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STATE OF ALABAMA  
OFFICE OF THE ATTORNEY GENERAL

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Honorable F. Timothy Riley  
District Court Judge, Marshall County  
27<sup>th</sup> Judicial Circuit  
Post Office Box 388  
Albertville, Alabama 35950

Community Punishment and  
Corrections – Funds – Courthouses –  
Improvements – Marshall County

The Marshall County Community Punishment and Corrections Authority (“MCCPCA”) may make a donation of funds to be used by the Marshall County Commission as long as such funds are being used to renovate areas of the courthouse designated for use by the MCCPCA.

Dear Judge Riley:

This opinion of the Attorney General is issued in response to your request.

QUESTION

May the Marshall County Community Punishment and Corrections Authority make a donation of funds to be used by the Marshall County Commission for courtroom remodeling and renovations pursuant to section 15-18-180(b) of the Code of Alabama?

FACTS AND ANALYSIS

The Marshall County Community Punishment and Corrections Authority has been developed pursuant to section 15-18-172 of the Code of Alabama. The goals of the Alabama Community Punishment and Corrections Act ["Act"] include, in part, to "promote accountability of offenders to their local community by requiring direct financial restitution to be made to victims of crime and that community service be made to local governments and community agencies representing the community," to "provide a safe, cost-efficient, community punishment and correctional program which provides punishments through the development of a range of sanctions and community services available for the judge at sentencing" and to "encourage the involvement of local officials and leading citizens in their local punishment and correctional system." 1991 Ala. Acts No. 91-441, 797, 798.

Your letter indicates that, recently, the Marshall County Commission has initiated courthouse renovations and repairs. These renovations and repairs include, in part, the installation of awnings, construction of sidewalks between existing and newer courthouse buildings, the painting of the interior of the courtroom and small offices adjacent to the courtroom, and the installation of ceiling fans in various rooms through the courthouse.

Your letter also indicates that to offset the cost of these renovations and repair, the MCCPCA is considering making a donation of funds to the Marshall County Commission. We note that the county commission has the authority to "direct, control, and maintain the property of the county" and to "change the location of the courts and the designation of the rooms for officers as it may deem best and most expedient." ALA. CODE § 11-3-11(a)(1) (2008).

In accordance with section 15-18-180(b), a Community Corrections program can utilize community punishment and corrections funds to "acquire, *renovate*, and operate community facilities" established to provide for a number of identified community-based program options. ALA. CODE § 15-18-180(b) (Supp. 2009) (emphasis added). Although the term "renovate" is not specifically defined in the Act, the term "renovation" is defined as "[t]he repair, remodeling, alteration, or expansion of existing buildings or structures to make them habitable or suitable for community punishment and corrections programs operations." ALA. CODE § 15-18-171(20) (Supp. 2009). Thus, to the extent that the MCCPCA is utilizing space within the Marshall County Courthouse in furtherance of the goals of

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the Act, it is permissible for funds to be expended to repair and remodel those portions of the courthouse that the county commission has authorized them to occupy to make them habitable and suitable for the Community Corrections Program.

CONCLUSION

It is the opinion of this Office that the Marshall County Community Punishment and Corrections Authority may make a donation of funds to be used by the Marshall County Commission as long as such funds are being used to renovate areas of the courthouse designated for use by the MCCPCA.

I hope this opinion answers your question. If this Office can be of any further assistance, please contact Kim Thomas, Legal Division, Department of Corrections.

Sincerely,  
TROY KING  
Attorney General  
By:



BRENDA F. SMITH  
Chief, Opinions Division

TK/KT

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