

OFFICE OF THE ATTORNEY GENERAL OF TEXAS, OPINION COMMITTEE

Untitled Texas Attorney General Opinion: KP-0517

Tex. Att'y Gen. Op. No. KP-0517 (2026) · No. RQ-0590-KP · Decided February 12, 2026

SUMMARY

Texas Attorney General Opinion KP-0517 addresses whether Government Code section 511.021(a) requires an independent outside law-enforcement investigation when a county jail prisoner dies outside the jail facility, including in a hospital. The opinion concludes that the statutory requirement applies only when the death occurs inside the county jail itself, while declining to determine whether the Texas Commission on Jail Standards may independently promulgate a broader rule requiring investigation of all in-custody deaths.

CASE DETAILS

COURT	Office of the Attorney General of Texas, Opinion Committee
DECIDED	February 12, 2026
DOCKET	RQ-0590-KP
DISPOSITION	other
PROCEDURAL POSTURE	The Tarrant County Criminal District Attorney requested a formal opinion from the Texas Attorney General concerning the interpretation of Texas Government Code section 511.021(a).
STANDARD OF REVIEW	Not applicable; this is an attorney general opinion addressing a request for statutory construction rather than an appeal or judicial review proceeding.
PRECEDENTIAL VALUE	Persuasive attorney general opinion; not a judicial precedent

TOPICS

- statutory interpretation
- administrative law
- rulemaking

PRACTICE AREAS

- administrative law
- statutory interpretation
- corrections law
- criminal procedure

QUESTIONS PRESENTED

- Whether the phrase "death of a prisoner in a county jail" in Texas Government Code section 511.021(a) requires an independent investigation only when the prisoner dies inside the physical county jail facility.

2. Whether the statutory interpretation of section 511.021(a) determines that the Commission on Jail Standards lacks authority to promulgate a rule requiring independent investigation of prisoner deaths occurring while the prisoner remains in custody but outside the jail facility.

HOLDINGS

1. The phrase "death of a prisoner in a county jail" requires the Commission on Jail Standards to appoint an independent law enforcement agency when a prisoner dies in the county jail facility itself. The requirement does not extend, by virtue of section 511.021(a), to a prisoner who dies elsewhere while remaining in custody.
2. The conclusion that section 511.021(a) is limited to deaths occurring inside county jail facilities does not establish that the Commission's rule requiring independent investigation of all deaths occurring while in custody is facially invalid. The opinion does not decide the rule's validity because the rule was adopted under other asserted statutory authorities and that question was outside the request.

KEY QUOTATIONS

"Interpreting "in a county jail" within the definition of "prisoner" as a conceptual status of imprisonment, while construing "in a county jail" in subsection 511.021(a) as imposing a locational condition on a "prisoner," brings harmony to the two provisions: Confinement in a county jail generally governs a prisoner's status—regardless of his or her immediate location—and subsection 511.021(a) requires an independent investigation into prisoner deaths only when occurring in one of those county jails." (at 5)

"The phrase "death of a prisoner in a county jail" in Government Code subsection 511.021(a) requires appointment of an independent law enforcement agency to investigate a prisoner death that occurred in the county jail itself." (at 8)

"However, this does not mean the Commission lacks statutory authority to promulgate a rule requiring independent investigation of prisoner deaths while in custody." (at 8)

FACTUAL BACKGROUND

The inquiry concerned prisoners who die while in custody but outside the physical confines of a county jail, including prisoners who die in a hospital or while on work release. Government Code section 511.021(a) requires the Commission on Jail Standards to appoint an outside law enforcement agency to investigate the death of a prisoner in a county jail. A Commission rule requires independent investigation of all inmate deaths while in the custody of a sheriff or jail operator, creating a potential difference between the statute's jail-location language and the rule's broader custody-based language.

PROCEDURAL HISTORY

The Attorney General received Request No. RQ-0590-KP from the Tarrant County Criminal District Attorney regarding whether section 511.021(a) requires an independent investigation when a prisoner dies outside a county jail facility while remaining in custody. The Texas Commission on Jail Standards submitted a brief addressing its rulemaking authority. The Attorney General issued an opinion answering the statutory-construction question and declining to decide whether the Commission's broader rule is facially valid.

DISPOSITION

other

CASES CITED

- Bexar Appraisal Dist. v. Johnson, 691 S.W.3d 844, 847 (Tex. 2024)
- Cadena Comercial USA Corp. v. Tex. Alcoholic Beverage Comm'n, 518 S.W.3d 318, 325 (Tex. 2017)
- Tex. State Bd. of Exam'rs of Marriage & Fam. Therapists v. Tex. Med. Ass'n, 511 S.W.3d 28, 35 (Tex. 2017)
- TGS-NOPEC Geophysical Co. v. Combs, 340 S.W.3d 432, 439 (Tex. 2011)
- In re Ford Motor Co., 442 S.W.3d 265, 271 (Tex. 2014)
- Aleman v. Tex. Med. Bd., 573 S.W.3d 796, 802 (Tex. 2019)
- Transformative Learning Sys. v. Tex. Educ. Agency, 572 S.W.3d 281, 288 (Tex. App.—Austin 2018, no pet.)
- In re Tex. Educ. Agency, 619 S.W.3d 679, 688 (Tex. 2021) (orig. proceeding)
- Malouf v. State ex rels. Ellis, 694 S.W.3d 712, 726 (Tex. 2024)
- Ochsner v. Ochsner, 517 S.W.3d 717, 721 (Tex. 2016)
- Miracle Auto., Inc. v. Geico Cnty. Mut. Ins. Co., 696 S.W.3d 713, 717 (Tex. App.—San Antonio 2024, no pet.)
- Helena Chem. Co. v. Wilkins, 47 S.W.3d 486, 493 (Tex. 2001)
- Ineos USA, LLC v. Elmgren, 505 S.W.3d 555, 564 (Tex. 2016)
- DeWitt v. Harris Cnty., 904 S.W.2d 650, 653 (Tex. 1995)
- Ad Villarai, LLC v. Chan Il Pak, 519 S.W.3d 132, 138 (Tex. 2017) (per curiam)