

OFFICERS:
FEES AND SALARIES:
SHERIFFS:

Fees collected by sheriff for commitment of a person to jail must be charged and collected by him on behalf of the county.

March 11, 1953

XXXXXXXXXXXX

JOHN M. DALTON



XXXXXXX

J. C. Johnsen

Honorable James L. Paul
Prosecuting Attorney
McDonald County
Pineville, Missouri

Dear Sir:

Your letter of February 26, 1953, requesting an opinion has been received. Your question was stated as follows:

"There has been a question arise in this county as to who is entitled to the one dollar commitment fee on prisoners, the sheriff or the county."

Provision for payment of fee to sheriffs for commitment of persons to jail under certain circumstances is made by Section 57.290, RSMo. 1949, quoted, in part, below:

"Sheriffs, county marshals or other officers shall be allowed fees for their services in criminal cases and for all proceedings for contempt or attachment as follows:

* * * *

For committing any person to jail - - - \$1.00

* * * *."

However, Article 6, Section 13, Mo. Constitution, 1945, provides certain limitations on the disposition of fees collected by state and county officers, and is quoted herewith:

"Compensation of Officers in Criminal Matters-- Fees.--All state and county officers, except constables and justices of the peace, charged with the investigation, arrest, prosecution, custody, care, feeding, commitment, or transportation of persons accused of or convicted of a criminal offense shall be compensated for

their official services only by salaries, and any fees and charges collected by any such officers in such cases shall be paid into the general revenue fund entitled to receive the same, as provided by law. Any fees earned by any such officers in civil matters may be retained by them as provided by law."

(Underscoring ours)

Section 57.310, RSMo. 1949, specifies the total compensation for sheriffs of counties of class one. Section 57.330 provides for compensation of sheriffs in class two counties, and Section 57.370 provides disposition of fees collected by sheriffs in criminal matters in class two counties.

Provision for disposition of fees accruing to sheriffs of third and fourth class counties in connection with criminal matters is made by Section 57.410, RSMo. 1949, as follows:

"In all counties of the third and fourth classes, the sheriff shall charge and collect for and on behalf of the county every fee accruing to his office which arises out of his duties in connection with the investigation, arrest, prosecution, care, commitment and transportation of persons accused of or convicted of a criminal offense, except such criminal fees as are chargeable to the county. The sheriff may retain all fees collected by him in civil matters."

(Underscoring ours)

CONCLUSION

Therefore, it is the opinion of this office that the one dollar fee provided by Section 57.290, RSMo. 1949, accruing to the sheriff for committing a person to jail must be charged and collected by the sheriff on behalf

Honorable James L. Paul

-3-

of the county.

The foregoing opinion, which I hereby approve, was prepared by my assistant, Mr. Paul McGhee.

Very truly yours,

JOHN M. DALTON
Attorney General

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