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shift clothing as can be found in the Prison Store in Huntsville, in most cases cast-off clothing taken from incoming convicts. If such convict has no money, he is furnished with a railroad or bus ticket from Huntsville the same as for those given Conditional Pardons. The Prison purchases this ticket out of its Educational and Recreational Fund which is not a Legislative appropriation. This Fund is created by Cash receipts from the Prison Rodeo, visitors fees, etc.

"Questions:

"1. Does Article 616621 repeal Article 6196?

"2. Regardless of how you rule on question 1, is the Prison System complying with existing statutes under the present practices described above? And if not, please tell us and then your opinion as to what are the statutorily required practices."

1. Article 6196 was repealed by House Bill No. 59, ch. 212 of the 40th Legislature, 1927, in Section 1, as follows:

"All of Title 108 of the Revised Civil Statutes of 1925 except Article 6203 thereof is in all things hereby repealed."

2. We hand you herewith copy of this department's Opinion No. 0-1850, which we think will answer many if not most of your questions. Supplementing this opinion, however, we beg to advise specifically as follows:

(a) As to the present practice of furnishing a convict released on conditional pardon with transportation "to the county seat of the county to which he has been paroled", we think the practice is in violation of Article 6203, Sec. 10, which requires that the ticket furnished be "from the place of his discharge to the place of his conviction and sentence".

(b) With respect to the practice of furnishing convicts released on reprieve with cast-off clothing taken from incoming convicts, we think that only such clothing as is voluntarily surrendered or discarded by the incoming convict may thus be given to prisoners released on reprieve.

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(c) With respect to the practice of furnishing transportation to convicts released on reprieve out of the Educational and Recreational Fund, a fund created by cash receipts from the Prison rodeo, visitors fees, etc., we beg to advise that our statutes make no provision for furnishing transportation to convicts so released. We have been unable to find any statute providing for the creation of such fund, or the expenditure thereof. Since that fund is not defined by statute, or appropriated by the Legislature, its status is uncertain. It is evidently a trust fund created and held for certain purposes. If one of those purposes is to furnish transportation to convicts released on reprieve, we are not prepared to hold such an expenditure is unauthorized.

The presence of Article 6196 in the statute book perhaps has led to your question as to repeal of that Article. You will see from our Opinion No. O-1850, that we have held the attempt to amend that Article after it had been repealed was ineffective to restore it.

APPROVED NOV 6 1946

Very truly yours

ATTORNEY GENERAL OF TEXAS

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By

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