

STATE OF MISSISSIPPI



JIM HOOD
ATTORNEY GENERAL

OPINIONS
DIVISION

April 19, 2019

Tim C. Holleman, Esq.
Attorney, Harrison County
Board of Supervisors
1720 23rd Avenue
Gulfport, Mississippi 39501

Re: Drug Court Incentives

Dear Mr. Holleman:

OFFICIAL OPINION

Attorney General Jim Hood has received your request for an opinion and has assigned it to me for research and response.

Background and Issues Presented

You submitted a request which asks if the Harrison County Drug Court may legally use drug court funds to purchase incentive gift cards for its participants provided the process for obtaining such incentives are a written part of the County's Policies and Procedures for Drug Court participants. You explain that in MS AG Op., Webb (September 3, 2010), this office opined that a "county may not purchase 'gifts' for participants in a drug court. . . gifts . . . would result in an illegal donation." In the Webb opinion, we explain that a "gift would be a personal item solely for the benefit of the participant."

You further explain that the Administrative Office of Courts (AOC) and the Office of the State Auditor have explained that "Drug Courts are able to use drug court funds to purchase incentives for participants. . . and [that] the process of obtaining incentives must be a written part of the policy and procedure manual and/or the participant handbook". You attached emails between Harrison County and the AOC which explained this in detail.

Response

In our opinion to Jeffery Webb dated September 3, 2010, this office was asked if the


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county could purchase "gifts." The original request did not share the purpose for the "gifts" or define what the "gifts" would be. We stated that a "gift" that was purchased without statutory authority would be an illegal donation. You are asking if drug courts may use drug funds to purchase incentives that are a part of the policy and procedure manual which is regulated by the AOC. Pursuant to Section 9-23-7 of the Mississippi Code, the AOC is "responsible for certification and monitoring of local drug courts according to standards promulgated by the State Drug Courts Advisory Committee." Further, Section 9-23-19 of the Mississippi Code states that all money received by the drug court shall be used "only for drug court purposes."

Whether or not the purchase of gift cards as incentives constitutes an expense for drug court purposes that meets the standards set by statute and the State Drug Courts Advisory Committee is a determination to be made by the AOC subject to review by a court of competent jurisdiction.

If we may be of further assistance, please advise.

Sincerely,

OFFICIAL **JIM HOOD, ATTORNEY GENERAL** OPINION
By: 

Emiko Hemleben
Special Assistant Attorney General