



OFFICE OF THE ATTORNEY GENERAL OF TEXAS

AUSTIN

GERALD C. MANN  
ATTORNEY GENERAL

Mrs. Willie O'Neal  
County Auditor  
Carson County  
Panhandle, Texas

Dear Madam:

Opinion No. 6-3092

Re: Is money for a fine, obtained in a felony conviction paid to the State Treasurer or to the County Treasurer; if to the latter, into what fund should it be paid?

Your recent request for an opinion of this department upon the above stated question has been received.

We quote from your letter as follows:

"Kindly advise me as to whether the fine money in a felony conviction is paid to the State Treasurer or to the County Treasurer, and if the latter, which fund that it should be placed in."

Article 949, Code of Criminal Procedure, reads as follows:

"Money collected by an officer upon recognizances, bail bonds and other obligations recovered upon in the name of the State under any provision of this Code, and all fines, forfeitures, judgments and jury fees, collected under any provision of this Code, shall forthwith be paid over by the officers collecting the same to the county treasurer of the proper county, after first deducting therefrom the legal fees and commissions for collecting the same."

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Article 1626, Vernon's Annotated Civil Statutes, reads as follows:

"Claims against a county shall be registered in three classes, as follows:

"1. All jury scrip and scrip issued for feeding jurors.

"2. All scrip issued under the provisions of the road law or for work done on roads and bridges.

"3. All the general indebtedness of the county, including feeding and guarding prisoners, and paupers' claims."

Article 1628, Vernon's Annotated Civil Statutes, provides in part that:

"The funds received by the county treasurer shall be classed as follows, and shall be appropriated, respectively, to the payment of all claims registered in the first, second and third classes:

". . .

"2. All money received under any of the provisions of the road and bridge law, including the penalties recovered from railroads for failing to repair crossings, and all fines and forfeitures.

". . ."

Section 2 of Article 1628 places all money mentioned therein in class two of Article 1626. Therefore, in view of the foregoing statutes, you are respectfully advised that it is the opinion of this department that money obtained for a fine in a felony conviction should be paid to the County Treasurer and placed in the road and bridge fund.

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Trusting that the foregoing fully answers your inquiry, we are

Yours very truly

ATTORNEY GENERAL OF TEXAS

*Ardell Williams*

By

Ardell Williams  
Assistant

AW:GO

APPROVED FEB 12, 1941

*Gerald B. Mann*

ATTORNEY GENERAL OF TEXAS

