

# THE ATTORNEY GENERAL

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An Attorney General Opinion is a written interpretation of existing law. The Attorney General writes opinions as part of his responsibility to act as legal counsel for the State of Texas. Opinions are written only at the request of certain state officials. The Texas Government Code indicates to whom the Attorney General may provide a legal opinion. He may not write legal opinions for private individuals or for any officials other than those specified by statute. (Listing of authorized requestors: <https://www.texasattorneygeneral.gov/attorney-general-opinions>.)

## Requests for Opinions

### RQ-0516-KP

#### Requestor:

The Honorable John Fleming  
Nacogdoches County Attorney  
101 West Main Street, Room 230  
Nacogdoches, Texas 75961

Re: Calculation of the amount "not to exceed one-fourth of one percent" in Texas Special District Code section 1069.211, governing the Nacogdoches County Hospital District's allocation of its sales and use tax revenue for economic development (RQ-0516-KP)

#### Briefs requested by November 15, 2023

*For further information, please access the website at [www.texasattorneygeneral.gov](http://www.texasattorneygeneral.gov) or call the Opinion Committee at (512) 463-2110.*

TRD-202303854  
Austin Kinghorn  
General Counsel  
Office of the Attorney General  
Filed: October 17, 2023



## Opinions

### Opinion No. KP-0445

The Honorable Phil Sorrells  
Tarrant County Criminal District Attorney

401 West Belknap

Fort Worth, Texas 76196

Re: Application of Local Government Code section 120.002 to a county's transfer of a deputy constable from the constable's office to other county departments (RQ-0505-KP)

#### S U M M A R Y

For counties of the requisite population, Local Government Code section 120.002 generally prohibits a county commissioners court from adopting a budget for a fiscal year that reduces the funding or staffing or reallocates resources of law enforcement agencies without voter approval. A constable's office is a law enforcement agency, and likely one with duties that constitute policing, criminal investigation, or answering calls for service within the scope of subsection 120.002(a)(1). A threshold question whether those duties are the constable's office's primary responsibility is a fact question we cannot address in an Attorney General opinion. That question will ultimately be resolved through the complaint procedures set out in sections 120.006 and 120.007 and judicial review.

*For further information, please access the website at [www.texasattorneygeneral.gov](http://www.texasattorneygeneral.gov) or call the Opinion Committee at (512) 463-2110.*

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