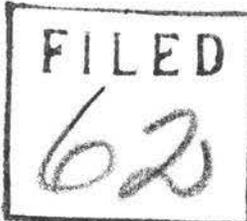


CRIMINAL LAW: ) Fines imposed in criminal cases on change of  
CHANGE OF VENUE: ) venue shall be paid into the county where the  
FINES: ) indictment was found or the prosecution  
) originally instituted.



November 6, 1953

Honorable Joe H. Miller  
Prosecuting Attorney  
Carroll County  
Carrollton, Missouri

Dear Sir:

This will acknowledge receipt of your request for an opinion which reads:

"Two criminal cases came to Carroll County, Missouri, on change of venue from Clay County, Missouri. Each defendant received a fine as a sentence upon a plea of guilty. Should the fine money paid into court stay in Carroll County or should it be sent back to Clay County where the case originated?"

Under Section 550.120 RSMo, 1949, it provides that fines imposed upon conviction in change of venue cases are payable to the county treasury where such indictments were originally found or prosecution originally instituted. Said Section reads:

"In any criminal cause in which a change of venue is taken from one county to any other county, for any of the causes mentioned in existing laws, and whenever a prisoner shall, for any cause, be confined in the jail of one county for an offense committed in another county, and in which costs are liable to be paid out of a county treasury, such costs shall be paid by the county in which the indictment was found or the proceedings were originally instituted; and in all cases where fines are

Honorable Joe H. Miller

imposed upon conviction under such indictments or prosecutions, or penalties or forfeitures of penal bonds in criminal cases, are collected, by civil action or otherwise, payable to the county, such fines, penalties and forfeitures shall be paid into the treasury of the county where such indictment was originally found or such prosecution originally instituted, for the benefit of the public school fund of the county.

CONCLUSION

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Therefore, the opinion of this department is that fines imposed in criminal cases on a change of venue from Clay County to Carroll County shall be paid into the treasury of Clay County as provided under Section 550.120 RSMo, 1949.

The foregoing opinion which I hereby approve was prepared by my Assistant, Mr. Aubrey R. Hammett, Jr.

Yours very truly

JOHN M. DALTON  
ATTORNEY GENERAL

ARH:A