



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

July 7, 1997

The Honorable David A. Sheffield
Hardin County Attorney
P.O. Box 516
Courthouse, Second Floor
Kountze, Texas 77625

Letter Opinion No. 97-060

Re: Whether an individual may be compensated
for serving both as a constable and as a courtroom
bailiff (ID# 39429)

Dear Mr. Sheffield:

You ask whether an individual may receive compensation for serving both as a constable and as a courtroom bailiff. We believe that such dual compensation is authorized.

You have indicated your familiarity with Letter Opinion No. 92-73 in which this office determined that it is permissible for one individual to hold the two positions simultaneously because a courtroom bailiff does not hold an office of emolument under article XVI, section 40 of the Texas Constitution, and the two positions are not incompatible under common law. In that opinion, we did not consider whether one individual could be compensated for service in each position. We now determine that because a courtroom bailiff is not an office of emolument under article XVI, section 40 there is no bar to an individual receiving compensation for serving in both positions.¹ Therefore, we believe that such an individual may receive compensation for service in each position.

S U M M A R Y

An individual may be compensated for simultaneous service both as a courtroom bailiff and as a constable.

Yours very truly,

A handwritten signature in cursive script that reads "Rick Gilpin".

Rick Gilpin
Deputy Chief
Opinion Committee

¹Letter Opinion No. 92-73 (1992) at 2. Article XVI, section 33 of the Texas Constitution, which applies when a person holds more than one civil office of emolument in violation of section 40, is not applicable.