S T A T E O F T E N N E S S E E
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May 16, 2006

Opinion No. 06-090

Contributions in Plea Agreements

QUESTION

Are contributions to private 501(c)(3) charitable organizations, such as "Bridges of Williamson County," which provides services to victims of domestic violence, and the Williamson County Drug Court, permissible as part of negotiated plea agreements between the State and a defendant?

OPINION

Yes. A defendant may agree to make a contribution to a charitable organization as a part of a plea agreement.

ANALYSIS

Your request references Op. Tenn. Att'y Gen. 04-096 for the proposition that *required* contributions to a sheriff's drug fund as part of a plea agreement are permissible even though a judge could not order such contributions. That opinion relied on *State v. Howington*, 907 S.W.2d 403, 407 (Tenn. 1995), for the proposition that plea agreements are contracts between the District Attorney General and a defendant. Thus, a defendant may agree to make a contribution to a special drug fund as part of a plea agreement even though the trial court could not order such a contribution.

The issue of whether contributions to a private 501(c)(3) charitable organizations as part of a plea agreement are permissible appears to be an issue of first impression. However, the rationale of the *Howington* decision leads this Office to the conclusion that contributions to private charitable organizations such as "Bridges of Williamson County" and the Williamson County Drug Court are permissible as part of a contract between a prosecutor and a defendant.

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