



OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

GROVER SELLERS
ATTORNEY GENERAL

Honorable Fred V. Meridith
County Attorney
Kaufman, Texas

Dear Mr. Meridith:

Opinion No. O-6669

Re: Can a person be punished
criminally for the breach
of a peace bond?

Your letter of September 22, 1948, submitting the above question, has been given our careful consideration.

A diligent search of our statutes reveals that there is no law to punish a party who violates a peace bond which he has given under and in virtue of Articles 28-94 of the Code of Criminal Procedure.

The only remedy the State has against a party who breaches a peace bond is a suit to recover on said bond. Of course, if a party breaches the peace, or commits a crime, after he has given the peace bond, he can be punished for whatever crime he has committed. In other words, the giving of the bond does not relieve the defendant from the punishment prescribed by statute for any criminal offense he may thereafter commit.

You state in your letter that the District Court in granting the divorce in the instant case has granted a permanent injunction restraining the defendant from in any way molesting the members of his family. If he does violate that injunction, of course, the District Court can punish him for violating same.

Very truly yours

ATTORNEY GENERAL OF TEXAS

By

Geo. T. Barcus
Assistant

GND-MR

