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STATE OF ALABAMA
OFFICE OF THE ATTORNEY GENERAL

TROY KING
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Honorable Donald Lolley
Sheriff of Choctaw County
Butler, Alabama 36904

Sheriffs - Pistol Permit Fund -
Expenses

The Sheriff of Choctaw County may use pistol permit funds under his or her discretionary control to purchase coffee supplies and to provide meals for officers of agencies that assist and educate the sheriff, in training sessions and otherwise, regarding the duties of the sheriff's office. The meals and coffee should be incidental to the training sessions and served while the sessions are in progress.

Dear Sheriff Lolley:

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

QUESTIONS

Can the Sheriff of Choctaw County use pistol permit proceeds to pay for coffee supplies for the sheriff's office?

Can pistol permit proceeds be used to provide meals for officers from nonlocal agencies?

FACTS AND ANALYSIS

Act 81-749 provides for the issuance of pistol permits in Choctaw County. Section 1 of that act reads as follows:

Section 1. Section 1 of Act No. 1022, S. 877, 1969 Regular Session (Acts 1969, p. 2512) as amended is hereby further amended to read as follows:

“Section 1. In Choctaw County the fee for issuance of a permit to carry a pistol in a vehicle or concealed on or about a person as provided in Section 13-6-175, Code of Alabama 1975, shall be ten dollars (\$10.00) which shall be collected by the sheriff or probate judge and deposited in a sheriff’s fund to be used at the discretion of the sheriff.”

1981 Ala. Acts No. 81-749, 1276. You informed this Office that you wish to provide coffee and meals to officers that come to the sheriff’s office to assist and educate the sheriff in his or her duties and to hold training sessions. This Office has opined that a sheriff may use funds that are under his discretionary control to further the essential purposes of the sheriff’s office. Opinion of the Attorney General to Honorable Melvin Bailey, Sheriff, Jefferson County, dated November 9, 1987, A.G. No. 88-00051 at 2.

The Attorney General has also opined on several occasions that certain governmental entities and agencies can furnish meals and refreshments for board members, advisory committees, or officers attending work-related meetings if the meals and refreshments are incidental to the meetings and are served while the meetings are in progress. See opinions to Honorable George Allen Desmond, Chairman, Bibb County Commission, dated May 20, 1987, A.G. No. 87-00184; to Mr. Roy Baker, Chairman, City Board of Recreation, City of Talladega, dated June 28, 1982, A.G. No. 82-00423; and to Honorable W. R. Payton, Mayor, City of Sylacauga, dated September 14, 1977. Refreshments, as used in these opinions, would include coffee.

It was determined in an opinion of the Attorney General to Honorable Grady Lanier, III, District Attorney, 22nd Judicial Circuit of Alabama, dated September 15, 1981, A.G. No. 81-00579, that payment for

Honorable Donald Lolley
Page 3

lunches for groups of law enforcement officers attending a seminar on law enforcement could be made from the district attorney's fund. The opinion cautioned that payment for food at occasions that are of a purely social nature is not allowed. *Lanier* at 2.

This Office, on occasion, has recognized the use of sheriff's funds or pistol permit funds for the following purposes: (1) to purchase flowers for ill and deceased law enforcement personnel of the sheriff [opinion of the Attorney General to Honorable Robert L. Turner, Sheriff, Autauga County, dated January 25, 1989, A.G. No. 89-00146]; (2) for offering rewards for information through a Crime Stoppers Program [*Bailey* at 1]; and (3) to supplement the salary of the sheriff's clerk under certain conditions [opinion of the Attorney General to Honorable Grady Rose, Sheriff, Lawrence County, dated August 22, 1979, A.G. No. 79-00271].

CONCLUSION

The Sheriff of Choctaw County may use pistol permit funds under his or her discretionary control to purchase coffee supplies and to provide meals for officers of agencies that assist and educate the sheriff, in training sessions and otherwise, regarding the duties of the sheriff's office. The meals and coffee should be incidental to the training sessions, and served while the sessions are in progress.

I hope this opinion answers your questions. If this Office can be of further assistance, please contact Brenda F. Smith of my staff.

Sincerely,

TROY KING
Attorney General
By:



BRENDA F. SMITH
Chief, Opinions Division

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