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OPINION COMMITTEE

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EXECUTIVE ASSISTANT
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JOHN WINKELMANN
ASSISTANT COUNTY ATTORNEY

DEPUTY CLERK
NICOLE NAUMANN

February 11, 2015

FILE # ML-47697-15

I.D. # 47697

Office of the Attorney General of Texas
Honorable Ken Paxton
Opinion_committee@TexasAttorneyGeneral.gov

RQ-0010-KP

Re: Opinion Request

Dear Attorney General Paxton:

On behalf of the Washington County Attorney Renee Ann Mueller, I am requesting an opinion as to whether section 41.005 of the Government Code authorizes a County Attorney to separate a portion of bond forfeiture collections as a commission without the approval of the commissioners court.

Attorney General Opinion No. GA-0997, issued by your predecessor in office, addressed the question of "Whether a district attorney may, pursuant to section 41.005, Government Code, retain a commission on bond forfeiture collection." (GA-0997) The opinion is silent as to County Attorneys with criminal jurisdiction.

The Washington County Attorney's Office has criminal jurisdiction over adult misdemeanors and represents the State in bond forfeiture proceedings arising out of these criminal proceedings. I wish to waive 402.042(c) requirements.

Thank you for your attention to this matter.

Sincerely,


John Winkelmann
Asst. County Attorney
Washington County, Texas