

**Opinion No. [29-69]**

January 22, 1929

**BY:** M. A. OTERO, JR., Attorney General

**TO:** Mr. A. W. (White) Tanner, Sheriff of Union County, Clayton, New Mexico.

RAILROAD PASS -- Deputy sheriff may use. § 14, Art. XX, Const.

**OPINION**

I have your favor of the 17th inst. in which you request information as to whether or not a member of your office force will be allowed to use a railroad pass.

In reply thereto I beg to call your attention to the provisions of Sec. 14 of Article 20 of the State Constitution, which reads as follows:

"It shall not be lawful for the governor, any member of the state board of equalization, any member of the corporation commission, any judge of the supreme or district court, any district attorney, any county commissioner or any county assessor, during his term of office to accept, hold or use any free pass; or purchase, receive or accept transportation over any railroad within this state for himself or his family upon terms not open to the general public; and any person violating the provisions hereof shall, upon conviction in a court of competent jurisdiction, be punished as provided in sections thirty-seven and forty of the article on legislative department in this constitution."

Since neither a sheriff nor a deputy sheriff comes within the provisions of this Act, I believe it is perfectly proper, and I so hold, that a deputy sheriff may use a railroad pass if one is given to him.

If I can be of any further service to you at any time do not hesitate to call upon me. With kindest personal regards, I am