

CORONER'S INQUEST: Each juror attending a coroner's in-
JURORS: quest shall receive the sum of \$3.00
per day.



March 20, 1957

Honorable W. H. S. O'Brien
Prosecuting Attorney
Jefferson County
Hillsboro, Missouri

Dear Sir:

Your recent request for an official opinion reads:

"RE: Official Opinion Interpret-
ing Section 494.170 R.S.M.1949,
'Fees of Jurors'

"I have been asked by the Coroner
of Jefferson County to request an
official opinion from your office
concerning the above captioned
statute.

"By way of explanation may I first
state that quite frequently when
death occurs late at night and the
circumstances cause the office of
the Coroner to take action, a coro-
ner's jury is summoned and they then
view the body in the condition in
which it has been found. Thereafter,
depending upon the circumstances the
coroner either requests an autopsy
be made or permits the body to be em-
balmed and prepared for burial. In
these instances the jury is then ex-
cused and directed to report back at
whatever later time may be selected
for the holding of an inquest. Oc-
casionally it develops at the inquest
that additional investigation is re-
quired, in which case the jury would
again be excused and directed to ap-
pear at a later date for the continu-

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ance of the inquest.

"It has been the practice that the jury would be sworn immediately before their viewing of the body.

"My request is as follows:

"1. In the event that a coroner's jury is called and sworn for the purpose of viewing a body, and is later recalled to complete the inquest, how much should be paid to each juror for such service?

"3. In the event that in addition to services as described above a jury should be recalled on a later date for additional testimony, how much additional, if any, should each juror be paid?"

Section 494.170, RSMo 1949, was amended by House Bill No. 206 which was enacted by the 68th General Assembly and which reads as follows:

"1. Except as otherwise provided by law jurors shall be allowed fees for their services as follows:

"(1) For each juror attending a view or execution of a writ of ad quod damnum, per day \$1.00

"(2) For each juror attending a coroner's inquest per day 3.00

"(3) For each person summoned, attending and reporting to any court of record, per day 1.00

"(4) For each mile traveled in going to and returning from the place of the trial in attending any trial before a court of record, per mile07

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"2. All fees allowed jurors as above shall be taxed as costs in the cases, respectively, in which they were summoned; but jurors serving in more than one case on the same day, at the same place, shall be allowed fees only in one case; and any juror, who claims fees for attending in two or more cases, on the same day, at the same place, shall not be allowed fees for that day."

Your first question reads:

"In the event that a coroner's jury is called and sworn for the purpose of viewing a body, and is later recalled to complete the inquest, how much should he paid to each juror for such service?"

We are not sure whether by the term "and is later recalled to complete the inquest" you mean recalled the same day that the first part of the inquest was held, or on some other and later day. From the language of the section quoted above, it would seem clear that if the jury is recalled to complete the inquest the same day that the first part of the inquest was held that each juror would receive only the sum of \$3.00 as is provided by Section 494.170. If recalled at a later and another day we believe that the sum which they receive would be \$3.00.

Your second question is:

"In the event that in addition to services as described above a jury should be recalled on a later date for additional testimony, how much additional, if any, should each juror be paid?"

We are not completely clear as to your meaning on this but our construction of it is that you mean that the jury would be reassembled at a later date to further serve in the capacity as a coroner's jury. In this event, according to the language of the section quoted above, each juror would receive the sum of \$3.00 per day.

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CONCLUSION

It is the opinion of this department that each juror attending a coroner's inquest shall receive the sum of \$3.00 per day.

The foregoing opinion, which I hereby approve, was prepared by my assistant, Hugh P. Williamson.

Very truly yours,

John M. Dalton
Attorney General

HPW:lc