



THE ATTORNEY GENERAL  
OF TEXAS

CRAWFORD C. MARTIN  
ATTORNEY GENERAL

AUSTIN, TEXAS 78711

December 29, 1970

Honorable W. O. Williams  
County Auditor  
Grayson County  
Sherman, Texas 75090

Opinion No. M-764

Re: Maximum compensation of  
deputy sheriffs and re-  
lated questions.

Dear Mr. Williams:

Your request for an opinion asks the following questions:

"(1) What is the maximum salary allowed by law for a chief deputy in the sheriff's department?"

"(2) What is the maximum salary allowed by law for all other deputies?"

"(3) What is the number of deputies allowed by law for the sheriff's department?"

"(4) How many chief deputies may the sheriff employ?"

"(5) What is the maximum salary allowed by law for assistant county attorneys?"

"(6) What is the maximum salary allowed by law to the county attorney's secretary?"

In compliance with our opinion request procedure you first obtained the advice of the county attorney's office on these questions.

In answer to questions one, two and five, the compensation of deputy sheriffs and assistant county attorneys is governed by the provisions of Articles 3902, 3912g, 3902f-1, 3902f-4 and 3902j, Vernon's Civil Statutes. The base compensation of the

chief deputy sheriff and the first assistant county attorney is fixed by Subdivision (4) of Article 3902 at \$2,400 per annum and other deputies and assistants at \$2,100 per annum. In addition to the base compensation such deputies and assistants are authorized to receive a 25% increase under the provisions of Subdivision (9), Article 3902, a 25% increase under the provisions of Article 3912g, a 35% increase under the provisions of Article 3902f-1, a 35% increase under the provisions of Article 3902f-4 and a 35% increase under the provisions of Article 3902j, making the maximum compensation of the chief deputy sheriff of Grayson County and the first assistant county attorney \$9,226.41, and the maximum compensation of other deputies and assistants \$8,073.11, computed as follows:

Chief Deputy and First Assistant County Attorney - \$9,226.41  
(\$2,400.00 + \$600.00 + \$750.00 + \$1,312.50 + \$1,771.88 + \$2,392.03)  
Other Deputies and Assistants - \$8,073.11  
(\$2,100.00 + \$525.00 + \$656.25 + \$1,148.44 + \$1,550.39 + \$2,093.03)

In answer to your fourth question, the sheriff may employ only one chief deputy. Article 3902, Vernon's Civil Statutes.

Article 3902, Vernon's Civil Statutes, provides that the number of deputies, clerks or assistants of any district, county or precinct officer shall be the number as in the discretion of the commissioners court the court may deem proper.

In answer to your third question, you are advised that the commissioners court is the agency that determines the number of deputies allowed the sheriff's department, and it is solely within the discretion of the commissioners court to determine the number of deputies.

In answer to your sixth question, the secretary to the county attorney may receive the same compensation as other deputies, clerks and assistants. Attorney General's Opinions O-1874 (1940) and V-38 (1947).

#### S U M M A R Y

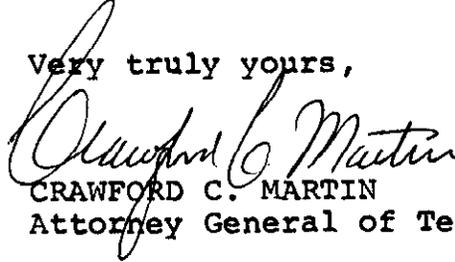
It is within the sole discretion of the commissioners court to determine the number of deputies allowed district, county and precinct officers. The maximum compensation allowed by law to the chief deputy and first assistant county attorney is \$9,226.41, and the maximum compensation of other deputies and assistants is \$8,073.11.

Hon. W. O. Williams, page 3 (M-764)

Articles 3902, 3912g, 3902f-1, 3902f-4 and 3902j,  
Vernon's Civil Statutes.

The sheriff is allowed only one chief deputy.  
The secretary to the county attorney may receive  
the same compensation allowed deputies, clerks  
and assistants.

Very truly yours,

  
CRAWFORD C. MARTIN  
Attorney General of Texas

Prepared by John Reeves  
Assistant Attorney General

APPROVED:  
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