

MEMORANDUM

TO: Recipients of LO-88-114

COPY TO:

FROM: Opinion Committee

DATE: October 7, 1988

SUBJECT: LO-88-114

REPLY BY:

PLEASE

REPLY

HANDLE

SEE ME

APPROVE

RETURN

FYI

Please be notified that LO-88-114 withdraws LO-88-112.
A copy of LO-88-114 is attached.

LETTER OPINION TRACKING SHEET

LO- 88-114

DATE ISSUED 10/7/88

ID# 4640

or RQ# ---

ADDRESSEE: Honorable Carlos Valdez
Nueces County Attorney
Nueces County Courthouse
901 Leopard, Room 206
Corpus Christi, Texas 78401-3680

RE: LO-88-112

PREPARED BY: Sarah Woelk

~~REVIEW INFORMATION~~

REVIEWED BY: _____

DATE: _____

CITE CHECK BY: JM + SW

DATE: 10/7

SARAH: OK



**THE ATTORNEY GENERAL
OF TEXAS**

**JIM MATTOX
ATTORNEY GENERAL**

October 7, 1988

Honorable Carlos Valdez
Nueces County Attorney
Nueces County Courthouse
901 Leopard, Room 206
Corpus Christi, Texas 78401-3680

LO-88-114

Dear Mr. Valdez:

This letter is to inform you that we are withdrawing LO-88-112. A provision has been brought to our attention that we did not consider when we considered the question of whether funds generated by forfeitures under section 5.08 of article 4476-15 are required to be deposited in the county depository.

Section 5.082(a) of article 4476-15, which we did not consider, provides:

If money is seized by a law enforcement agency in connection with a violation of this Act, the state or the political subdivision of the state that employs the law enforcement agency may deposit the money in an interest-bearing bank account in the jurisdiction of the agency that made seizure or in the county in which the money was seized until a final judgment is rendered concerning the violation.

It has been suggested that the specific language of section 5.082 prevails over the general language of section 116.002 of the Government Code. We are withdrawing LO-88-112 to consider that argument.

Very truly yours,

Sarah Woelk
Sarah Woelk, Chief
Letter Opinion Section
Opinion Committee

SW/bc

4640

Mail ID number 4640
RQ number 0
Date Written 10/07/88
Date received 10/07/88
Assigned SW
Open Gov. Section
OR date / /
LO date 10/07/88
Disposition

LO-88-114 AS PER SW/BC
LETTER GENERATED BY PHONE CALL

Last Name VALDEZ
First name CARLOS
Title COUNTY ATTORNEY
Entity NUECES, COUNTY OF
Address COURTHOUSE
901 LEOPARD
City CORPUS CHRISTI
State TX
Zip 78401-3680
Description