WHEREAS, the Texas Department of Corrections has notified the Texas Attorney General in writing that the inmate population of the Texas Department of Corrections has reached 95% of capacity, as defined by statute and as imposed by the agreed order in Ruiz v. McCotter; and

WHEREAS, the Attorney General has certified, in writing, that the inmate population has reached 95% of the capacity, as defined above, of the Texas Department of Corrections; and

WHEREAS, the Board of Pardons and Paroles has recommended in writing, an award of 30 days of administrative good conduct time to alleviate the overcrowded condition of the Texas Department of Corrections; and

WHEREAS, by S.B. 215, 70th Legislature, Regular Session, amending the Texas Prison Management Act, Article 6184c, Texas Revised Civil Statutes, the Legislature has required that under these circumstances the Governor shall immediately certify that an emergency overcrowding situation exists and shall order the director of the Texas Department of Corrections to credit administrative good conduct time to all eligible inmates.
NOW, THEREFORE, I, William P. Clements, Jr., Governor of Texas, under the authority vested in me, do hereby order the Director of the Texas Department of Corrections to credit to all eligible inmates, as defined by S.B. 215, 30 total days of administrative good conduct time.

This Executive Order shall be effective immediately and shall apply to all inmates in the Texas Department of Corrections population as of the midnight population count on Friday, August 11, 1989 and shall be binding as authorized by law. This Executive Order may be modified or amended from time to time, as required to carry out the intent of the Legislature, until the emergency overcrowding condition no longer exists.

Given under my hand this 16th day of August, 1989.

[Signature]
William P. Clements, Jr.
Governor

Filed in the Office of Secretary of State
AUG 16 1989
Statutory Filings Division
Statutory Documents

[Signature]
George S. Bayoud, Jr.
Secretary of State
August 15, 1989

The Honorable William Clements
Governor of Texas
P. O. Box 12428, Capitol Station
Austin, Texas 78711

Re: Certification that TDC has Reached 95% of Capacity

Dear Governor Clements:

On May 14, 1989, TDC notified us that the inmate population of the Texas Department of Corrections reached 95% of capacity. The official midnight count on May 11, 1989 was 39,416. Accordingly, pursuant to Senate Bill 215, the Attorney General hereby certifies that TDC has reached 95% of capacity.

Pursuant to Senate Bill No. 215, signed into law on February 20, 1987, you are required to immediately certify that an emergency overcrowding situation exists and order Director Lynaugh to credit not more than 90 days of administrative good conduct time to all eligible inmates. Once we have had an opportunity to assess whether the credit of good conduct time has resolved the emergency, we will advise you whether further steps must be taken.

Very truly yours,

JIM MATTOX
Attorney General of Texas

JH/ea

c: Chairman Terrell
   Director Lynaugh
   Chairman Keene
   Director Heckmann
   Rider Scott

J. Kirk Brown
Kay Walls
1.22.1
1.98
August 15, 1989

Mr. Rider Scott
General Counsel
Office of the Governor
P.O. Box 12428
Capitol Station
Austin, TX 78711

Dear Mr. Scott:

In response to the closing of the Texas Department of Corrections to new admissions, the Board of Pardons and Paroles recommends that the Prison Management Act be invoked with the awarding of 30 days administrative good conduct time to all eligible inmates.

Sincerely,

J. H. Granberry
Board Member/Acting Chairman

cc: Board Members
William H. Brooks, Executive Director
TO: The Honorable William P. Clements, Jr.
Governor

FROM: Rider Scott
General Counsel

RE: Prison Management Act

The Texas Department of Corrections exceeded its 95% of operational capacity by eight inmates on Friday, August 11, 1989, pursuant to the midnight count. As a result of this, we were notified by the Attorney General, in writing, on Tuesday, August 15th, of closure, with the commensurate obligation under the statute (Tex. Rev. Civ. Stat. Ann. 614b0) of invocation of the Prison Management Act.

Current analysis of the parole eligible population in the penitentiary indicates that there are 2,217 inmates who are time eligible without need of additional administrative good time in the Senate Bill 215 class. Therefore, the Board of Pardons and Paroles has recommended to you, in writing, an award under the Prison Management Act of 30 days of administrative good time. This mandatory award would expand the pool of time eligible Senate Bill 215 inmates by approximately 400 inmates.

Attached is a copy of the written recommendation of the Board of Pardons and Paroles and an Executive Order to implement same.