



**THE ATTORNEY GENERAL  
OF TEXAS**

**AUSTIN, TEXAS 78711**

**JOHN L. HILL  
ATTORNEY GENERAL**

October 25, 1977

Honorable Henry Wade  
District Attorney  
6th Floor, Records Building  
Dallas, Texas 75202

Opinion No. H-1077

Re: Payment by Dallas County  
of bond premiums for reserve  
deputy sheriffs and reserve  
deputy constables.

Dear Mr. Wade:

You ask:

Can Dallas County legally pay . . . pre-  
miums on the bonds required by Article  
6869.1, V.C.S., of reserve deputy sheriffs  
and reserve deputy constables?

Article 6869.1 provides that reserve deputies are to  
"serve without pay", although the commissioners court is per-  
mitted to "provide compensation for the purchase of uniforms  
and/or equipment used by such individuals." Sec. 1(d). The  
statute also provides that

(e) Such reserve deputy sheriffs . . . ,  
prior to their entry upon duty and sim-  
ultaneously with their appointments, shall  
file an oath and bond in the amount of  
Two Thousand Dollars (\$2,000), payable to  
the sheriff . . . and filed with the county  
clerk of the county in which said appoint-  
ment is made.

Authorization for the county to provide bond premiums is  
not granted by article 6869.1. However, article 3899 provides  
in part:

. . . .

(b) Each officer named in this Act,  
where he receives a salary as compensa-  
tion for his services, shall be entitled  
and permitted to purchase or charge to  
his county all reasonable expenses ne-  
cessary in the proper and legal conduct

of his office, premiums on officials' bonds, premiums on fire, burglary, theft, robbery insurance protecting public funds, and including the cost of surety bonds for his deputies . . . .

(Emphasis added). Both sheriffs and constables are officers named in the Act. Attorney General Opinion O-439 (1939). In Attorney General Opinion M-1021 (1971) this office concluded that the commissioners court of a county has authority under article 3899, V.T.C.S., to determine if the purchase or lease of two-way radio equipment for reserve deputy sheriffs is a reasonable and necessary expense of the sheriff's office, and if it determines that it is, to pay for such equipment. Cf. Attorney General Opinion H-958 (1977) (county prohibited from paying reserve deputy sheriff's insurance premiums as compensation).

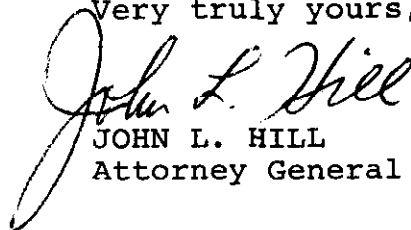
Article 3899 leaves no doubt that premiums for the official bonds of sheriff's and constable's deputies are expenses of the sheriff's office and of the constable's office. The statute makes no distinction between the bonds of regular deputies and those of reserve deputies.

Accordingly, we believe that a county may legally pay reasonable premiums on the bonds required of reserve deputy sheriffs and of reserve deputy constables by article 6869.1, V.T.C.S.

S U M M A R Y

A county may legally pay reasonable premiums on the bonds required by article 6869.1, V.T.C.S., of reserve deputy sheriffs and of reserve deputy constables.

Very truly yours,



JOHN L. HILL  
Attorney General of Texas

APPROVED:



DAVID M. KENDALL, First Assistant

Honorable Henry Wade

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A handwritten signature in cursive script, appearing to read "C. Robert Heath". The signature is written in dark ink and is positioned above a horizontal line.

C. ROBERT HEATH, Chairman  
Opinion Committee

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