



OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

GERALD C. MANN
ATTORNEY GENERAL

Mr. George H. Sheppard
Comptroller of Public Accounts
Austin, Texas

Dear Sir:

Opinion No. O-3470

Re: Out of state traveling expenses
of a Member of the Department
of Public Safety

We received your letter dated April 30, 1941, requesting our opinion on a question based upon the following facts:

A person by the name of D. W. Shoemaker, alias Dean Shoemaker, who is now charged in Reeves County, Texas, with the offense of robbery by assault, is being held by the Police Department of East St. Louis, Illinois. The Department of Public Safety has been attempting to locate this party for some time for the offense aforementioned as well as to investigate him in a bank robbery and murder case. We are informed that this party has waived extradition.

Your question is:

May the Department of Public Safety pay the traveling expenses, from the monies appropriated to that department, of a Texas Ranger who has been sent to Illinois to return this fugitive to Texas?

Article 4413 (1), Vernon's Annotated Civil Statutes, reads, in part, as follows:

"There is hereby created a Department of Public Safety of the State of Texas, hereinafter designated as 'the Department,' in which is vested the enforcement of the laws protecting the public safety and providing for the prevention and detection of crime. . . ."

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Article 4413 (4) of said statutes reads as follows:

"(1) The Commission shall formulate plans and policies for the enforcement of the criminal laws and of the traffic and safety laws of the State, the prevention of crime, the detection and apprehension of violators of the laws, and for the education of the citizens of the State in the promotion of public safety and law observance.

". . .

Senate Bill No. 427, 46th Legislature, Regular Session, page 137, same being the departmental appropriation bill, reveals that the Legislature made an appropriation to the Department of Public Safety for travel and transportation expenses. Said Senate Bill, at pages 226-229, in effect, provides that members of the various state departments, as enumerated therein, may travel out of the State on State business purposes and shall receive their traveling expenses therein incurred. In Opinion No. X-640, the Attorney General's Department advised the Department of Public Safety and the Comptroller of Public Accounts that the trip in question was for State business purposes.

It is clearly the duty of the Department of Public Safety to enforce the criminal laws and to detect and apprehend violators of the law. The Legislature has provided that department with an appropriation with which to pay traveling expenses incurred in connection with the performance of these duties.

We conclude, therefore, that the Department of Public Safety is authorized to expend its funds to pay the traveling expenses of a Texas Ranger incurred in the aforementioned trip.

Yours very truly

ATTORNEY GENERAL OF TEXAS

APPROVED MAY 14 1941
Tom Miller
FIRST ASSISTANT
ATTORNEY GENERAL

By *Lee Shoptaw*
Les Shoptaw
Assistant

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