

THE ATTORNEY GENERAL

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An index to the full text of these documents is available on the Attorney General's website at <https://www.texas.attorneygeneral.gov/attorney-general-opinions>. For information about pending requests for opinions, telephone (512) 463-2110.

An Attorney General Opinion is a written interpretation of existing law. The Attorney General writes opinions as part of his responsibility to act as legal counsel for the State of Texas. Opinions are written only at the request of certain state officials. The Texas Government Code indicates to whom the Attorney General may provide a legal opinion. He may not write legal opinions for private individuals or for any officials other than those specified by statute. (Listing of authorized requestors: <https://www.texasattorneygeneral.gov/attorney-general-opinions>.)

Requests for Opinions

RQ-0511-KP

Requestor:

The Honorable Eddie Arredondo

Burnet County Attorney

220 South Pierce

Burnet, Texas 78611

Re: Whether a county commissioners court may cede authority to the county judge to hire a county commissioner's spouse for a position that reports directly to the county judge; and

related questions involving Government Code chapter 573 (RQ-0511-KP)

Briefs requested by July 6, 2023

For further information, please access the website at www.texasattorneygeneral.gov or call the Opinion Committee at (512) 463-2110.

TRD-202302149

Austin Kinghorn

General Counsel

Office of the Attorney General

Filed: June 13, 2023



Opinions

Opinion No. JS-0001

The Honorable Luis V. Saenz

Cameron County District Attorney

964 East Harrison Street, Fourth Floor

Brownsville, Texas 78520

Re: Authority of a county commissioners court to contract for the collection of forfeited commercial bail bonds under Code of Criminal Procedure article 103.0031(h) (RQ-0490-KP)

S U M M A R Y

Code of Criminal Procedure article 103.0031 generally permits a county or a municipality to enter into a third-party collection contract to recover money owed on certain items in criminal cases, including forfeited bonds. The reference to a nonexistent "section" in Code of Criminal Procedure article 103.0031(h), providing that "[t]his section does not apply to commercial bail bonds," is a scrivener's error that creates an absurdity, such that a court would likely construe its exception to refer to article 103.0031.

A court would likely conclude that attorney sureties execute "commercial bail bonds" to the extent they sell their bonding services for a fee or commission. As such, article 103.0031(h) would prohibit a commissioners court from entering into a third-party contract for collection services on forfeited attorney surety bail bonds. Instead, forfeited attorney surety bonds would be collected by district and county attorneys, clerks of district and county courts, sheriffs, constables, and justices of the peace pursuant to Code of Criminal Procedure article 103.003(a).

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