Advisement Form (PSV-42) Process, to instruct the client, via a PSV-42, to pay a minimum of 10% for restitution and 5% for PSER of the net amount received in the event the client receives a one-time payment such as an employee bonus, tax return, inheritance, etc. If circumstances permit, the parole officer has the discretion to require more than the required minimum 10% net amount. This will be determined on a case-by-case basis.

## III. FEES

- A. Applicable Supervision Fees are assessed each month regardless of financial ability. The current balance is automatically updated in the Fee screen in the OIMS.
- B. The \$10.00 Supervision Fee shall be collected monthly, unless deferred and applied to restitution. The client remains responsible for payment of the Supervision Fee when it is deferred. All other applicable fees shall not be deferred and applied to their respective fund.
- C. Clients who have a Supervision Fee balance from previous periods of supervision, or who are in arrears for current Supervision Fee payments who do not owe restitution, or who have paid their restitution balance in full, shall be instructed to make payments until Supervision Fees are paid in full.
- D. To address TRAS supervision levels, clients may pay fees at their scheduled office visit instead of monthly.

However, payment must include those months the client does not report to make payments (i.e., Quarterly report clients opting to make payments quarterly, when scheduled to report, must pay three (3) months of required fees at the office visit to cover the current month and the two (2) months not required to report). Reference PD/POP-3.2.30, *Quarterly Report Status, Annual Report Status and Early Release from Supervision*, Section II.A.4.

- E. The parole officer shall advise the client of all other required fee payments such as Supervision Fees, CVFs and, when applicable, Sexual Assault Program Fund Fees, and Sex Offender Public Notice Fees through the utilization of the PSV-42.
- F. The PSV-42 shall be completed in accordance with Section I.E., Advisement Form (PSV-42) Process.

#### IV. COLLECTION PROCESS

- A. Parole officers shall provide detailed instructions to clients regarding the required assessed fees and other financial obligations. Instructions shall be specific and include the amount the client is required to pay, the number of money orders or cashier's checks, the amounts of each money order or cashier's check required each month, and the location where the payment is to be made.
- B. Clients who do not owe restitution may be required to provide up to three (3) money orders or cashier's checks, as applicable. The money order or cashier's check amounts shall be combined or individually paid as indicated:
  - 1. Supervision Fee, CVF and, if applicable, Sexual Assault Program Fund Fee
  - 2. PSER
  - 3. Sex Offender Public Notice Fee
- C. Clients who owe restitution may be required to provide up to four (4) money orders or cashier's checks, as applicable. The money order or cashier's check amounts shall be combined or individually paid as indicated:
  - 1. Restitution and Supervision Fee (full payment shall go towards restitution)
  - 2. CVF and, if applicable, Sexual Assault Program Fund Fee
  - 3. PSER
  - 4. Sex Offender Public Notice Fee
- D. Cashiers shall be responsible for collecting fees, issuing receipts, and accounting for all payments received from clients in accordance with policy and procedure as outlined in the cashier's *Collection System Policy and Procedure Manual*, which is available for review on the Parole Division Document Library.

- E. Payments shall be received only in the form of a money order or cashier's check payable to the TDCJ. Cash and personal checks will not be accepted.
1. The cashier shall issue two (2) receipts when funds are received. One shall be forwarded to the parole officer for verification, and the other shall be given to the client.
  2. Parole officers shall indicate payments on the Verification Table in the OIMS monthly. The receipt does not need to be maintained in the DPO file and may be disposed of after entry into the Verification Table is confirmed by the parole officer.
- F. Parole officers collecting payments outside of the DPO shall:
1. Print a copy of the client's most recent PSV-42, and take the form with them.
  2. Verify the number of money orders or cashier's checks and the proper payment amount, prior to accepting any payment. Ensure that clients with deferred Supervision Fees due to owing restitution have the money orders or cashier's checks properly divided.
  3. Verify each money order or cashier's check is filled out correctly, payable to TDCJ, signed by the client, contains a complete address with a zip code, and include the client's TDCJ/SID number.
  4. Complete a receipt for each money order or cashier's check indicating whether it is for Supervision Fee, CVF, Sexual Assault Program Fund Fee, Restitution, PSER, or Sex Offender Public Notice Fee (refer to Section V. B and C).
  5. Utilize a TDCJ-PD receipt book available from the cashier. Each money order or cashier's check shall be issued a receipt and the type of payment noted on the receipt.
  6. Provide the pink copy of the receipt to the client. The white copy will be secured to the money order or cashier's check and submitted to the cashier or lockbox upon return to the DPO. The gold copy will remain in the receipt book.
  7. Reconcile the receipt book by ensuring each money order or cashier's check has been entered and a money order or cashier's check is turned in for each receipt in the book, prior to placing the above documents in the secure lockbox.
- G. Persons authorized to accept collections in the absence of the cashier shall adhere to procedures cited in Section IV. Money orders or cashier's checks and receipts shall be deposited in a secure lockbox.

- H. Each month, parole supervisors and unit supervisors shall review all district Supervision Fees, CVFs, PSER, Restitution, and Sexual Assault Program Fees collection reports to verify parole officers applied interventions to clients who failed to make the required payments as instructed, in accordance with PD/POP-4.1.1, *Processing Violations of the Rules and Conditions of Release*.
- I. If the amount owed for Restitution or fees is not paid before the client's scheduled discharge date, the client shall be advised, via a PSV-42, to mail the remaining balance to:

Accounting and Business Services  
P.O. Box 4015  
Huntsville, TX 77342

V. FEES, FINES, AND COURT COSTS

- A. The parole officer shall, upon the client's initial report, instruct the client to check with the clerk of the court of original jurisdiction regarding any unexpired outstanding fees, fines, and court costs owed by the client.
- B. The parole officer shall utilize the TDCJ Payment of Court Costs Form (PDFO-0501) located in the Parole Division Document Library, and fax it to the respective district clerk's office for verification the client has made appropriate payment arrangements, if applicable. Upon receipt of the completed information, the PDFO-0501 shall be imaged within three (3) business days. Parole officers shall inform clients of their responsibility to pay outstanding balances owed on active offenses, court-imposed fees, fines, and court costs. The parole officer shall document this information in the Contacts screen of the OIMS.

---

Pamela Thielke  
Director, Parole Division