



Office of the Attorney General  
State of Texas

July 7, 1993

DAN MORALES

ATTORNEY GENERAL

Honorable Tim Curry  
Criminal District Attorney  
Tarrant County  
Justice Center  
401 West Belknap  
Fort Worth, Texas 76196-0201

OR93-434

Dear Mr. Curry:

You inquire on behalf of justices of the peace in Tarrant County whether unserved arrest warrants issued as the result of traffic citations and other related information where maintained by justices of the peace must be released to the public. Your request has been assigned ID# 18987.

The Texas Attorney General has the authority to enforce the Texas Open Records Act, article 6252-17a, V.T.C.S. Section 2(1) of the Open Records Act defines the entities that constitute governmental bodies under the act. Section 2(1)(A) provides that "governmental body" includes

any board, commission, department, committee, institution, agency, or office within the *executive or legislative branch* of the state government, or which is created by either the executive or legislative branch of the state government, and which is under the direction of one or more elected or appointed members . . . .  
(Emphasis added).

Subsection 2(1)(A) does not include the judicial branch within its definition of "governmental body." Subsection 2(1)(H) provides that "the Judiciary is not included within this definition." Consequently, this office is not authorized to address your concerns.

Although the requested records may be subject to a common law or statutory right of access, *see* Gov. Code § 27.004(a), we conclude that the requested records are not subject to the Open Records Act. *See generally* Open Records Decision No. 25 (1974). Because the authority of this office to render open records decisions is limited to determinations as to whether requested information held by "governmental bodies" falls within the section 3(a) exceptions from disclosure, we are not authorized by the act to instruct the justice courts as to the public's right of access to their records. Consequently, we cannot further assist you in this matter.

We regret that we could not be of greater assistance to you on this matter.

Yours very truly,



Rick Gilpin  
Assistant Attorney General  
Opinion Committee

RG/RWP/jmn

Ref.: ID# 18987  
ID# 19347

cc: Mr. Randall D. Kelton  
P. O. Box 113  
Boyd, Texas 76023