



The Attorney General of Texas

December 14, 1978

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Mr. Don R. Stiles
Executive Director
Texas Adult Probation Commission
P. O. Box 12427
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Opinion No. H-1283

Re: Authority of the Adult
Probation Commission to provide
assistance for supervision of
persons on pre-trial bond.

Dear Mr. Stiles:

You have asked if the Texas Adult Probation Commission may provide state aid to judicial districts to be used by probation departments for supervision of persons released from custody on pre-trial bond and pre-trial diversion programs.

The Texas Adult Probation Commission is created by article 42.121, Code of Criminal Procedure. The purpose of the commission is

to make probation services available throughout the state, to improve the effectiveness of probation services, to provide alternatives to incarceration by providing financial aid to judicial districts for the establishment and improvement of probation services and community-based correctional programs and facilities other than jails or prisons, and to establish uniform probation administration standards.

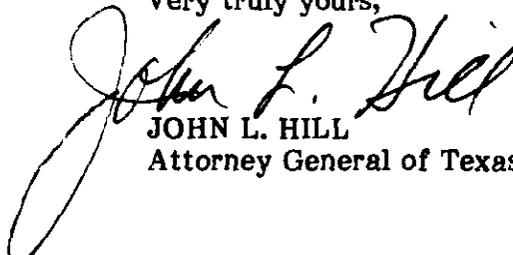
Section 1.01. The commission is empowered to provide financial assistance to judicial districts for these purposes. Section 4.01. The money appropriated by the legislature for this purpose is required to be the amount necessary to maintain and improve state-wide probation services. Section 4.02. The commission is authorized to cooperate with other governmental agencies "to improve probation services." Section 3.04. It may apply for and accept gifts or grants for use in "maintaining and improving probation services." Section 3.03.

The powers and duties of the commission are all cast in terms of probation, which is a post-trial procedure. Code Crim. Proc. arts. 42.12, § 2; 42.13, § 2. Accordingly, we do not believe that under present law the commission has authority to fund a pre-trial release program.

S U M M A R Y

The Texas Adult Probation Commission does not have authority under present law to provide financial assistance to pre-trial release programs.

Very truly yours,



JOHN L. HILL
Attorney General of Texas

APPROVED:



DAVID M. KENDALL, First Assistant



C. ROBERT HEATH, Chairman
Opinion Committee

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