



TEXAS ETHICS COMMISSION



ETHICS ADVISORY OPINION NO. 214

June 10, 1994

Whether a group of district judges may accept an offer to participate without charge in an on-line computer service. (AOR-239)

The Texas Ethics Commission has been asked whether a group of district judges may accept an offer from a private vendor to use an on-line computer service free of charge. The computer service is an on-line service tailored to the needs and interests of the legal profession. It would be used by the judges as an aid in carrying out their judicial duties. The offer is not contingent on a judge's actually using the service or recommending its use to litigants. Furthermore, the offer extends to the briefing attorneys in the various courts and is effective only so long as the judge or attorney is attached to a court. The requestor specifically inquires whether acceptance of the offer would violate any of the laws subject to interpretation by the Ethics Commission.¹

The main issue the request raises is whether provision of the service would be a prohibited gift to the judges under section 36.08 of the Penal Code. Chapter 36 of the Penal Code applies to gifts to individuals, not gifts to governmental bodies. [Ethics Advisory Opinion No. 63](#) (1992). In this case, the gift appears to be a gift to the government, not to individuals. Therefore section 36.08 of the Penal Code does not apply in this case.²

SUMMARY

The laws subject to interpretation by the Texas Ethics Commission apply to gifts to individuals, not gifts to governmental bodies.

¹ The Ethics Commission has authority to interpret six statutory schemes: (1) chapter 302 of the Government Code (speaker's race); (2) chapter 305 of the Government Code (lobby); (3) chapter 572 of the Government Code (financial disclosure and standards of conduct); (4) title 15 of the Election Code (campaign finance); (5) chapter 36 of the Penal Code (bribery); and (6) chapter 39 of the Penal Code (abuse of office).

² The Ethics Commission has authority to interpret title 15 of the Election Code, which governs political contributions and expenditures. Although the facts presented here do not indicate that the computer service is provided as a political contribution, we note that political contributions by corporations are generally illegal. Elec. Code § 253.094.