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By Opinion Committee at 2:32 pm, May 11, 2023

**RQ-0509-KP**

**FILE# ML-49271-23**

**I.D.# 49271**

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April 28, 2023

**Via U.S. Mail**

Office of the Attorney General  
Attn: Opinion Committee  
P.O. Box 12548  
Austin, Texas 78711-2548

Dear General Paxton:

On behalf of Washington County, we request your opinion on the following matter.

***Background***

Through the years, the Office of the Attorney General has issued a few opinions regarding the use of the monies found in the courthouse security fund as provided in Texas Code of Criminal Procedure Art. 102.017. *See, e.g.*, Tex.Att’y Gen. Op. No. JC-0014 (1999) (regarding the purchase of clip on microphones for sheriff’s deputies that work in the courthouse); Tex. Att’y Gen. Op. No. JC-0476 (2002) (regarding the establishment of a courthouse security force). All of these opinions had to do with issues arising inside the courthouse building.

The Washington County Courthouse houses the courtrooms and offices for the 21<sup>st</sup> Judicial District Court, the 335<sup>th</sup> Judicial District Court, the Washington County Court at Law, and the Justice Court for Precinct 3. The Washington County Courthouse is located at 100 E. Main Street, Brenham, Texas in the center of the courthouse square. The Washington County District Attorney’s office is located directly across the street at 110 South Park Street, Brenham, Texas.

In 2014, the Washington County District Attorney Julie Renken requested that the Commissioners Court purchase bullet proof glass to aid in security measures for her office. Once the glass arrived, the Washington County Sheriff Otto Hanak “tested” the glass by shooting at it and it was shot through rendering it unusable. The glass was never replaced and over the next

years, the request seemed to meander around between the County Maintenance Department, the Sheriff's Office, and the County Judge with no real resolution. In March of 2023, DA Renken renewed her request in writing. It was then suggested by the Sheriff that it be purchased and paid out of the courthouse security fund or some other alternative funds.

***Question Presented***

Whether the District Attorney's Office located in a stand-alone building with no other courts or court offices can use the monies in the courthouse security fund for the purchase of bullet proof glass as a building "that house[s] the operations of a district, county, or justice court."

***Discussion***

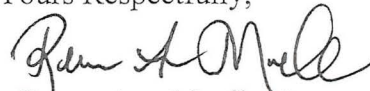
It is clear that the statute considers the purchase of bullet proof glass to be a "security item." Tex. Code. Crim. Proc. Art. 102.017 (c)(11). What is unclear is whether the District Attorney's Office qualifies under the statute's express requirement that the funds only be used for "buildings that house the operations of district, county, or justice courts."

The Washington County District Attorney's office prosecutes felony cases in the 21<sup>st</sup> and 335<sup>th</sup> judicial district courts. As previously stated, the judge's offices and the courtroom are located across the street from the District Attorney's office. Cases cannot be prosecuted without the work of the District Attorney's office. The prosecution of felonies is essential to the work of a district court, but is it too much of a stretch to think it is an "operation of" the district court?

The statute goes on to make allowances for the counties where one or more justice courts are located in buildings that "***are located in buildings that are not the county courthouse.***" Tex. Code Crim. Proc. Art. 102.017(d). The statute is silent about other offices that are not courts located outside the courthouse.

The Washington County Attorney's Office was asked for a legal opinion on the matter and opined that the "operation of a district court" referred to the work of the court that occurred within the confines of the building that housed the district court and its offices. In this case, it would only be applicable to the Washington County Courthouse and the other locations where the county's three other justice courts have offices. Therefore, the use of the courthouse security fund monies would be unavailable for the purchase of bullet proof glass at the District Attorney's Office. However, since an alternative position is arguable, we were asked to obtain an opinion from the Attorney General by the County Judge.

Yours Respectfully,



Renee Ann Mueller

Washington County Attorney

CC: *Washington County Judge*  
*Washington County Sheriff's Office*  
*Washington County District Attorney*