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JOHN B. HOLMES, JR.
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HARRIS COUNTY, TEXAS

RQ-840

July 25, 1995

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Opinion Committee

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

JUL 26 1995

Opinion Committee

SJS

Attn: Ms. Sarah Shirley
Chairperson, Opinion Committee

FILE # ML-34932-95

Dear Ms. Shirley:

I.D. # 34932

TEX. CODE CRIM. PROC., art. 42.131, § 2 (1995) provides for the establishment of a community supervision and correction department by the district judge or district judges trying criminal cases in each judicial district. That provision further provides that the district and the statutory county judges trying criminal cases are entitled to participate in the management of the department. Part of the judges' responsibilities in that management function are the appointment of the departmental director [TEX. CODE CRIM. PROC., art. 42.131, § 4] and the authorization of funds for the purposes of providing facilities, equipment, and utilities for community correction and state jail facilities [TEX. CODE CRIM. PROC., art. 42.131 § 10 (c)].

Recently, a question has arisen in Harris County as to whether those district and statutory county court judges trying criminal cases, when meeting to participate in the management of the Community Supervision and Correction Department of Harris County, under art. 42.131, *supra*, are subject to the proscriptions of the Texas Open Meetings Law (TEX. GOV'T CODE, § 551.001 et seq.). It is the opinion of this office that these judges, when meeting to participate in the management of the Harris County Community Corrections and Supervision Department, are in fact subject to the Texas Open Meetings Act.

Since the answer to the foregoing question has statewide significance, however, and also depending upon the answer, there are criminal implications if the Open Meetings Act has applicability, this office believes that it would be appropriate if your office would render an opinion clarifying this issue.

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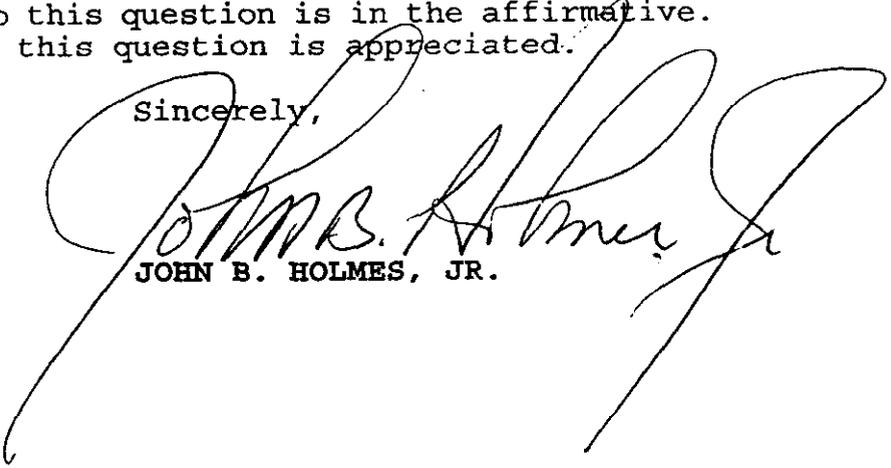
Ms. Sarah Shirley
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Therefore, pursuant to TEX. GOV'T CODE ANN. § 402.043 (1995) this office is hereby requesting the written opinion of the Attorney General with regard to the following question:

Is the Harris County Committee of District and Statutory Judges Trying Criminal Cases overseeing the Community Supervision and Corrections Department subject to the Open Meetings Act when it meets to participate in the management of the Harris County Community Supervision and Corrections Department?

This office has enclosed a memorandum of law in support of its conclusion that the answer to this question is in the affirmative. Your prompt consideration of this question is appreciated.

Sincerely,



JOHN B. HOLMES, JR.

Enclosure