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STATE OF ALABAMA
OFFICE OF THE ATTORNEY GENERAL

May 11, 2005

TROY KING
ATTORNEY GENERAL

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Honorable Donald Lolley
Sheriff of Choctaw County
Butler, Alabama 36904

Sheriffs – Pistol Permit Fund – Expenses

The proceeds of the pistol permit fund in Choctaw County, under the discretionary control of the sheriff, may be expended for coffee supplies for law enforcement personnel during work time when the personnel work for extended periods of time without a break for a mealtime. The pistol permit funds can be used to provide meals when law enforcement personnel are in the field or in case meetings for long periods of time and cannot break away or leave their post for meals.

Dear Sheriff Lolley:

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

QUESTIONS

Under Act 81-749, can the Sheriff of Choctaw County use pistol permit fund proceeds to pay for coffee supplies for the office where law enforcement personnel are required on extended hours?

Can the sheriff use pistol permit fund proceeds to provide meals for law enforcement personnel working on enforcement of laws while out in the field or in case meetings?

FACTS AND ANALYSIS

Act 81-749 provides for the issuance of pistol permits in Choctaw County. A fee of \$10 is 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, 1246. The Attorney General concluded in an opinion to you dated March 9, 2005, A.G. No. 2005-085, that you, as Sheriff of Choctaw County, could use pistol permit funds under your discretionary control to purchase coffee supplies and 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 opinion further stated that the meals and coffee should be incidental to the training sessions and served while the sessions are in progress. *Lolley* at 3.

It was pivotal in the March 9, 2005, opinion of the Attorney General to you, and in other opinions of the Attorney General concerning the furnishing of meals or refreshments to employees, officers, committees, or board members, that the work session or meeting in question be work related and that the meals or refreshments be served while the meeting or work session is in progress without break. *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.

This Office has also stated that the State is not authorized to provide refreshments, such as coffee, to state employees during work breaks; however, refreshments may be served during meetings that extend through lunch or a mealtime. Opinion to Honorable Robert L. Childree, State Comptroller, Department of Finance, dated April 26, 2001, A. G. No. 2001-168. Similarly, the sheriff is not authorized to provide coffee to law enforcement personnel during work breaks. If law enforcement personnel are required to work extended hours out in the field or in case meetings without a break for a mealtime, coffee and meals may be provided to the law enforcement personnel using proceeds from the pistol permit fund.

CONCLUSION

The proceeds of the pistol permit fund in Choctaw County, under the discretionary control of the sheriff, may be expended for coffee supplies for law enforcement personnel during work time when the personnel work for extended

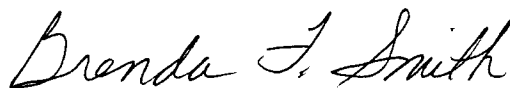
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periods of time without a break for a mealtime. The pistol permit funds can be used to provide meals when law enforcement personnel are in the field or in case meetings for long periods of time and cannot break away or leave their post for meals.

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:

A handwritten signature in cursive script that reads "Brenda F. Smith".

BRENDA F. SMITH
Chief, Opinions Division

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