



MIKE DRISCOLL
county attorney

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RQ-750

Opinion Committee

September 21, 1994

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**CERTIFIED MAIL,
RETURN RECEIPT REQUESTED**

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

SJS
ML-29510-94
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Re: Who is liable for injuries suffered
or inflicted by a reserve deputy sheriff
C. A. File: 43,420

Ladies and Gentlemen:

Harris County Sheriff Johnny Klevenhagen requests your opinion on
the following questions:

1. Does the Harris County Sheriff have authority under section 85.004 of the Local Government Code to call a reserve deputy into service for the purpose of providing security personnel to a separate governmental or private entity that will pay the deputies on an employee or independent contractor basis?
2. If a reserve deputy sheriff is assigned by the Sheriff to be employed part-time as security personnel with a separate governmental or private entity, is the reserve deputy exempt from the licensing requirements of the Private Investigators and Private Security Agencies Act by virtue of the assignment?
3. Would the answer to question no. 2 be the same if the reserve deputy was not paid for performing the part-time services for the third-party entity?
4. During the scope of a reserve deputy's paid employment with a third-party governmental or private entity, who is liable for injuries suffered or inflicted by such reserve deputy sheriff?
5. Would the answer to question no. 4 be different, if the reserve deputy were assigned to the third-party

First Assistant: Marsha L. Floyd • Bureau Chiefs: James E. McKnight, Admin. Services, Jerry B. Schank,
David R. Hurley • Division Chiefs: Dori A. Wind, Anthony F. Loria, Mary J. McKerral,
Rock W.A. Owens, Frank E. Sanders, Richard S. Hill, Rosalinda Garcia

entity by the Harris County Sheriff and were not paid by the third-party entity to perform the services?

Our Memorandum Brief is enclosed.

Please furnish with your opinion on the above questions.

If I can provide you with additional information, please do not hesitate to contact me.

Sincerely,

MIKE DRISCOLL
COUNTY ATTORNEY

By: 

Sandra D. Hachem
Assistant County Attorney