



SCHLEICHER COUNTY ATTORNEY'S OFFICE

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December 5, 2019

Honorable Ken Paxton
Office of the Attorney General
P.O. Box 12548
Austin, TX 78711-2548

RQ-0317-KP
FILE# ML-48658-19
I.D.# 48658

Via email transmission only: opinion.committee@oag.texas.gov

Re: Donation of forfeiture funds to an entity as contemplated under Section 59.06 (d-2) (2) of the Texas Code of Criminal Procedure

Dear Sir:

I am writing to request that your office provide an opinion regarding whether the Schleicher County Sheriff's Office may make a donation from forfeited funds to a local non-profit entity, the Eldorado Service Center, to assist in the provision of mental health services, drug counselling services and services for the victims of domestic abuse.

I. The instant matter.

Schleicher County Texas is a small rural county located in the western part of Texas. The City of Eldorado is the county seat of Schleicher County and is the only town located in the County. The governmental and non-profit organizations that provide services for mental health issues, drug counselling and services for victims of domestic abuse for Schleicher County are housed in the offices provided by the Eldorado Service Center. The Eldorado Service Center is non-profit local organization. The Schleicher County Sheriff's Office desires to make a donation of a portion of forfeited funds to the Eldorado Service Center to assist in the maintenance and overhead associated with the operation of the building where the mental health services, drug counselling services and services for domestic abuse victims are housed. The Eldorado Services Center is the only venue in the entire county where these referenced services are held and operated.

II. Section 59.06 (d-2) (2) Texas Code of Criminal Procedure

Section 59 of the Texas Code of Criminal Procedure is the Section that deals with the Forfeiture of Contraband.

Section 59.06 (d-2) (2) of the Texas Code of Criminal procedure states as follows:

(d-2) The head of a law enforcement agency or an attorney representing the state may use as an official purpose of the agency or attorney proceeds or property received under this chapter to make a donation to an entity that assists in:

(2) the provision of:

(A) mental health, drug, or rehabilitation services; or

(B) services for victims or witnesses of criminal offenses or instances of abuse described by Subdivision (1); or

III. Our office's analysis and request for guidance

It is the position of our office that the desire of the Schleicher County Sheriff's Office to make a donation of forfeited funds to the Eldorado Service Center is allowed under the provisions of 59.06 (d-2) (2). The Eldorado Service Center is the only location where services for drug and mental health treatment and rehabilitation are located and performed. The Eldorado Service Center is the only location where services for victims of domestic abuse are offered.

Based upon these facts and circumstances, we believe that the Schleicher County Sheriff's Office may make a donation of forfeited funds to the Eldorado Service Center to assist in the Eldorado Service Center's ability to provide the only location in the County for citizens to access the services referenced above.

This office respectfully requests that your office provide guidance regarding whether the proposed donation of forfeited funds by the Schleicher County Sheriff's Office to the Eldorado Service Center is allowed under Section 59.06 (d-2) (2) of the Texas Code of Criminal Procedure.

Please let this office know if you have any question.

With Cordial Best Wishes
I Remain,

/s/Clint T. Griffin

Clint T. Griffin
Schleicher County Attorney