



TARRANT COUNTY  
OFFICE OF THE  
CRIMINAL DISTRICT ATTORNEY

RQ-636

TIM CURRY  
CRIMINAL DISTRICT ATTORNEY  
817/884-1400

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

November 9, 1993

Honorable Dan Morales  
Attorney General of Texas  
P.O. Box 12548  
Austin, Texas 78711-2548

MBJ  
FILE # ML-23208-93  
I.D.# 23208

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RE: Request for Opinion Regarding  
the Peace Officer License  
of Bailiffs

Dear General Morales:

At the request of our District Judges and Sheriff, we request your guidance on the following issues:

- A. Are bailiffs required to be deputized and/or licensed to be armed, since there are exceptions (example: security guards) to the carrying law for non-peace officers? Are bailiffs assigned by the Sheriff's Department required to be TCLEOSE-licensed peace officers? May they instead be licensed as a reserve deputy and/or jailer, or merely licensed or certified as to weapons proficiency? May they instead carry a license as or like a security guard while on County property?
- B. If not required to be TCLEOSE-licensed peace officers, may "sheriff's bailiffs" carry guns:
  - within the courtroom;
  - in the course of their duties, including outside the courtroom.
- C. Are judge-appointed statutory bailiffs required to be TCLEOSE-licensed peace officers if the court wants them deputized by the Sheriff? If not so required, are they "peace officers" under the penal code (or otherwise authorized to carry guns) upon deputation?

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- D. Are judge-appointed, but undeputized, statutory bailiffs required to be TCLEOSE-licensed peace officers if the court wants them to carry a gun within the courtroom and/or in the course and scope of their employment?
- E. Does a bailiff with a license as a reserve peace officer have the same powers (especially with respect to carrying guns, or making arrests) as one with a peace officer license? Does the assignment as a bailiff constitute a call to active duty by the Sheriff pursuant to the Tex. Loc. Gov't Code Ann. § 85.004 (d), permitting a reserve instead of a regular license?
- F. May a non-licensed "sheriff's bailiff" arrest someone? Is the answer the same as to non-licensed individuals who are deputized at the request of the judge ("judges' bailiffs")?
- G. Are bailiffs who were hired before TCLEOSE standards were enacted "grandfathered in" and not subject to any licensure standards?

We enclose a brief in support of our request. Please let us know if you require further information.

Sincerely,



TIM CURRY  
CRIMINAL DISTRICT ATTORNEY  
TARRANT COUNTY, TEXAS

/cg

enclosure: Brief in Support

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cc/w Brief in Support:

Sheriff David Williams  
Judge Brent Keis  
Judge V.G. Sprinkle  
Judge M.D. Mitchell  
Judge Wallace Bowman  
Judge R.J. Adcock  
Judge Daryl R. Coffey  
Judge Pete Gilfeather  
Judge Sharen Wilson  
Judge Don Leonard  
Judge Fred W. Davis  
Judge George Crowley  
Judge Catherine A. Gant  
Judge Robert K. Gill  
Judge Bill Brigham  
Judge Everett Young  
Judge Scott D. Moore  
Judge Mary S. O'Reilly  
Judge M. D. Schattman  
Judge V. Sue Koenig

Judge Steve Wallace  
Judge Sherry Hill  
Judge Billy D. Mills  
Judge Jake Cook  
Judge Howard M. Fender  
Judge Brent A. Carr  
Judge Pete Perez  
Judge Lee Ann Dauphinot  
Judge Joe Drago, III  
Judge Dixon W. Holman  
Judge Jeff Walker  
Judge Ken Curry  
Judge Randy Catterton  
Judge Albert White, Jr.  
Judge Frank Sullivan  
Judge Brian A. Carper  
Judge Bob McGrath  
Judge Bruce Auld  
Judge Bill Burdock