



Id # 11,235
SW

MONTGOMERY COUNTY
OFFICE OF
COUNTY ATTORNEY

D. C. JIM DOZIER
COUNTY ATTORNEY

CONROE, TEXAS 77301

COURTHOUSE
(409) 539-7828

RO-2

December 4, 1990

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DEC 07 90

Opinion Committee

Ms. Sarah Woelk
Assistant Attorney General
Opinion Committee
Supreme Court Building
Austin, Texas 78711-2548

Re: Opinion Request

Dear Ms. Woelk:

Re: Id # 11,126

Enclosed is our brief concerning the disposition of revenues from inmate telephone calls, as requested.

If you should require additional information or require clarification of a point, please do not hesitate to contact my office. I remain,

Very truly yours,

Frank H. Bass, Jr.
Assistant County Attorney

FHB/gs

Enclosure



ID# 11126

MONTGOMERY COUNTY

OFFICE OF
COUNTY ATTORNEY

D. C. JIM DOZIER
COUNTY ATTORNEY

CONROE, TEXAS 77301

COURTHOUSE
(409) 539-7828

November 12, 1990

Honorable Jim Mattox
Attorney General of Texas
Supreme Court Building
P.O. Box 12548
Austin, Texas 78711-2548

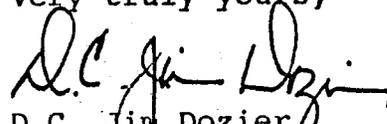
Dear Attorney General Mattox:

The Sheriff of Montgomery County inquired of this office as to what the proper disposition should be of profits generated by inmates use of toll telephones located in the County Jail.

Our response to the Sheriff, a copy of which is attached, was that the profits should be deposited in the commissary fund which is controlled by the Sheriff and spent for the benefit, education, and welfare of jail inmates just as profits generated by the operation of the commissary must be.

We would appreciate your office providing us with an opinion regarding the use of inmate generated profits derived from toll telephone calls so that we can be in compliance with applicable statutes and appropriate sections of the Minimum Jail Standards Rules.

Very truly yours,


D.C. Jim Dozier
County Attorney

DCD/gs



MONTGOMERY COUNTY

OFFICE OF

COUNTY ATTORNEY

D. C. JIM DOZIER
COUNTY ATTORNEY

CONROE, TEXAS 77301

COURTHOUSE
(409) 539-7828

9005-1603

TO: Sheriff Joe Corley

FROM: Frank H. Bass, Assistant County Attorney

SUBJECT: Disposition of Revenues from Inmate Telephone Calls

DATE: May 3, 1990

COPIES:

Frank H. Bass

You have inquired as to whether or not revenues generated by inmates use of toll telephones should be paid into the general fund of the County or into the Commissary Account, which would be under the control of the Sheriff. We are pleased to provide you with our answer.

V.T.C.A. Local Government Code, section 351.0415 permits a sheriff of a County with a population of under 200,000 to operate or contract with another person to operate a commissary for the use of the prisoners committed to the County Jail. The statute goes on to say "The Commissary must be operated in accordance with rules adopted by the Commission on Jail Standards."

Section 351.0415(b)(1) provides the sheriff has exclusive control of commissary funds. The purposes for which the sheriff may use commissary funds are quite limited and defined in Section 351.0415(c)(1)(2)(3)(4).

The Attorney General of Texas has ruled that a commissary operated at a profit is acceptable provided all profits are spent for the benefit, education, and welfare of jail inmates. Attorney General Opinion MW-143 (1980) see also Minimum Jail Standards Rules 217.05.022, 217.07.021 and 217.22.001(c).

We believe it follows that telephones which must be provided for inmates use pursuant to Minimum Jail Standards Rule 217.09.009 are operated at a profit then all those profits must be spent for the benefit, education, and welfare of the jail inmates, in accordance with Section 351.0415(c)(1)(2)(3)(4).

INTEROFFICE MEMORANDUM: 9005-1603
Disposition of Revenues from Inmate Telephone Calls
May 3, 1990
Page 2

The options available to the county are to provide the phone service at no cost without generating a profit or to operate at a profit and deposit the money in the Commissary Account to be used by the sheriff for the statutorially permitted purposes.

FHB/gs