



**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN, TEXAS 78711

**JOHN L. HILL
ATTORNEY GENERAL**

August 9, 1977

Honorable Alexander Nemer II
County Attorney
Anderson County
Palestine, Texas 75801

Opinion No. H-1038

Re: Whether a sheriff may
work prisoners on his private
property.

Dear Mr. Nemer:

You have requested our opinion regarding the following
question:

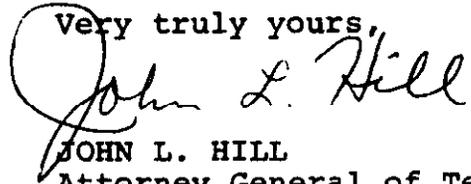
Is it legal for a county sheriff to work
prisoners outside of the county jail on
the sheriff's private ranching and/or
farming operations whether or not such
county jail labor is voluntary on the part
of the prisoners and whether or not such
prisoners are paid for their labor out of
the personal funds of the sheriff?

As you note in your letter, articles 43.09 and 43.10 of the
Texas Code of Criminal Procedure pertain to labor on the part
of county prisoners. Article 43.09 provides in part that a
convicted defendant may "be put to work in the workhouse, or
on the county farm, or public improvements of the county. . . ."
Pursuant to this provision, this office has stated upon three
occasions that county prisoner labor may be used only upon
county projects. Attorney General Opinions WW-36 (1957);
O-3809 (1941); O-1061 (1939). The precise question you raise
was answered in the negative by Attorney General Opinion WW-36
(1957). Accordingly, in our opinion a sheriff may not work
county prisoners on private operations under any circumstances;
county prisoner labor may be utilized only on county projects.

S U M M A R Y

A sheriff may not work county prisoners
on private operations.

Very truly yours,



JOHN L. HILL
Attorney General of Texas

APPROVED:



DAVID M. KENDALL, First Assistant



C. ROBERT HEATH, Chairman
Opinion Committee

jst