



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

August 20, 1996

The Honorable Pat Phelan
Hockley County Attorney
County Courthouse, Box 11
Levelland, Texas 79336

Letter Opinion No. 96-091

Re: Whether an assistant juvenile probation officer may simultaneously hold the elective office of constable (ID# 36911)

Dear Mr. Phelan:

You ask whether an assistant juvenile probation officer may also serve as a constable. We believe that such dual service is unauthorized.

While generally this office addresses constitutional issues when dealing with questions like yours, your question is simply answered by a statute that governs juvenile probation officers. Section 141.065 of the Human Resources Code expressly prohibits peace officers, among others, from acting as juvenile probation officers and from being made responsible for the supervision of juveniles on probation. Hum. Res. Code § 141.065; *see also* Attorney General Opinion MW-491 (1982) at 5. Article 2.12(2), Code of Criminal Procedure, designates constables as peace officers. Code Crim. Proc. art. 2.12(2). Thus, we conclude that an assistant juvenile probation officer in question may not simultaneously hold the office of constable.

S U M M A R Y

A juvenile probation officer may not simultaneously hold the office of constable.

Yours very truly,

A handwritten signature in cursive script that reads "Rick Gilpin".

Rick Gilpin
Deputy Chief
Opinion Committee