



ID # 15444
MBJ

TARRANT COUNTY
OFFICE OF THE
CRIMINAL DISTRICT ATTORNEY

RQ-356

TIM CURRY
CRIMINAL DISTRICT ATTORNEY
817/884-1400

JUSTICE CENTER
401 W. BELKNAP
FORT WORTH, TX 76196-0201

March 17, 1992

RECEIVED

The Honorable Dan Morales
Attorney General of the State of Texas
Supreme Court Building
P.O. Box 12548
Austin, Texas 78711

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Opinion Committee

Re: Request for Opinion on Application
of Escheat Laws to District Clerk

Dear General Morales:

We are requesting your opinion on the following questions:

- 1) Is §117.002 of the Local Government Code unconstitutional as a violation of separation of powers since it requires the district clerk to report and deliver funds held in the registry of the court to the state treasurer "without further action by any court"?
- 2) If §117.002 is not unconstitutional, does it only apply to funds in a county depository?
- 3) If §117.002 is not unconstitutional, how long must funds sit dormant before they are considered abandoned?
- 4) Does §117.002 conflict with §117.058 of the Local Government Code?

As is required, we include a Brief in Support of Request for Opinion. We look forward to your opinion on this matter.

Sincerely,

TIM CURRY
CRIMINAL DISTRICT ATTORNEY
TARRANT COUNTY, TEXAS

DMW/gbb
Enclosure