



**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN, TEXAS 78711

**CRAWFORD C. MARTIN
ATTORNEY GENERAL**

October 18, 1971

Hon. A. J. Hartel
County Attorney
P. O. Box 431
Liberty, Texas 77575

Opinion No. M-973

Re: Whether a district
court bailiff must
be deputized as a
deputy sheriff.

Dear Mr. Hartel:

You have asked the opinion of this office as to whether a district court bailiff must be deputized as a deputy sheriff.

Provision for the furnishing of district court bailiffs is covered generally by Article 36.24, Code of Criminal Procedure, 1965, which reads as follows:

"The sheriff of the county shall furnish the court with a bailiff during the trial of any case to attend the wants of the jury and to act under the direction of the court. If the person furnished by the sheriff is to be called as a witness in the case he may not serve as bailiff."

While the foregoing statute places the duty on the sheriff to furnish bailiffs and while there is no restriction on the sheriff as to one of his deputies being the bailiff, there is equally no requirement imposed that a bailiff be a deputy sheriff.

District courts may also appoint bailiffs to attend grand juries under the provisions of Article 19.36, Code of Criminal Procedure, 1965. Again, this Article imposes no requirement that a bailiff so appointed be a deputy sheriff.

Additionally, many of the district courts of this state have special statutory provisions that govern the appointment of bailiffs in their courts. See Article 2292a, et seq., Vernon's Civil Statutes and new enactments passed by the last legislature setting up bailiffs for particular courts, i.e. Acts 62nd Legislature, R.S., 1971, Chapters 112 (page 879) and

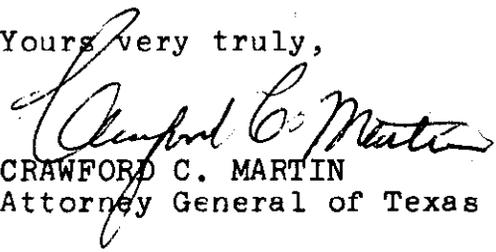
351 (page 1325). No requirement that a bailiff be a deputy sheriff is found in any of these special statutes.

Since we find no statute which requires a district court bailiff to be a deputy sheriff, our opinion is that a district court bailiff is not required to be a deputy sheriff.

S U M M A R Y

The bailiff of a district court need not be a deputy sheriff.

Yours very truly,


CRAWFORD C. MARTIN
Attorney General of Texas

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