

# OFFICE OF THE ATTORNEY GENERAL



79-00193

File # 161

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MAY 16 1979

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Mr. Jimmy Evans  
District Attorney  
Fifteenth Judicial Circuit  
Montgomery County Courthouse  
Montgomery, Alabama

Alabama Alcoholic Beverage  
Control Board - Narcotics -  
Funds allocated to the ABC Narcotics  
and Alcohol Enforcement Division  
may be advanced for the purpose  
of purchasing illegal drugs.

Dear Mr. Evans:

We are in receipt of your opinion request wherein you state:

"This office has been informed that even though an amount in excess of \$75,000.00 has been allocated to the Narcotics Enforcement Division of the ABC Board for utilization in enforcing drug laws; that under the present policy, these funds are available only after the fact. That is, even if narcotics officers are aware of large quantities of illegal drugs available for purchase and distribution in Alabama, they are hindered in their efforts by the non-availability of ready funds. Unless the officers and/or their superiors have the wherewithal to advance their own personal funds or are willing to become independently liable on notes and obligations from lending institutions to finance the purchase of these illegal narcotics, the drugs are distributed through their usual channels and end up in the hands of our citizens, including our teen-agers and young people."

Honorable Jimmy Evans  
District Attorney  
Fifteenth Judicial Circuit

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You then present the question: "May funds allocated to the ABC Narcotics and Alcohol Enforcement Division be advanced for the purpose of purchasing illegal drugs?"

Your question is answered in the affirmative. The present policy requiring the agents and officers to advance personal funds greatly hinders the purpose behind the allocation of monies for such purposes. The agents of the ABC Enforcement Division require access to substantial amounts of cash in order to carry out their duties effectively. Where law enforcement personnel cannot get access to funds allocated for evidence buying purposes, their activities in this vital area are substantially curtailed. No statutory nor constitutional prohibition exists which would preclude funds allocated for this purpose from being advanced to the ABC Narcotics Enforcement Division. Article IV, §93 of the Alabama Constitution of 1901 is inapplicable in that the State is not lending credit when funds allocated for this purpose are advanced.

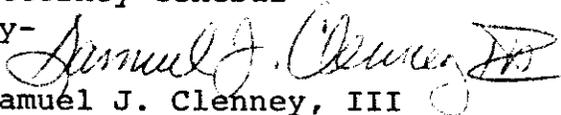
This office can envision no area where the prompt and judicious advancement of allocated funds for cost of evidence purposes is more critically needed.

It is the opinion of this office that these cost of evidence funds may be advanced for the purpose of buying illegal drugs. This opinion is limited to expenditures by ABC Enforcement personnel.

Sincerely,

CHARLES A. GRADDICK  
Attorney General

by-

  
Samuel J. Clenney, III  
Assistant Attorney General